



CITY OF
HAYWARD
HEART OF THE BAY

SPECIAL CITY COUNCIL AGENDA
SEPTEMBER 10, 2013

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

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SPECIAL CITY COUNCIL MEETING FOR SEPTEMBER 10, 2013
777 B STREET, HAYWARD CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Room 2B – 4:30 PM

1. **PUBLIC COMMENTS**
 2. Conference with Labor Negotiators
Pursuant to Government Code 54957.6
 - Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager McAdoo, Human Resources Director Robustelli, Finance Director Vesely, Deputy City Attorney Vashi, Maintenance Services Director McGrath, Public Works- Engineering and Transportations Director Fakhrai, Human Resources Analyst II Collins, Human Resources Analyst MonnastesUnder Negotiation: All Groups
 3. Adjourn to Special City Council Meeting
-

SPECIAL CITY COUNCIL MEETING
BOARD, COMMISSIONS, COMMITTEE AND TASK FORCE INTERVIEWS
(CONTINUED FROM JULY 23, 2013)

Room 2B – 6:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Zermeño

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Council Action items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

COUNCIL ACTION

1. Appeal of Cheryl Butler-Adams Regarding Continuation as a Member of the Personnel Commission (*Report from City Manager David and City Clerk Lens*)

[Staff Report](#)

[Attachment I Letter](#)

[Attachment II Resolution](#)

[Attachment III Attendance](#)

ADJOURNMENT

NEXT REGULAR MEETING, TUESDAY, SEPTEMBER 17, 2013

PUBLIC COMMENT RULES: *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.



DATE: September 10, 2013

TO: Mayor and City Council

FROM: City Manager
City Clerk

SUBJECT: Appeal of Cheryl Butler-Adams Regarding Continuation as a Member of the Personnel Commission

RECOMMENDATION

That the City Council considers an appeal by Cheryl Butler-Adams of the City Council's decision on July 23, 2013, to declare the seat held by Ms. Butler-Adams on the Personnel Commission vacant.

BACKGROUND

At a special meeting held on July 23, 2013, the City Council conducted interviews and reviewed requests for reappointments to the City's Boards, Commissions, Committees and Task Force. The Council also reviewed the Attendance, Training and FPPC Compliance Report for existing members of those bodies. At the July 23 meeting, the Council reviewed the attendance record for Ms. Butler-Adams for 2012/2013 and determined that Ms. Butler-Adams attendance did not meet the Council's minimum attendance requirements. According to City Council Resolution No. 87-323, the failure by a member to attend at least 75% of the regular meetings of the commission to which she is appointed is grounds to declare the member's seat vacant. Ms. Butler-Adams attended 25% of the 2012/2013 Personnel Commission meetings. In addition, City appointees are required to complete periodic Ethics and Harassment Prevention training. The failure to complete requisite Ethics and Harassment Prevention training is additional grounds for declaring a seat vacant. Ms. Butler-Adams has completed the harassment training and is expected to complete the required ethics training prior to September 10, 2013.

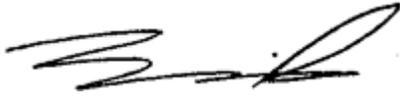
Resolution No. 87-323 allows the affected commissioner to appeal a decision by the Council to declare a vacancy, if the appeal is submitted in writing within seven days' notice of the decision to declare the seat vacant. Ms. Butler-Adams has timely appealed the decision of the Council to declare her seat vacant. Pursuant to Resolution No. 87-323, in all cases in which the Council considers the appeal of a commission member regarding the termination of that member's appointment, the Council shall take into account the attendance of the commission member for the entire time that the commissioner has served the City and the likelihood that the commissioner's current year's attendance will meet the 75% attendance standard in the

future. Ms. Butler-Adams met the 75% attendance standard for both regular and special meetings of the Personnel Commission during her previous years of service on the commission. Staff anticipates that Ms. Butler-Adams will submit an explanation for her failure to meet the Council's attendance standard.

