

# **TITLE 13 RENT REVIEW BOARD**

## **Chapter 1 Rules of Procedure**

### **ARTICLE 1 MEETINGS**

#### **§13.1.100: REGULAR MEETINGS.**

The Rent Review Board shall meet only when there is an eligible issue (e.g. rental increase that meets the program's eligibility review criteria, proposed program amendments) for it to review. When meetings do occur, they will be held on the fourth Tuesday of the month, convening at the hour of 7:00 p.m. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meetings shall be held at such time as agreed upon by the Board.

#### **§13.1.105: SPECIAL MEETINGS.**

The Chair of the Board shall call special meetings of the Board whenever the business of the Board shall so require, or at the express written request of any three (3) members of the Board. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by ~~facsimile~~ email at least twenty-four (24) hours in advance of such meeting to each member of the Board, to the City Manager, the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

#### **§13.1.110: MEETING PLACE.**

All meetings of the Board shall be held at the Civic Center, City of San Leandro, unless, in the opinion of the Board, the interests of the City and Board could be best served by holding such meetings elsewhere.

#### **§13.1.115: AGENDA.**

The Secretary shall prepare an agenda for all matters to be submitted to the Board; shall distribute the agenda and related materials to all interested parties; and shall post the agenda not less than seventy-two (72) hours prior to the date of a regular meeting; and not less than twenty-four (24) hours prior to the date of a special meeting.

### **ARTICLE 2 OFFICERS**

#### **§13.1.200: CHAIR.**

The presiding officer of the Board shall be the Chair who will be elected at the first regular meeting in ~~July~~ March of every year. The Chair shall preserve order and decorum at regular and special meetings of the Board; shall state each question; shall announce decisions; shall decide all questions of order subject to an appeal to the Board; shall vote on all questions; shall appoint all committees; and shall generally perform the duties of a presiding officer.

#### **§13.1.205: VICE CHAIR.**

The Vice Chair of the Board shall be elected annually at the first regular meeting in ~~July~~ March of every year. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Board.

#### **§13.1.210: CHAIR PRO TEM.**

In the event of the absence of the Chair and Vice Chair or their inability to act, the Board Members present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Board.

**§13.1.215: LIMIT OF TERM.** No member of the Board shall serve more than two (2) successive full terms of one (1) year as Chair or Vice Chair of the Board provided that this limitation may be waived upon a finding of good cause and by an affirmative vote of a majority of the members of the Board.

#### **§13.1.220: SECRETARY.**

The Secretary of the Board shall be the Housing Manager. The Secretary shall keep all minutes; shall prepare and distribute the agenda; shall furnish all members of the Board with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Board need not be included in the agenda, but may be mailed to all members of the Board.

#### **§13.1.225: QUORUM.**

A majority of the members of the Board shall constitute a quorum for the transaction of business.

### **ARTICLE 3 ORDER OF BUSINESS**

#### **§13.1.300: CALL TO ORDER.**

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

#### **§13.1.305: AGENDA.**

~~The following shall be the ordinary order of business for meetings of the Board:~~

- ~~1. Roll Call.~~
- ~~2. Public Comments.~~
- ~~3. Approval of Minutes.~~
- ~~4. Correspondence.~~
- ~~5. Hearings.~~

6. ~~Miscellaneous.~~

7. ~~Board Members Comments.~~

8. ~~Staff Comments.~~

9. ~~Adjournment.~~

**~~§13.1.310: ALTERATION OF ORDER.~~**

~~The Chair, with the approval of the Board, may move items out of prepared agenda order.~~

**~~§13.1.315:305: SPECIAL ITEMS.~~**

Special items not appearing on the agenda may be presented by any member of the public or Board with the consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirement including the Ralph M. Brown Act (California [Government Code](#) §54950 et seq.).

**ARTICLE 4 REQUEST FOR HEARING**

**§13.1.400: TIME FOR FILING.**

No application for a hearing shall be placed on the agenda of a regular meeting of the Board unless such application is filed with the Community Development Department by 5:00 p.m. of the fourteenth (14<sup>th</sup>) day preceding such regular Board meeting. Applications received after this deadline will be placed on the following regular meeting agenda. This rule may be waived, for good cause, by the Secretary to the Board.

**ARTICLE 5 CONDUCT OF BUSINESS**

**§13.1.500: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Board, shall generally govern the conduct of meetings of the Board.

**§13.1.505: ROLL CALL.**

Before proceeding with the business of the Board, the Chair shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Board Member is unable to attend a meeting, either the Secretary or the Chair shall be notified before the meeting.

**§13.1.510: ADDRESSING BOARD.**

Each person addressing the Board shall give one's name in an audible tone of voice for the record. If the person is appearing in a representative or professional capacity such as an attorney, landlord, tenant, etc., the person shall state the name of the individual or organization being represented. Unless additional time is granted by the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than members of

the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, except through the Chair.

#### **§13.1.515: HEARINGS.**

The hearings shall generally follow the format described below:

1. Chair opens hearing.
2. Petitioner shall have up to five (5) minutes to present case.
3. Board asks questions to clarify information or to obtain additional information from petitioner.
4. Respondent shall have up to five (5) minutes to present case.
5. Board asks questions to clarify information or to obtain additional information.
6. Chair closes hearing.
7. Board deliberates.
8. By consensus, Board develops findings and recommendations.
9. Board records vote on findings and recommendations.

The Board may at its discretion vary from this format in appropriate circumstances including but not limited to increasing or reducing the amount of time a petitioner or respondent has to present a case, and allowing for a spokesperson to speak on behalf of a group of petitioners.

At the close of the Hearing the Board shall deliberate and vote on the matter. The Board may approve, conditionally-approve, or deny an application with findings; refer a matter to the City Council without action; continue an item to a future meeting; or refer an item to staff. No evidence shall be taken after the close of the Hearing. The Hearing may be reopened for the taking of further evidence, at the discretion of the Commission.

#### **ARTICLE 6 VOTING**

##### **§13.1.600: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

##### **§13.1.605: MAJORITY VOTE.**

All Board actions shall require the affirmative votes of a majority of the members of the Board.

#### **ARTICLE 7 COMMITTEES**

##### **§13.1.700: REFERRAL.**

Upon the introduction of any new matter for consideration by the Board, the Chair may refer the same to a committee of the Board, appointed by the Chair to study such item of business and recommend to the Board. The application of this section shall be at the

sole discretion of the Chair, and shall be used by the Chair to provide a more even flow of business appearing before the Board.

**§13.1.705: APPOINTMENT.**

Committees shall consist of two (2) Board Members. The Chair of the Board may serve in an ex-officio capacity on all committees.

**§13.1.710: MEETINGS.**

Committees shall be empowered to meet with organizations or individuals as necessary in order to properly prepare their reports.

**§13.1.715: BUSINESS.**

Committees shall, in meeting with other organizations or individuals, limit themselves to gathering pertinent facts and explaining previously adopted policies of the Board. They shall not make any commitments on behalf of the Board; promise any action on the part of the Board; initiate or organize any group or urge specific action by an organized group or individual, unless specifically empowered to do so at the time of appointment; take any action which would in any way compromise the position of the Board or place the Board in an embarrassing position before the public.

**ARTICLE 8 RELATIONS WITH PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS**

**§13.1.800: INFORMATION THROUGH CHAIR.**

All information on action by the Board shall be released only by the Secretary or the Chair, unless by majority vote the Board shall give such authority to another member of the Board. Board Members shall refer all requests for information to either the Secretary or Chair, and shall not endeavor to interpret any action of the Board.

**§13.1.805: INFORMATION THROUGH OTHER BOARD MEMBER.**

Any Board Member may give a personal evaluation of a Board action, as long as it is made as a private citizen and so quoted.

**ARTICLE 9 AMENDMENTS**

**§13.1.900: AMENDMENTS.**

The Board may make recommendations to the City Council for amendments to these Rules of Procedure.

# **TITLE 14 BOARD OF APPEALS**

## **CHAPTER 1 RULES OF PROCEDURE**

### **ARTICLE 1 MEETINGS**

#### **§14.1.100: MEETINGS.**

Meetings of the Board of Appeals shall be held on an as-needed basis.

#### **§14.1.105: SPECIAL MEETINGS.**

The Chair of the Board shall call special meetings of the Board whenever the business of the Board shall so require, or at the express written request of any three (3) members of the Board. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by facsimile at least twenty-four (24) hours in advance of such meeting to each member of the Board, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

#### **§14.1.110: MEETING PLACE.**

All meetings of the Board shall be held at the Civic Center, City of San Leandro, unless, in the opinion of the Board, the interests of the City and Board could be best served by holding such meetings elsewhere.

#### **§14.1.115: AGENDA.**

The Secretary shall prepare an agenda for all matters to be submitted to the Board; distribute the agenda and related materials to all interested parties; and shall post the agenda not less than seventy-two (72) hours prior to the date of a regular meeting and not less than twenty-four (24) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, to each member of the City Council, to the City Manager, and to the City Clerk.

### **ARTICLE 2 OFFICERS**

#### **§14.1.200: CHAIR.**

The presiding officer of the Board shall be the Chair who shall be elected at the first meeting following the appointment of a new Board. The Chair shall preserve order and decorum at regular and special meetings of the Board; shall state each question; shall announce decisions; shall decide all questions of order subject to an appeal to the Board; shall vote on all questions; shall appoint all committees; and shall generally perform the duties of a presiding officer.

#### **§14.1.205: VICE CHAIR.**

The Vice Chair of the Board shall be elected at the first meeting following the appointment of a new Board. The Vice Chair shall preside in the absence of the Chair or

upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Board.

**§14.1.210: CHAIR PRO TEM.**

In the event of the absence of the Chair and Vice Chair or their inability to act, the Board Members present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Board.

**§14.1.215: LIMIT OF TERM.**

A member of the Board may serve as Chair or Vice Chair of the Board until replaced by an affirmative vote of a majority of the members of the Board.

**§14.1.220: SECRETARY.**

The Secretary of the Board shall be the Chief Building Official and shall keep all minutes, prepare the agenda and furnish all members of the Board with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Board need not be included in the agenda, but may be mailed to all members of the Board.

**§14.1.225: QUORUM.**

A majority of the members of the Board shall constitute a quorum for the transaction of business.

**ARTICLE 3 ORDER OF BUSINESS**

**§14.1.300: CALL TO ORDER.**

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

**~~§14.1.305: AGENDA.~~**

~~The following shall be the ordinary order of business for meetings of the Board:~~

- ~~1. ——— Roll Call.~~
- ~~2. ——— Approval of Agenda.~~
- ~~3. ——— Approval of Minutes.~~
- ~~4. ——— Correspondence.~~
- ~~5. ——— Hearings.~~
- ~~6. ——— Public Comments.~~
- ~~7. ——— Unfinished Business.~~

~~8. New Business.~~

~~9. Staff Comments/Reports.~~

~~10. Board Members Comments/Reports.~~

~~11. Adjournment.~~

~~**§14.1.310: ALTERATION OF ORDER.**~~

~~The Chair, with the approval of the Board, may move items out of prepared agenda order.~~

**§14.1.315305: SPECIAL ITEMS.**

Special items not appearing on the agenda may be presented by any member of the public or Board with consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirement including the Ralph M. Brown Act (California [Government Code](#) §54950 et seq.).

**ARTICLE 4 CONDUCT OF BUSINESS**

**§14.1.400: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Board, shall govern the conduct of meetings of the Board.

**§14.1.405: ROLL CALL.**

Before proceeding with the business of the Board, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Board Member is unable to attend a meeting, either the Secretary or the Chair shall be notified before the meeting.

**§14.1.410: ADDRESSING BOARD.**

Each person addressing the Board shall give one's name in an audible tone of voice for the record. If the person is appearing in a representative or professional capacity such as an attorney, engineer, etc., the person shall state the name of the individual or organization being represented. Unless additional time is granted by the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than members of the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, except through the Chair.

**§14.1.415: HEARING.**

At the close of the Hearing the Board shall deliberate and vote on the matter. The Board may approve, conditionally-approve, or deny an appeal with findings; or continue an item to a future meeting. No evidence shall be taken after the closing of the Hearing. The Hearing may be reopened for the taking of further evidence, at the discretion of the Board.



## **ARTICLE 5 VOTING**

### **§14.1.500: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

### **§14.1.505: MAJORITY VOTE.**

All Board actions shall require the affirmative votes of a majority of the members of the Board.

## **ARTICLE 6 RELATIONS WITH PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS**

### **§14.1.600: INFORMATION THROUGH CHAIR.**

All information on action by the Board shall be released only by the Secretary or the Chair, unless by majority vote the Board shall give such authority to another member of the Board. Board Members shall refer all requests for information to either the Secretary or the Chair, and shall not endeavor to interpret any action of the Board.

### **§14.1.605: INFORMATION THROUGH OTHER BOARD MEMBER.**

Any Board Member may give a personal evaluation of a Board action, as long as it is made as a private citizen and so quoted.

## **ARTICLE 7 AMENDMENTS**

### **§14.1.700: AMENDMENTS.**

The Board may make recommendations to the City Council for amendments to these Rules of Procedure.

## **TITLE 15 COMMUNITY POLICE REVIEW BOARD**

Chapter 1     Definitions

Chapter 2     Purpose

Chapter 3     Rules of Procedure

ARTICLE 1	MEETINGS
ARTICLE 2	COMPOSITION OF THE BOARD
ARTICLE 3	OFFICERS
ARTICLE 4	ORDER OF BUSINESS
ARTICLE 5	CONDUCT OF BUSINESS
ARTICLE 6	VOTING
ARTICLE 7	CODE OF ETHICS
ARTICLE 8	AMENDMENTS

### **CHAPTER 1 – DEFINITIONS**

**Definition of Terms.** The following terms, whenever used or referred to herein, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Community Police Review Board to be effective.
- B. "Ad Hoc Committee" shall comport with its definition under California state law
- C. "Board Member" shall mean a member of the Board
- D. "Agenda" shall mean the monthly agenda of the Community Police Review Board.
- E. "Board" shall mean the Community Police Review Board.
- F. "Chair" shall mean the Chairperson of the Community Police Review Board.
- G. "Complaint" shall refer to any complaint received from a member of the public regarding the conduct of any San Leandro Police Department personnel under Penal Code Section 832.5.
- H. "Vice Chair" shall mean the Vice Chairperson of the Community Police Review Board of the City of San Leandro.
- I. "City" shall mean the City of San Leandro.
- J. "City Council" shall mean the San Leandro City Council.
- K. "Department" shall mean the San Leandro Police Department.
- L. "Majority" shall mean five members of the Board, consistent with SLMC Section 1-3-220
- M. "Municipal Code" shall mean the San Leandro Municipal Code (or "SLMC").
- N. "NACOLE" shall mean the National Association for Civilian Oversight of Law Enforcement
- O. "Rules" shall mean the Rules of Order of the Board;
- P. "Secretary" shall mean the City staff member designated by the City Manager as the Executive Secretary to the Board.
- Q. "Police Chief" shall mean the Chief of Police of the San Leandro Police Department.

- R. "Presiding Officer" shall mean the Chair, Vice Chair, Chair Pro Tem, or whomever else has been designated by the Board from among its membership to preserve order and decorum during a Board meeting.
- S. "Quorum" shall be as defined by SLMC Section 1-3-215

## **CHAPTER 2 – PURPOSE**

The purpose of the Board is to increase public trust, increase accountability, ensure that police operations reflect community values, and, in cooperation with the Independent Police Auditor, ensure prompt, impartial, and fair investigations of complaints brought by members of the public against San Leandro Police Department employees, including but not limited to complaints under California Penal Code section 832.5.

## **CHAPTER 3 – RULES OF PROCEDURE**

### **ARTICLE 1 MEETINGS**

#### **§15.1.100: REGULAR MEETINGS.**

Regular meetings of the Community Police Review Board shall be held on the third Wednesday of each month, convening at the hour of 6:00 p.m. Regular meetings shall end at 7:30 p.m. If the Board's business agenda cannot be concluded at the meeting upon which it's been scheduled, the duration of Board meetings may be extended by up to 30 minutes when authorized by a majority vote of the Board. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meetings may be held at such time as agreed upon by the Board in coordination with the City Clerk's office and/or the Board Secretary.

#### **§15.1.105: SPECIAL MEETINGS.**

Under extraordinary circumstances, the Chair of the Board may request special meetings of the Board when the business of the Board cannot otherwise be completed during any of its regular monthly meetings, or when special circumstances prevent unfinished agenda items from being continued to the next regular Board meeting. Such requests shall require the concurrence of any five (5) members of the Board with findings made that due to extraordinary circumstances, it would be infeasible or impossible for the proposed agenda topics for the special meeting to be discussed during an upcoming regular meeting. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by e-mail at least twenty-four (24) hours in advance of such meeting to each member of the Board, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting. Any staff support for any such special meetings must be expressly authorized by the City Manager.

#### **§15.1.110: MEETING PLACE.**

All meetings of the Board shall be held in a location at the Civic Center, City of San Leandro, unless, in the opinion of the Board, the interests of the City and Board could be best served by holding such meetings elsewhere.

#### **§15.1.115: AGENDA.**

The Secretary or City Clerk in their absence shall prepare an agenda for all matters to be submitted to the Board in consultation with the Chair or Vice Chair and shall distribute the agenda and related materials to all interested parties not less than seventy-two (72) hours prior to the date of a regular meeting and not less than twenty-four (24) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Committee, each member of the City Council, to the City Manager, and to the City Clerk.