If the Council upholds the appeal, Ms. Butler-Adams' seat will not be declared vacant and will not be filled as part of the September 17, 2013 Council action to appoint members to the City's Boards, Commissions, Committees and Task Force.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

- | | |
|----------------|--|
| Attachment I | Letter to C. Butler-Adams dated 8/5/13 |
| Attachment II | Resolution No. 87-323 |
| Attachment III | Personnel Commission Attendance Record |



CITY OF
HAYWARD
HEART OF THE BAY

August 5, 2013

Ms. Cheryl Butler-Adams
27771 Vasona Court #28
Hayward, CA 94544

Dear Ms. Butler-Adams:

On behalf of the City Council, I want to take this opportunity to thank you for your five years of dedicated service to our community as a member of the Personnel Commission. Your service to this Commission has been very important and highly valued.

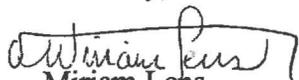
On July 23, 2013, the Council conducted interviews and reviewed requests for reappointment to the City's Boards, Commissions, Committees and Task Force. The Council also reviewed the Attendance, Trainings, and FPPC Compliance Report for existing members. Due to your attendance record for 2012/2013, the Council determined that your seat on the Personnel Commission will be declared vacant. In compliance with the City's policy, failure by a member to attend 75% of regular meetings of a board, commission, or task force; or failure to complete the required Ethics and Harassment Prevention trainings is cause for the City Council to declare a member's seat vacant.

Per City Council Resolution No. 87-323, should you choose to appeal this decision, you have seven days from the date of this letter to appeal the Council's decision to declare your seat vacant.

We understand that personal and business commitments can sometimes arise unexpectedly and prevent attendance at meetings, or preclude one from completing required training. Unfortunately, repeated absences by a member often prevent a board or commission from conducting their assigned duties and serving the residents of this community to the standard set by the City Council.

We appreciate your service to the community and wish you well in your future endeavors. Please let me know if you have any questions.

Sincerely,


Miriam Lens
City Clerk

Enclosure: Hayward City Council Resolution No. 87-323

cc: Mayor and Council Members
Chair Janet Kassouf, Personnel Commission
Fran Robustelli, Human Resources Director

Office of the City Clerk

777 B Street • Hayward • CA • 94541-5007
Tel: 510/583-4400 • Fax: 510/583-3636 • TDD: 510/247-3340
EMAIL: CityClerk@hayward-ca.gov

HAYWARD CITY COUNCIL

RESOLUTION NO. 87-323 C.S.Introduced by Councilmember WARDRESOLUTION ESTABLISHING POLICY WITH REGARD
TO BOARD AND COMMISSION ATTENDANCE AND
RESCINDING RESOLUTION NO. 87-011 C.S.

WHEREAS, the City Council of the City of Hayward feels that the role of boards and commissions as advisory agencies to the City Council is invaluable; and

WHEREAS, the importance of the function they serve cannot be overemphasized; and

WHEREAS, Section 905 of the City Charter in part provides that if members of a board or commission absent themselves from three consecutive regular meetings of the board or commission without permission, their offices shall become vacant and shall be so declared by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the following policies concerning the attendance of board and commission members at meetings of the board or commission upon which they serve shall be adopted:

- (1) Members of boards or commissions shall be required to attend not less than 75% of all regular meetings held;
- (2) In compliance with the City Charter; failure by a member to attend three consecutive regular meetings of a board or commission will be cause for Council declaring the member's position vacant;
- (3) Boards and commissions shall not excuse or otherwise grant permission to their members to be absent from any future regular meeting of the board or commission;
- (4) Attendance records will be reviewed by the City Council in June of each year based on the previous 12-month period (June 1 through May 31), except for appointments effective July 1st or thereafter.
- (5) The City Council will remove or not reappoint any board or commission member who has failed to