### **ARTICLE 2 COMPOSITION OF THE BOARD**

#### **§15.2.200: BOARD MEMBERS.**

The Board shall consist of nine (9) members. The membership shall include one member from each of the six (6) Council Member Districts, an at large member appointed by the Mayor pursuant to Section 1-3-110 of this Code and two Student Members (18-22), as defined by San Leandro Municipal Code section 1-3-110. The City shall provide membership for the Board in the National Association for Civilian Oversight of Law Enforcement (NACOLE), subject to budgetary approval from the City Council.

#### **§15.2.205: AD HOC COMMITTEE.**

Ad Hoc Committees may be formed as needed by the Chair or by a majority vote of the Board for an assigned specific task and for a specifically identified duration of time. Unless extended by a vote of the Board, each Ad Hoc Committee is disbanded at the completion of the assigned task. Ad Hoc Committees are limited to no more than four (4) members.

### **ARTICLE 3 OFFICERS**

#### **§15.3.300: CHAIR.**

The presiding officer of the Board shall be the Chair who shall be elected at the first regular meeting in January of every year or as soon thereafter as the Board deems appropriate. The Chair shall preserve order and decorum at regular and special meetings of the Board; shall state each question; shall announce decisions; shall decide all questions of order subject to an appeal to the Board; shall vote on all questions; and shall generally perform the duties of a presiding officer.

#### **§15.3.305: VICE CHAIR.**

The Vice Chair of the Board shall be elected annually at the first regular meeting in January of every year or as soon thereafter as the Board deems appropriate. The Vice Chair shall

preside in the absence of the Chair or upon the request of the Chair, and may assist the Chair in carrying out the Chair's responsibilities. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Board. The Vice Chair shall automatically become the Chair if the existing Chair resigns or is removed.

#### **§15.3.310: CHAIR PRO TEM.**

In the event of the absence of the Chair and Vice Chair or their inability to act, the Board Members present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Board.

#### **§15.3.315: LIMIT OF TERM.**

No member of the Board shall serve a successive full term of one (1) year as Chair or Vice Chair of the Board provided that this limitation may be waived upon a finding of good cause, by an affirmative vote of a majority of the members of the Board.

#### **§15.3.320: CITY CLERK.**

The City Clerk shall keep all minutes, prepare the agenda and furnish all members of the Board with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements.

#### **§15.3.325: QUORUM.**

A majority of the members of the Board shall constitute a quorum for the transaction of business.

### **~~ARTICLE 4 ORDER OF BUSINESS~~**

#### **~~§XX.X.XXX: CALL TO ORDER.~~**

~~Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.~~

#### **~~§XX.X.XXX: AGENDA.~~**

~~The following shall be the ordinary order of business for meetings of the Board:~~

- ~~1.——— Call to Order.~~
- ~~2.——— Roll Call.~~
- ~~3.——— Public Comments on Non-Agenda Items.~~
- ~~4.——— Approval of Minutes.~~

~~5. Police Department's Report.~~

~~6. Independent Police Auditor's Report (IPA Report).~~

~~7. Board Secretary's Report.~~

~~8. Action Items and Discussion Items.~~

~~9. Board Member Comments and Requests for Future Meeting Agenda Topics.~~

~~10. Adjourn.~~

#### ~~§XX.X.XXX: ALTERATION OF ORDER.~~

~~The Chair, with the approval of the Board, may move items out of prepared agenda order or otherwise modify the standard order.~~

### **ARTICLE 54 CONDUCT OF BUSINESS**

#### **§15.4.400: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Board, shall govern the conduct of meetings of the Board.

#### **§15.4.405: ROLL CALL.**

Before proceeding with the business of the Board, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Board Member is unable to attend a meeting the Chair must be notified before the meeting. The Chair shall notify the Board Secretary and City Clerk of any such absences.

#### **§15.4.410: ADDRESSING THE BOARD DURING PUBLIC COMMENTS.**

Each person addressing the Board during public comments shall direct their comments to the Board. Unless additional time is granted by the Chair, all remarks shall be limited to two (2) minutes. The Chair may adjust the time for remarks for all speakers at the Chair's discretion. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than members of the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, except through the Chair.

#### **§15.4.415: ANNUAL REPORT.**

The Board shall submit an annual report and workplan to the City Council via the City Manager no later than June 30 of each year. The IPA shall be responsible for assisting the board in preparation of the annual report and workplan. The annual report shall contain a

description of the Board activities for the preceding year, status and outcome of policy review and recommendations, any observed trends or data, community outreach efforts, and attendance records of members.

#### **§15.4.420: RELATIONSHIP WITH IPA.**

The IPA serves as the law enforcement subject matter expert to the Board. The Board may receive Penal Code Section 832.5 complaints and shall refer them for further review to the IPA or the internal affairs/professional standards function of the Police Department. The standard method by which such referrals shall be conducted is by directing the complainant to the relevant website, email address or other identified contact information of the Board, the IPA or the Professional Standards division of the Police Department. The IPA shall, if appropriate, with the Police Chief's and the specifically affected Police Department personnel's written consent, provide referrals for voluntary and confidential mediation of specific complaints to community-based mediation services provided by trained or certified mediators. The Independent Police Auditor shall assist the board with classifying Penal Code Section 832.5 complaints; analyze local, State, and national police data and trends; make expert recommendations. At the City Manager's discretion, the IPA may further assist the Board in developing its workplan and annual report, including providing aggregated data related to IPA actions and police personnel complaints, or may refer policy matters to the Board with a recommendation for review when in the IPA's judgement such review is warranted. The IPA will also, in collaboration with the City Manager, support the Board's public outreach activities.

#### **§15.4.425: POLICY REVIEW OR REQUESTS FOR DATA OR INFORMATION.**

**Access to Records, Information and Data:** The Board may initiate requests to the City Manager or Police Chief for any records, information, or data needed to conduct its policy review function. Such requests shall be made during a public meeting and submitted in writing, with the approval of the majority vote of the Board. Responses to such information requests shall be provided consistent with the City's standard practices for California Public Records Act requests.

**Policy Review and Recommendations:** The Board or the IPA may monitor, review, and provide input on Police Department policies, and receive reports from the Police Department on policies that indicate a need for review based on trends and data or that are, in the judgment of the majority of the Board, of compelling community-wide concern. The Board shall present recommendations regarding police policies in writing to the Police Chief. The Police Chief or their designee will respond in writing, with reasons stated if modified or not accepted. During the first two years since the Board's initial formation, such responses will be provided within 90 days following receipt of the request, and the Police Chief will respond sooner when practicable. This 90-day timeline shall be revisited to determine if a shorter review period is feasible after the conclusion of the initial two-year period. The City Manager shall receive recommendations modified or not approved by the Chief. Any responses shall be included in the Board's annual report to the City Council. The Board may submit a written response to any denied or modified recommendations to the City Manager for their consideration and response. The City Manager will respond to such requests within the next two subsequent regular meetings of the Board. The records of all recommendations and responses shall be treated consistent with the California Public

Records Act and may be included in the Board's annual report. The timelines set forth in this section are advisory and every effort will be made to comply with them in good faith, and may be adjusted at the discretion of the City Manager.

### **Process for Complaint Handling and Policy Review Requests Received from the Public:**

The CPRB shall establish and publish clear procedures for handling public complaints and policy review requests. Complaints or review requests may be submitted in writing, online, in person at public meetings, or through other practical means. Anonymous complaints are allowed but may limit the Board's and IPA's ability to conduct a thorough investigation. Personnel complaints will be forwarded to the IPA, who will keep the complainant informed of the investigation's progress. Policy review requests will be considered if approved by the majority of the Board and included in its annual work plan. The Board will keep the requesting party updated on the status of policy matters accepted for review and report any actions taken in its annual report.

### **Police Department Budget**

At the City Manager's discretion and as part of the City Council's normal citywide biennial budget development process, the CPRB may provide input into the Police Department budget.

### **§15.4.430: POLICE CHIEF VACANCY.**

Upon notice of vacancy for the position of Chief of Police, the City Manager shall provide a report on the job requirements, application process, and evaluation criteria of candidates for the Chief of Police. The Board shall receive the report and may make recommendations to the City Manager regarding the job requirements, application process, and evaluation criteria.

## **ARTICLE 65 VOTING**

### **§15-5-500: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

### **§15-5-505: MAJORITY VOTE.**

All Board actions shall require the affirmative votes of a majority of the members of the Board. Board members shall recuse themselves if they have a conflict of interest, as defined by the California Political Reform Act.

## **ARTICLE 76 NACOLE CODE OF ETHICS**

Adoption of these administrative procedures shall concurrently represent the Board's adoption of the NACOLE Code of Ethics. The spirit of these ethical and professional standards should guide the members of the Board as they conduct the business of the Board.



## ARTICLE 87 AMENDMENTS

### **§15-7-700: ADOPTION AND AMENDMENTS.**

In order to be effective, these Rules of Procedure must be adopted by way of Resolution by the City Council. The Board may make recommendations to the City Council for amendments to these Rules of Procedure. Any proposed amendments shall be included in the annual report and workplan.

San Leandro, California Administrative Code

TITLE 16 ARTS, CULTURE AND LIBRARY COMMISSION

Chapter 1 Rules of Procedure

**ARTICLE 1 MEETINGS**

§16.1.100: REGULAR MEETING.

§16.1.105: SPECIAL MEETINGS.

§16.1.110: MEETING PLACE.

§16.1.115: AGENDA.

**ARTICLE 2 OFFICERS**

§16.1.200: CHAIR.

§16.1.205: VICE CHAIR.

§16.1.210: CHAIR PRO TEM.

§16.1.215: LIMIT OF TERM.

§16.1.220: SECRETARY.

§16.1.225: QUORUM.

**ARTICLE 3 ORDER OF BUSINESS**

§16.1.300: CALL TO ORDER.

§16.1.305: AGENDA.

§16.1.310: ALTERATION OF ORDER.

§16.1.315: SPECIAL ITEMS.

**ARTICLE 4 CONDUCT OF BUSINESS**

§16.1.400: RULES.

§16.1.405: ROLL CALL.

§16.1.410: ADDRESSING COMMISSION.

## **ARTICLE 5 VOTING**

§16.1.500: MANNER OF TAKING VOTE.

§16.1.505: MAJORITY VOTE.

## **ARTICLE 6 COMMITTEES**

§16.1.600: REFERRAL.

§16.1.605: APPOINTMENT.

§16.1.610: MEETINGS.

§16.1.615: BUSINESS.

## **ARTICLE 7 RELATIONS WITH PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS**

§16.1.700: INFORMATION THROUGH CHAIR.

§16.1.705: INFORMATION THROUGH OTHER COMMISSIONER.

## **ARTICLE 8 AMENDMENTS**

§16.1.800: AMENDMENTS.

## **ARTICLE 1 MEETINGS**

### **§16.1.100 REGULAR MEETING.**

Regular meetings of the Arts, Culture and Library Commission shall be held on the third Tuesday of each month, convening at the hour of 6:30 p.m. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meeting shall be held at such time as agreed upon by the Commission.

### **§16.1.105: SPECIAL MEETINGS.**

The Chair of the Commission shall call special meetings of the Commission whenever the business of the Commission shall so require, or at the express written request of any five (5) members of the Commission. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by email at least twenty-four (16) hours in advance of such meeting to each member of the Commission, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

### **§16.1.110: MEETING PLACE.**

All regular meetings of the Commission shall be held at the San Leandro Main Public Library, City of San Leandro, unless in the opinion of the Commission, the interests of the City and Commission could be best served by holding such meetings elsewhere.

### **§16.1.115: AGENDA.**

The Secretary shall prepare an agenda for all matters to be submitted to the Commission and shall distribute the agenda and related materials to all interested parties not less than seventy-two (72) hours prior to the date of a regular meeting, and not less than twenty-four (16) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, to each member of the City Council, to the City Manager, and to the City Clerk.

## **ARTICLE 2 OFFICERS**

### **§16.1.200: CHAIR.**

The presiding officer of the Commission shall be the Chair, who shall be elected at the first regular meeting in July of every year. The Chair

shall preserve order and decorum at regular and special meetings of the Commission; shall state each question; shall announce decisions; shall decide all questions of order subject to an appeal to the Commission; shall vote on all questions; shall appoint all committees; and shall generally perform the duties of a presiding officer.

#### **§16.1.205: VICE CHAIR.**

The Vice Chair of the Commission shall be elected annually at the first regular meeting in July of every year. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Commission.

#### **§16.1.210: CHAIR PRO TEM.**

In the event of the absence of the Chair and the Vice Chair or their inability to act, the Commissioners present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Commission.

#### **§16.1.215: LIMIT OF TERM.**

No member of the Commission shall serve more than two (2) successive full terms of one (1) year as Chair or Vice Chair of the Commission provided that this limitation may be waived upon a finding of good cause, by an affirmative vote of a majority of the members of the Commission.

#### **§16.1.220: SECRETARY.**

The Secretary of the Commission, appointed by the Library Director, shall keep all minutes, prepare the agenda, and furnish all members of the Commission with a copy of the agenda, plus copies of all correspondence and other papers related to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Commission need not be included in the agenda, but may be mailed to all members of the Commission.

#### **§16.1.225: QUORUM.**

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

## ARTICLE 3 ORDER OF BUSINESS

### §16.1.300: CALL TO ORDER.

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

### ~~§16.1.305: AGENDA.~~

~~The following shall be the ordinary order of business for meetings of the Commission:~~

- ~~1. Roll Call~~
- ~~2. Approval of Agenda~~
- ~~3. Approval of Minutes~~
- ~~4. Public Comments~~
- ~~5. Correspondence~~
- ~~6. Unfinished Business~~
- ~~7. New Business~~
- ~~8. Report of the Secretary~~
- ~~9. Report of the Chair~~
- ~~10. Committee Reports~~
- ~~11. Commissioners Comments~~
- ~~12. Adjournment~~

### ~~§16.1.310: ALTERATION OF ORDER.~~

~~The Chair, with the approval of the Commission, may move items out of prepared agenda order.~~

## **§16.1.315305: SPECIAL ITEMS.**

Special items not appearing on the agenda may be presented by any member of the public or Commission with consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirement including the Ralph M. Brown Act (California [Government Code](#) §54950 et seq.).

## **ARTICLE 4 CONDUCT OF BUSINESS**

### **§16.1.400: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Commission, shall govern the conduct of meetings of the Commission.

### **§16.1.405: ROLL CALL.**

Before proceeding with the business of the Commission, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Commissioner is unable to attend a meeting, either the Secretary or the Chair shall be notified before the meeting.

### **§16.1.410: ADDRESSING COMMISSION.**

~~Each person addressing the Commission shall give one's name in an audible tone of voice for the records.~~ If ~~the a~~ person is appearing in a representative or professional capacity such as an attorney, engineer, etc., the person shall state the name of the individual or organization being represented. Unless additional time is granted by the Chair, all remarks shall be limited to three (3) minutes. All remarks shall be addressed to the Commission as a body and not to any individual member thereof. No person, other than members of the Commission and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, except through the Chair.

## **ARTICLE 5 VOTING**

### **§16.1.500: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

### **§16.1.505: MAJORITY VOTE.**

All Commission actions shall require the affirmative votes of a majority of the members of the Commission.

## **ARTICLE 6 COMMITTEES**

### **§16.1.600: REFERRAL.**

Upon the introduction of any new matter for consideration by the Commission, the Chair may refer the same to a committee of the Commission, appointed by the Chair to study such item of business and recommend to the Commission. The application of this section shall be at the sole discretion of the Chair, and shall be used by the Chair to provide a more even flow of business appearing before the Commission.

### **§16.1.605: APPOINTMENT.**

Committees shall consist of no less than two (2) and no more than four (4) Commissioners. The Chair of the Commission may serve in an ex-officio capacity on all committees.

### **§16.1.610: MEETINGS.**

Committees shall be empowered to meet with organizations or individuals as necessary in order to properly prepare their reports with recommendations.

### **§16.1.615: BUSINESS.**

Committees shall, in meeting with other organizations or individuals, limit themselves to gathering pertinent facts and explaining previously adopted policies of the Commission and proposed recommendations to the Commission. They shall not make any commitments on behalf of the Commission; promise any action on the part of the Commission; initiate or organize any group or urge specific action by an organized group or individual, unless specifically empowered to do so at the time of appointment; take any action which would in any way compromise the position of the Commission or place the Commission in an embarrassing position before the public.

## **ARTICLE 7 RELATIONS WITH PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS**



### **§16.1.700: INFORMATION THROUGH CHAIR.**

All information on action by the Commission shall be released only by the Secretary or the Chair, unless by majority vote the Commission shall give such authority to another member of the Commission. Commissioners shall refer all requests for information to either the Secretary or the Chair and shall not endeavor to interpret any action of the Commission.

### **§16.1.705: INFORMATION THROUGH OTHER COMMISSIONER.**

Any Commissioner may give a personal evaluation of a Commission action, as long as it is made as a private citizen and so quoted.

## **ARTICLE 8 AMENDMENTS**

### **§16.1.800: AMENDMENTS.**

The Commission may make recommendations to the City Council for amendments to these Rules of Procedure.

### **Note**

# **TITLE 17 YOUTH ADVISORY COMMISSION**

## **CHAPTER 1 RULES OF PROCEDURE**

### **ARTICLE 1 MEETINGS**

#### **§ 17.1.100 REGULAR MEETINGS.**

Regular meetings of the Youth Advisory Commission shall be held two times each month, with the exact dates as agreed upon by the Commission, convening at the hour of 6:00 p.m.