attend at least 75% of all regular meetings held during the 12-month period noted in paragraph (4) above, unless, upon the appeal of a board or commission member that is filed within seven (7) days of notification that such attendance requirement has not been met, the City Council determines that a lesser attendance record is the result of unusual and excusable circumstances. Examples of unusual and excusable circumstances that may, but need not, result in retention of a board or commission member include a comparatively infrequent meeting schedule of the board or commission upon which the member serves over the 12-month period; absences that result from the member's attendance at other City-sponsored or City-endorsed functions that conflict with a board or commission meeting time; and the illness or injury of a family member that required the absence of the board or commission member from the City. In all cases in which the City Council considers the appeal of a board or commission member under this paragraph, the Council shall take into account the attendance of the board and commission member for the entire period that the member has served on City boards and commissions and the likelihood that the member's current year attendance will meet the 75% attendance standard in the future.

BE IT FURTHER RESOLVED that Resolution No. 87-011 C.S. is hereby rescinded.

IN COUNCIL, HAYWARD, CALIF. November 10, 1987

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JIMENEZ, BRADLEY, CAMPBELL, BRAS, SWEENEY, WARD
MAYOR: GIULIANI
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

ATTEST: Angelina M. Reyes
Acting City Clerk of the City of Hayward

Personnel Commission Attendance Record

September 2010-September 2013

Commissioner	Regular	Special	Regular	Special	Special	Regular	Special	Regular	Sub Total Regular	Sub Total Regular %	Regular	Regular	Special	Regular	Special	Regular	Sub Total Regular	Sub Total Regular %	Regular	Regular	Regular	Special	Regular	Sub Total Regular	Sub Total Regular %	TOTAL Regular	TOTAL Regular %	TOTAL Special	TOTAL Special %	TOTAL Regular + Special	TOTAL Regular + Special							
	14-Oct-10	2-Dec-10	13-Jan-11	24-Feb-11	10-Mar-11	14-Apr-11	26-May-11	14-Jul-11	Oct 2010-Sep 2011	%	13-Oct-11	12-Jan-12	1-Mar-12	12-Apr-12	7-Jun-12	19-Jul-12	Oct 2011-Sep 2012	%	10/11/2012	1/10/2013	4/11/2013	6/13/2013	7/11/2013	Oct 2012-Sep 2013	%	Sep 2010-2013	%	Sep 2010-2013	%	Sep 2010-2013	%							
Bristow	P	P	P	P	P	P	P	P	4/4	100%	P	P	P	P	P	P	4/4	100%	P	P	P	P	P	4/4	100%	12/12	100.00%	7/7	100.00%	19/19	100.00%							
Butler-Adams	P	P	P	P	P	P	P	P	4/4	100%	P	P	P	P	P	P	4/4	100%	A	A	A	P	P	1/4	25%	9/12	75.00%	7/7	100.00%	16/19	84.21%							
Kassouf	A	A	P	A	A	P	P	P	3/4	75%	P	A	P	P	P	P	3/4	75%	P	A	P	A	A	2/4	50%	8/12	66.67%	3/7	42.86%	11/19	57.89%							
Kaur	P	P	P	P	P	P	P	P	4/4	100%	A	P	P	P	*Resigned		2/3	75%							6/7	85.71%	5/5	100.00%	11/12	91.67%								
Porter	P	P	P	P	P	P	P	P	4/4	100%	P	P	P	P	P	P	4/4	100%	P	P	P	P	P	4/4	100%	12/12	100.00%	7/7	100.00%	19/19	100.00%							
Singh	P	P	P	P	P	P	A	P	4/4	100%	P	P	P	P	P	P	4/4	100%	A	A	P	P	P	2/4	50%	10/12	83.33%	6/7	85.71%	16/19	84.21%							
Vukasin	P	P	P	P	P	P	P	P	4/4	100%																4/4	100.00%	4/4	100.00%	8/8	100.00%							
Yates											P	P	P	P	P	A	3/4	75%	P	P	P	A	P	4/4	100%	7/8	87.50%	2/3	66.67%	9/11	81.82%							
De Leon																										P	P	P	A	P	4/4	100%	4/4	100.00%	0/1	0.00%	4/5	80.00%