#### **§17.1.105: SPECIAL MEETINGS.**

The Chair of the Commission shall call special meetings of the Commission whenever the business of the Commission shall so require, or at the express written request of any eleven (11) members of the Commission. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by facsimile at least twenty-four (24) hours in advance of such meeting to each member of the Commission, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

#### **§17.1.110: MEETING PLACE.**

All regular meetings of the Commission shall be held at the ~~Civic Center~~Marina Community Center, City of San Leandro, unless, in the opinion of the Commission, the interests of the City and Commission could be best served by holding such meetings elsewhere.

#### **§17.1.115: AGENDA.**

The Secretary shall prepare an agenda for all matters to be submitted to the Commission; shall distribute the agenda and related materials to all interested parties; and shall post the agenda not later than seventy-two (72) hours prior to the date of a regular meeting and not less than twenty-four (24) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, to each member of the City Council, to the City Manager, and to the City Clerk.

### **ARTICLE 2 OFFICERS**

#### **§17.1.200: CHAIR.**

The presiding officer of the Commission shall be the Chair who shall be elected at the first regular meeting in November of every year. The Chair shall preserve order and decorum at all meetings of the Commission; shall state each question, shall announce decisions; shall decide all questions of order subject to an appeal to the Commission; shall vote on all questions; shall appoint all committees; and shall generally perform the duties of a presiding officer.

**§17.1.205: VICE CHAIR.**

The Vice Chair of the Commission shall be elected annually at the first regular meeting in November of every year. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Commission.

**§17.1.210: CHAIR PRO TEM.**

In the event of the absence of the Chair and Vice Chair or their inability to act, the Commissioners present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Commission.

**§17.1.220: SECRETARY.**

The Secretary of the Commission, appointed by the Recreation and ~~Human Services~~Parks Director, shall keep all minutes; shall prepare and distribute the agenda, shall furnish all members of the Commission with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Commission need not be included in the agenda, but copies of same can be mailed to all members of the Commission.

**§17.1.225: QUORUM.**

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

**ARTICLE 3 ORDER OF BUSINESS**

**§17.1.300: CALL TO ORDER.**

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

**~~§17.1.305: AGENDA.~~**

~~The following shall be the ordinary order of business for meetings of the Commission:~~

- ~~1. Roll Call.~~
- ~~2. Approval of Agenda.~~
- ~~3. Approval of Minutes.~~
- ~~4. Public Comments.~~
- ~~5. Oral Report of the Secretary.~~
- ~~6. Committee Reports.~~
- ~~7. Liaison Representatives.~~

~~8. New Business.~~

~~9. Old Buisness.~~

~~10. Commission Comments~~

~~11. Adjournment.~~

~~4. Presentations/Correspondence.~~

~~5. Report of Committees.~~

~~6. Staff Reports.~~

~~7. Unfinished Business.~~

~~8. Public Comments.~~

~~9. New Business.~~

~~10. Adjournment.~~

**~~§17.1.310: ALTERATION OF ORDER.~~**

~~The Chair, with the approval of the Commission, may move items out of prepared agenda order.~~

**~~§17.1.315~~§305: SPECIAL ITEMS.**

Special items not appearing on the agenda may be presented by any member of the public or Commission with consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirement including the Ralph M. Brown Act (California [Government Code](#) §54950 et seq.).

**ARTICLE 4 CONDUCT OF BUSINESS**

**§17.1.400: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Commission, shall govern the conduct of meetings of the Commission.

**§17.1.405: ROLL CALL.**

Before proceeding with the business of the Commission, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Commissioner is unable to attend a meeting, either the Secretary or the Chair shall be notified before the meeting.

**§17.1.410: ADDRESSING COMMISSION.**

~~Each person addressing the Commission shall give one's name in an audible tone of voice for the record.~~ If ~~the~~ a person is appearing in a representative or professional

capacity such as an attorney, engineer, etc., the person shall state the name of the individual or organization being represented. Unless additional time is granted by the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any individual member thereof. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, except through the Chair.

## **ARTICLE 5 VOTING**

### **§17.1.500: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

### **§17.1.505: MAJORITY VOTE.**

All Commission actions shall require the affirmative votes of a majority of the members of the Commission.

## **ARTICLE 6 COMMITTEES**

### **§17.1.600: REFERRAL.**

Upon the introduction of any new matter for consideration by the Commission, the Chair may refer the same to a committee of the Commission, appointed by the Chair to study such item of business and recommend to the Commission. The application of this section shall be at the sole discretion of the Chair, and shall be used by the Chair to provide a more even flow of business appearing before the Commission.

### **§17.1.605: APPOINTMENT.**

Committees shall consist of no less than two (2) and no more than ten (10) Commissioners. The Chair of the Commission may serve in an ex-officio capacity on all committees.

### **§17.1.610: MEETINGS.**

Committees shall be empowered to meet with organizations or individuals as necessary in order to properly prepare their reports.

### **§17.1.615: BUSINESS.**

Committees shall, in meeting with other organizations or individuals, limit themselves to gathering pertinent facts and explaining previously adopted policies of the Commission. They shall not make any commitments on behalf of the Commission; promise any action on the part of the Commission; initiate or organize any group or urge specific action by an organized group or individual, unless specifically empowered to do so at the time of appointment; take any action which would in any way compromise the position of the Commission or place the Commission in an embarrassing position before the public.

## **ARTICLE 7 RELATIONS WITH THE PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS**

### **§17.1.700: INFORMATION THROUGH CHAIR.**

All information on action by the Commission shall be released only by the Secretary or the Chair, unless by majority vote the Commission shall give such authority to another

member of the Commission. Commissioners shall refer all requests for information to either the Secretary or the Chair, and shall not endeavor to interpret any action of the Commission.

**§17.1.705: INFORMATION THROUGH OTHER COMMISSIONER.**

Any Commissioner may give a personal evaluation of a Commission action, as long as it is made as a private citizen and so quoted.

**ARTICLE 8 AMENDMENTS**

**§17.1.800: AMENDMENTS.**

The Commission may make recommendations to the City Council for amendments to these Rules of Procedure.

# **TITLE 18 HUMAN SERVICES COMMISSION**

## **CHAPTER 1 RULES OF PROCEDURE**

### **ARTICLE 1 MEETINGS**

#### **§18.1.100: REGULAR MEETINGS.**

Regular meetings of the Human Services Commission shall be held on the fourth Wednesday of each month, convening at the hour of 7:00 p.m. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meetings shall be held at such time as agreed upon by the Commission.

#### **§18.1.105: SPECIAL MEETINGS.**

The Chair of the Commission shall call special meetings of the Commission whenever, in his opinion, the business of the Commission shall so require, or at the express written request of any five (5) members of the Commission. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by facsimile at least twenty-four (24) hours in advance of such meeting to each member of the Commission, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

#### **§18.1.110: MEETING PLACE.**

All meetings of the Commission shall be held at the Civic Center, City of San Leandro, unless, in the opinion of the Commission, the interests of the City and Commission could be best served by holding such meetings elsewhere.

#### **§18.1.115: AGENDA.**

The Secretary shall prepare an agenda for all matters to be submitted to the Commission and shall distribute the agenda and related materials to all interested parties; and shall post the agenda not later than seventy-two (72) hours prior to the date of a regular meeting and not less than twenty-four (24) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, each member of the City Council, to the City Manager, and to the City Clerk.

### **ARTICLE 2 OFFICERS**

#### **§18.1.200: CHAIR.**

The presiding officer of the Commission shall be the Chair who shall be elected at the first regular meeting in March of every year. The Chair shall preserve order and decorum at regular and special meetings of the Commission; shall state each question, shall announce the decision and shall decide

all questions of order subject to an appeal to the Commission; shall vote on all questions, shall appoint all committees; and shall generally perform the duties of a presiding officer.

**§18.1.205: VICE CHAIR.**

The Vice Chair of the Commission shall be elected annually at the first regular meeting in ~~March~~ July of every year. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Commission.

**§18.1.210: CHAIR PRO TEM.**

In the event of the absence of the Chair and Vice Chair or their inability to act, the Commissioners present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Commission.

**§18.1.215: LIMIT OF TERM.**

No member of the Commission shall serve more than two (2) successive full terms of one (1) year as Chair or Vice Chair of the Commission provided that this limitation may be waived upon a finding of good cause, by an affirmative vote of a majority of the members of the Commission.

**§18.1.220: SECRETARY.**

The Secretary of the Commission, appointed by the ~~Recreation and~~ Human Services Director, shall keep all minutes, prepare the agenda and furnish all members of the Commission with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Commission need not be included in the agenda, but may be mailed to all members of the Commission.

**§18.1.225: QUORUM.**

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

**ARTICLE 3 ORDER OF BUSINESS**

**§18.1.300 CALL TO ORDER.**

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

~~**§18.1.305: AGENDA.**~~

~~The following shall be the ordinary order of business for meetings of the Commission.~~

~~1. Roll Call.~~



- ~~2. Approval of Agenda.~~
- ~~3. Approval of Minutes of Previous Meetings.~~
- ~~4. Public Comments.~~
- ~~5. Correspondence.~~
- ~~6. Report of Secretary.~~
- ~~7. Committee Reports.~~
- ~~8. Unfinished Business.~~
- ~~9. New Business.~~
- ~~10. Report of Chair.~~
- ~~11. Commissioners Comments.~~
- ~~12. Adjournment.~~

#### ~~§18.1.310: ALTERATION OF ORDER.~~

~~The Chair, with the approval of the Commission, may move items out of prepared agenda order.~~

#### **§18.1.315: SPECIAL ITEMS.**

Special items not appearing on the agenda as prepared may be presented by any member of the public or Commission with the consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirement including the Ralph M. Brown Act (California [Government Code](#) §54950 et seq.).

### **ARTICLE 4 CONDUCT OF BUSINESS**

#### **§18.1.400: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Commission, shall generally govern the conduct of meetings of the Commission.

#### **§18.1.405: ROLL CALL.**

Before proceeding with the business of the Commission, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Commissioner is unable to attend a meeting, either the Secretary or the Chair shall be notified before the meeting.

#### **§18.1.410: ADDRESSING COMMISSION.**

~~Each person addressing the Commission shall give one's name in an audible tone of voice for the record.~~ If ~~the~~ a person is appearing in a representative or professional capacity such as an attorney, engineer, etc., the person shall state the name of the

individual or organization being represented. Unless additional time is granted by the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any individual member thereof. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, except through the Chair.

## **ARTICLE 5 VOTING**

### **§18.1.500: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

### **§18.1.505: MAJORITY VOTE.**

All Commission actions shall require the affirmative votes of a majority of the members of the Commission.

## **ARTICLE 6 COMMITTEES**

### **§18.1.600: REFERRAL.**

Upon the introduction of any new matter for consideration by the Commission, the Chair may refer the same to a committee of the Commission, appointed by the Chair to study such item of business and recommend to the Commission. The application of this section shall be at the sole discretion of the Chair, and shall be used by the Chair to provide a more even flow of business appearing before the Commission.

### **§18.1.605: APPOINTMENT.**

Committees shall consist of no less than two (2) and no more than four (4) Commissioners. The Chair of the Commission may serve in an ex-officio capacity on all committees.

### **§18.1.610: MEETINGS.**

Committees shall be empowered to meet with organizations or individuals as necessary in order to properly prepare their reports.

### **§18.1.615: BUSINESS.**

Committees shall, in meeting with other organizations or individuals, limit themselves to gathering pertinent facts and explaining previously adopted policies of the Commission. They shall not make any commitments on behalf of the Commission; promise any action on the part of the Commission; initiate or organize any group or urge specific action by an organized group or individual, unless specifically empowered to do so at the time of appointment; take any action which would in any way compromise the position of the Commission or place the Commission in an embarrassing position before the public.

## **ARTICLE 7 RELATIONS WITH PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL, AND OTHER BOARDS AND COMMISSIONS**

### **§18.1.700: INFORMATION THROUGH CHAIR.**

All information on action by the Commission shall be released by the Secretary or Chair, unless by majority vote the Commission shall give such authority to another member of

the Commission. Commissioners shall refer all requests for information to either the Secretary or Chair, and shall not endeavor to interpret any action of the Commission.

**§18.1.705: INFORMATION THROUGH OTHER COMMISSIONER.**

Any Commissioner may give a personal evaluation of a Commission action, as long as it is made as a private citizen and so quoted.

**ARTICLE 8 AMENDMENTS**

**§18.1.800: AMENDMENTS.**

The Commission may make recommendations to the City Council for amendments to these Rules of Procedure.

SAN LEANDRO ADMINISTRATIVE CODE

TITLE ~~19~~ HUMAN SERVICES

Chapter 1 {Reserved}

**SAN LEANDRO ADMINISTRATIVE CODE**

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~~Resolution No. 2006-123, 11/20/2006 [§§7.1.100-7.1.315]; Resolution No. 2008-152, 12/15/2008 [§7.1.100(d)]; Resolution No. 2009-076, 06/01/2009 [§7.1.205(l)]; Resolution No. 2010-139, 11/15/2010 [§7.1.205(m)]~~

# **TITLE 20 PERSONNEL RELATIONS BOARD**

## **CHAPTER 1 RULES OF PROCEDURE**

### **ARTICLE 1 MEETINGS**

#### **§20.1.100: REGULAR MEETINGS.**

Regular meetings of the Personnel Relations Board shall be held on the third Thursday of the first month of each calendar quarter, convening at the hour of 5:30 p.m. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meetings shall be held at such time as agreed upon by the Board.

#### **§20.1.105: SPECIAL MEETINGS.**

The Chair of the Board shall call special meetings of the Board whenever the business of the Board shall so require, or at the express written request of any three (3) members of the Board. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by facsimile at least twenty-four (24) hours in advance of such meeting to each member of the Board, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

#### **§20.1.110: MEETING PLACE.**

All meetings of the Board shall be held at the Civic Center, City of San Leandro, unless, in the opinion of the Board, the interests of the City and Board could be best served by holding such meetings elsewhere.

#### **§20.1.115: AGENDA.**

The Secretary shall prepare an agenda for all matters to be submitted to the Board and shall distribute the agenda and related materials to all interested parties not less than seventy-two (72) hours prior to the date of a regular meeting and not less than twenty-four (24) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, each member of the City Council, to the City Manager, and to the City Clerk.

### **ARTICLE 2 OFFICERS**

#### **§20.1.200: CHAIR.**

The presiding officer of the Board shall be the Chair who shall be elected at the first regular meeting in ~~July~~ March of every year. The Chair shall preserve order and decorum at regular and special meetings of the Board; shall state each question; shall announce decisions; shall decide all questions of order subject to an appeal to the Board; shall vote on all questions; and shall generally perform the duties of a presiding officer.

**§20.1.205: VICE CHAIR.**

The Vice Chair of the Board shall be elected annually at the first regular meeting in ~~July~~ March of every year. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Board.

**§20.1.210: CHAIR PRO TEM.**

In the event of the absence of the Chair and Vice Chair or their inability to act, the Board Members present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Board.

**§20.1.215: LIMIT OF TERM.**

No member of the Board shall serve more than two (2) successive full terms of one (1) year as Chair or Vice Chair of the Board provided that this limitation may be waived upon a finding of good cause, by an affirmative vote of a majority of the members of the Board.

**§20.1.220: SECRETARY.**

The Secretary of the Board, appointed by the Human Resources Director, shall keep all minutes, prepare the agenda and furnish all members of the Board with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Board need not be included in the agenda, but may be mailed to all members of the Board.

**§20.1.225: QUORUM.**

A majority of the members of the Board shall constitute a quorum for the transaction of business.

**ARTICLE 3 ORDER OF BUSINESS**

**§20.1.300: CALL TO ORDER.**

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

**~~§20.1.305: AGENDA.~~**

~~The following shall be the ordinary order of business for meetings of the Board:~~

- ~~1. Call to Order.~~
- ~~2. Roll Call.~~
- ~~3. Public Comments.~~
- ~~4. Approval of Minutes.~~
- ~~5. Employment List Extensions.~~

~~6. Adoption/Revision of Classification Specifications.~~

~~7. Human Resources Director's Report.~~

~~8. Miscellaneous.~~

~~9. Adjournment.~~

~~**§20.1.310: ALTERATION OF ORDER.**~~

~~The Chair, with the approval of the Board, may move items out of prepared agenda order.~~

**§20.1.315: SPECIAL ITEMS.**

Special items not appearing on the agenda may be presented by any member of the public or Board with the consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirement including the Ralph M. Brown Act (California [Government Code](#) §54950 et seq.).

**ARTICLE 4 CONDUCT OF BUSINESS**

**§20.1.400: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Board, shall govern the conduct of meetings of the Board.

**§20.1.405: ROLL CALL.**

Before proceeding with the business of the Board, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Board Member is unable to attend a meeting, either the Secretary or the Chair must be notified before the meeting.

**§20.1.410: ADDRESSING BOARD.**

~~Each person addressing the Board shall give one's name in an audible tone of voice for the record.~~ If ~~the~~ a person is appearing in a representative or professional capacity such as an attorney, engineer, etc., the person shall state the name of the individual or organization being represented. Unless additional time is granted by the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than members of the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, except through the Chair.

**ARTICLE 5 VOTING**

**§20.1.500: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

**§20.1.505: MAJORITY VOTE.**

All Board actions shall require the affirmative votes of a majority of the members of the Board.



**ARTICLE 6 RELATIONS WITH PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL AND OTHER BOARDS AND BOARDS**

**§20.1.600: INFORMATION THROUGH CHAIR.**

All information on action by the Board shall be released only by the Secretary or the Chair, unless by majority vote the Board shall give such authority to another member of the Board. Board Members shall refer all requests for information to either the Secretary or the Chair, and shall not endeavor to interpret any action of the Board.

**§20.1.605: INFORMATION THROUGH OTHER BOARD MEMBER.**

Any Board Member may give a personal evaluation of a Board action, as long as it is made as a private citizen and so quoted.

**ARTICLE 7 AMENDMENTS**

**§20.1.700: AMENDMENTS.**

The Board may make recommendations to the City Council for amendments to these Rules of Procedure.

## **TITLE 21 Planning Commission**

### **ARTICLE 1 MEETINGS**

#### **§21.1.100: REGULAR MEETINGS.**

Regular meetings of the Planning Commission shall be held on the first Thursday of each month, convening at the hour of 7:00 p.m. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meetings shall be held at such time as agreed upon by the Commission.

#### **§21.1.105: SPECIAL MEETINGS.**

The Chair of the Commission shall call special meetings of the Commission whenever the business of the Commission shall so require, or at the express written request of any four (4) members of the Commission. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by facsimile at least twenty-four (24) hours in advance of such meeting to each member of the Board, to the City Manager, the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

#### **§21.1.110: MEETING PLACE.**

All meetings of the Commission shall be held at the Civic Center, City of San Leandro, unless, in the opinion of the Commission, the interests of the City and Commission could be best served by holding such meetings elsewhere.

#### **§21.1.115: AGENDA.**

The Secretary shall prepare an agenda for all matters to be submitted to the Commission and shall distribute the agenda and related materials to all interested parties; and shall post the agenda not less than seventy-two (72) hours prior to the date of a regular meeting and not less than twenty-four (24) hours prior to the date of a special meeting. Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, to each member of the City Council, to the City Manager, and to the City Clerk.

### **ARTICLE 2 OFFICERS**

#### **§21.1.200: CHAIR.**

The presiding officer of the Commission shall be the Chair who shall be elected at the first regular meeting in [July-March](#) of every year. The Chair shall preserve order and decorum at regular and special meetings of the Commission; shall state each question; shall announce decisions; shall decide all questions of order subject to an appeal to the Commission; shall vote on all questions; shall appoint all committees; and shall generally perform the duties of a presiding officer.

#### **§21.1.205: VICE CHAIR.**

The Vice Chair of the Commission shall be elected annually at the first regular meeting in ~~July~~ March of every year. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Commission.

**§21.1.210: CHAIR PRO TEM.**

In the event of the absence of the Chair and Vice Chair or their inability to act, the Commission members present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Commission.

**§21.1.215: LIMIT OF TERM.**

No member of the Commission shall serve more than two (2) successive full terms of one (1) year as Chair or Vice Chair of the Commission provided that this limitation may be waived upon a finding of good cause, by an affirmative vote of a majority of the members of the Commission.

**§21.1.220: SECRETARY.**

The Secretary of the Commission, appointed by the Community Development Director, shall keep all minutes, prepare the agenda and furnish all members of the Commission with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Commission need not be included in the agenda, but may be mailed to all members of the Commission.

**§21.1.225: QUORUM.**

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

**ARTICLE 3 ORDER OF BUSINESS**

**§21.1.300: CALL TO ORDER.**

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

**~~§21.1.305: AGENDA.~~**

~~The following shall be the ordinary order of business for meetings of the Commission:~~

- ~~1. Roll Call.~~
- ~~2. Public Comments.~~
- ~~3. Minutes (Approval of Minutes of Previous Meetings).~~
- ~~4. Correspondence.~~
- ~~5. Oral Communication.~~

6. ~~Work Session.~~
7. ~~Public Hearings.~~
8. ~~Miscellaneous.~~
9. ~~Commissioners Comments.~~
10. ~~Staff Updates/Project Status Report.~~
11. ~~Adjourn.~~

#### **~~§21.1.310: ALTERATION OF ORDER.~~**

~~The Chair, with the approval of the Commission, may move items out of prepared agenda order.~~

#### **§21.1.315305: SPECIAL ITEMS.**

Special items not appearing on the agenda may be presented by any member of the public or Commission with the consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirement including the Ralph M. Brown Act (California [Government Code](#) §54950 et seq.).

### **ARTICLE 4 CONDUCT OF BUSINESS**

#### **§21.1.400: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Commission, shall generally govern the conduct of meetings of the Commission.

#### **§21.1.405: ROLL CALL.**

Before proceeding with the business of the Commission, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Commissioner is unable to attend a meeting, either the Secretary or the Chair shall be notified before the meeting.

#### **§21.1.410: ADDRESSING COMMISSION.**

~~Each person addressing the Commission shall give one's name in an audible tone of voice for the record.~~ If ~~the a~~ person is appearing in a representative or professional capacity such as an attorney, engineer, etc., the person shall state the name of the individual or organization being represented. Unless additional time is granted by the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any individual member thereof. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, except through the Chair.

#### **§21.1.415: PUBLIC HEARING.**

At the close of ~~the a~~ Public Hearing, the Commission shall deliberate and vote on the matter. ~~The Commission may recommend approval or conditional approve, or may deny an application with findings; refer a matter to the City Council without action; continue~~

~~an item to a future meeting; or refer an item to staff.~~ No evidence shall be taken after the closing of the Public Hearing. The Public Hearing may be reopened for the taking of further evidence, at the discretion of the Commission.

**§21.1.420: FAILURE OF APPLICANT TO APPEAR FOR HEARING.**

If the applicant fails to appear at the time his application is regularly called by the Commission, and the applicant has not theretofore requested a continuance, the matter may either be acted upon, be dropped from the calendar, to be restored thereto upon request by the applicant, or the matter may be continued by the Commission.

**ARTICLE 5 VOTING**

**§21.1.500: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

**§21.1.505: MAJORITY VOTE.**

All Commission actions shall require the affirmative vote of a majority of the members of the Commission.

**ARTICLE 6 COMMITTEES**

**§21.1.600: REFERRAL.**

Upon the introduction of any new matter for consideration by the Commission, the Chair may refer the same to a committee of the Commission, appointed by the Chair to study such item of business and recommend to the Commission. The application of this section shall be at the sole discretion of the Chair, and shall be used by the Chair to provide a more even flow of business appearing before the Commission.

**§21.1.605: APPOINTMENT.**

Committees shall consist of no less than two (2) and no more than three (3) Commissioners. The Chair of the Commission may serve in an ex-officio capacity on all committees.

**§21.1.610: MEETINGS.**

Committees shall be empowered to meet with organizations or individuals as necessary in order to properly prepare their reports.

**§21.1.615: BUSINESS.**

Committees shall, in meeting with other organizations or individuals, limit themselves to gathering pertinent facts and explaining previously adopted policies of the Commission. They shall not make any commitments on behalf of the Commission; promise any action on the part of the Commission; initiate or organize any group or urge specific action by an organized group or individual, unless specifically empowered to do so at the time of appointment; take any action which would in any way compromise the position of the Commission or place the Commission in an embarrassing position before the public.

## **ARTICLE 7 APPLICATIONS**

### **~~§21.1.700: TIME FOR FILING.~~**

~~No application for a General Plan map or text amendment, amendment to the Zoning Code or amendment to the Zoning Map of the City of San Leandro, development application, or petition concerning any other matter upon which the Commission shall act, shall be placed on the agenda unless said application or petition, in complete form, is filed in the Community Development Office a minimum of one (1) month prior to the Commission meeting. This rule may be waived, for good cause, by the Secretary.~~

### **~~§21.1.705: FAILURE OF APPLICANT TO APPEAR FOR HEARING.~~**

~~If the applicant fails to appear at the time his application is regularly called by the Commission, and the applicant has not theretofore requested a continuance, the matter may either be acted upon, be dropped from the calendar, to be restored thereto upon request by the applicant, or the matter may be continued by the Commission.~~

## **ARTICLE 78 RELATIONS WITH PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS**

### **~~§21.1.8700: INFORMATION THROUGH CHAIR.~~**

All information on action by the Commission shall be released only by the Secretary or the Chair, unless by majority vote the Commission shall give such authority to another member of the Commission. Commissioners shall refer all requests for information to either the Secretary or the Chair, and shall not endeavor to interpret any action of the Commission.

### **~~§21.1.7805: INFORMATION THROUGH OTHER COMMISSIONER.~~**

Any Commissioner may give a personal evaluation of a Commission action, as long as it is made as a private citizen and so quoted.

## **ARTICLE 89 AMENDMENTS**

### **~~§21.1.8900: AMENDMENTS.~~**

The Commission may make recommendations to the City Council for amendments to these Rules of Procedure.

# **TITLE 22 RECREATION AND PARKS COMMISSION**

## **CHAPTER 1 RULES OF PROCEDURE**

### **ARTICLE 1 MEETINGS**

#### **§22.1.100: REGULAR MEETING.**

Regular meetings of the Recreation and Parks Commission shall be held on the first Wednesday of each month, convening at the hour of 7:00 p.m. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meeting shall be held at such time as agreed upon by the Commission.

#### **§22.1.105: SPECIAL MEETINGS.**

The Chair of the Commission shall call special meetings of the Commission whenever the business of the Commission shall so require, or at the express written request of any five (5) members of the Commission. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by facsimile at least twenty-four (24) hours in advance of such meeting to each member of the Commission, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

#### **§22.1.110: MEETING PLACE.**

All regular meetings of the Commission shall be held at the Civic Center, City of San Leandro, unless in the opinion of the Commission, the interests of the City and Commission could be best served by holding such meetings elsewhere.

#### **§22.1.115: AGENDA.**

The Secretary shall prepare an agenda for all matters to be submitted to the Commission and shall distribute the agenda and related materials to all interested parties not less than seventy-two (72) hours prior to the date of a regular meeting, and not less than twenty-four (24) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, to each member of the City Council, to the City Manager, and to the City Clerk.

### **ARTICLE 2 OFFICERS**

#### **§22.1.200: CHAIR.**

The presiding officer of the Commission shall be the Chair, who shall be elected at the first regular meeting in ~~July~~[March](#) of every year. The Chair shall preserve order and decorum at regular and special meetings of the Commission; shall state each question; shall announce decisions; shall decide all questions of order subject to an appeal to the Commission; shall vote on all questions; shall appoint all committees; and shall generally perform the duties of a presiding officer.

**§22.1.205: VICE CHAIR.**

The Vice Chair of the Commission shall be elected annually at the first regular meeting in ~~July-March~~ of every year. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Commission.

**§22.1.210: CHAIR PRO TEM.**

In the event of the absence of the Chair and the Vice Chair or their inability to act, the Commissioners present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Commission.

**§22.1.215: LIMIT OF TERM.**

No member of the Commission shall serve more than two (2) successive full terms of one (1) year as Chair or Vice Chair of the Commission provided that this limitation may be waived upon a finding of good cause, by an affirmative vote of a majority of the members of the Commission.

**§22.1.220: SECRETARY.**

The Secretary of the Commission, appointed by the Recreation and Human Services Director, shall keep all minutes, prepare the agenda, and furnish all members of the Commission with a copy of the agenda, plus copies of all correspondence and other papers related to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Commission need not be included in the agenda, but may be mailed to all members of the Commission.

**§22.1.225: QUORUM.**

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

**ARTICLE 3 ORDER OF BUSINESS**

**§22.1.300: CALL TO ORDER.**

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

**~~§22.1.305: AGENDA.~~**

~~The following shall be the ordinary order of business for meetings of the Commission:~~

- ~~1. Roll Call.~~
- ~~2. Approval of Agenda.~~
- ~~3. Approval of Minutes.~~



4. ~~Public Comments.~~
5. ~~Correspondence.~~
6. ~~Report of Secretary.~~
7. ~~Committee Reports.~~
8. ~~Unfinished Business.~~
9. ~~New Business.~~
10. ~~Report of Chair.~~
11. ~~Commissioners Comments.~~
12. ~~Adjournment.~~

#### **~~§22.1.310: ALTERATION OF ORDER.~~**

~~The Chair, with the approval of the Commission, may move items out of prepared agenda order.~~

#### **§22.1.315: SPECIAL ITEMS.**

Special items not appearing on the agenda may be presented by any member of the public or Commission with consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirement including the Ralph M. Brown Act (California [Government Code](#) §54950 et seq.).

### **ARTICLE 4 CONDUCT OF BUSINESS**

#### **§22.1.400: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Commission, shall govern the conduct of meetings of the Commission.

#### **§22.1.405: ROLL CALL.**

Before proceeding with the business of the Commission, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Commissioner is unable to attend a meeting, either the Secretary or the Chair shall be notified before the meeting.

#### **§22.1.410: ADDRESSING COMMISSION.**

~~Each person addressing the Commission shall give one's name in an audible tone of voice for the records.~~ If ~~the~~a person is appearing in a representative or professional capacity such as an attorney, engineer, etc., the person shall state the name of the individual or organization being represented. Unless additional time is granted the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any individual member thereof. No person, other

than members of the Commission and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, except through the Chair.

## **ARTICLE 5 VOTING**

### **§22.1.500: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

### **§22.1.505: MAJORITY VOTE.**

All Commission actions shall require the affirmative votes of a majority of the members of the Commission.

## **ARTICLE 6 COMMITTEES**

### **§22.1.600: REFERRAL.**

Upon the introduction of any new matter for consideration by the Commission, the Chair may refer the same to a committee of the Commission, appointed by the Chair to study such item of business and recommend to the Commission. The application of this section shall be at the sole discretion of the Chair, and shall be used by the Chair to provide a more even flow of business appearing before the Commission.

### **§22.1.605: APPOINTMENT.**

Committees shall consist of no less than two (2) and no more than four (4) Commissioners. The Chair of the Commission may serve in an ex-officio capacity on all committees.

### **§22.1.610: MEETINGS.**

Committees shall be empowered to meet with organizations or individuals as necessary in order to properly prepare their reports.

### **§22.1.615: BUSINESS.**

Committees shall, in meeting with other organizations or individuals, limit themselves to gathering pertinent facts and explaining of previously adopted policies of the Commission. They shall not make any commitments on behalf of the Commission; promise any action on the part of the Commission; initiate or organize any group or urge specific action by an organized group or individual, unless specifically empowered to do so at the time of appointment; take any action which would in any way compromise the position of the Commission or place the Commission in an embarrassing position before the public.

## **ARTICLE 7 RELATIONS WITH PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS**

### **§22.1.700: INFORMATION THROUGH CHAIR.**

All information on action by the Commission shall be released only by the Secretary or the Chair, unless by majority vote the Commission shall give such authority to another member of the Commission. Commissioners shall refer all requests for information to either the Secretary or the Chair, and shall not endeavor to interpret any action of the Commission.

**§22.1.705: INFORMATION THROUGH OTHER COMMISSIONER.**

Any Commissioner may give a personal evaluation of a Commission action, as long as it is made as a private citizen and so quoted.

**ARTICLE 8 AMENDMENTS**

**§22.1.800: AMENDMENTS.**

The Commission may make recommendations to the City Council for amendments to these Rules of Procedure.

# **TITLE 23 SENIOR COMMISSION**

## **CHAPTER 1 RULES OF PROCEDURE**

### **ARTICLE 1 MEETINGS**

#### **§23.1.100: REGULAR MEETINGS.**

Regular meetings of the Senior Commission shall be held on the third Thursday of each month, convening at the hour of 10:00 a.m. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meetings shall be held at such time as agreed upon by the Commission.

#### **§23.1.105: SPECIAL MEETINGS.**

The Chair of the Commission shall call special meetings of the Commission whenever the business of the Commission shall so require, or at the express written request of any five (5) members of the Commission. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by facsimile at least twenty-four (24) hours in advance of such meeting to each member of the Commission, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

#### **§23.1.110: MEETING PLACE.**

All meetings of the Commission shall be held at the Civic Center, City Hall of San Leandro, unless in the opinion of the Commission, the interests of the City and Commission could be best served by holding such meetings elsewhere.

#### **§23.1.115: AGENDA.**

The Secretary shall prepare an agenda for all matters to be submitted to the Commission and shall distribute the agenda and related materials to all interested parties; and shall post the agenda not less than seventy-two (72) hours prior to the date of a regular meeting and not less than twenty-four (24) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, to each member of the City Council, to the City Manager, and to the City Clerk.

### **ARTICLE 2 OFFICERS**

#### **§23.1.200: CHAIR.**

The presiding officer of the Commission shall be the Chair who shall be elected at the first regular meeting in July-March of every year. The Chair shall preserve order and decorum at regular and special meetings of the Commission; shall state each question, shall announce decisions; shall decide all questions of order subject to an appeal to the Commission; shall vote on all questions; shall appoint all committees; and shall generally perform the duties of a presiding officer.

**§23.1.205: VICE CHAIR.**

The Vice Chair of the Commission shall be elected at the first regular meeting in ~~July~~ March of every year. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the item of business then pending before the Commission.

**§23.1.210: CHAIR PRO TEM.**

In the event of the absence of the Chair and Vice Chair or their inability to act, the Commissioners present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. Upon the arrival of the Chair or Vice Chair, the Chair Pro Tem shall relinquish the chair upon conclusion of the item of business then pending before the Commission.

**§23.1.215: LIMIT OF TERM.**

No member of the Commission shall serve more than two (2) successive full terms of one (1) year as Chair or Vice Chair of the Commission provided that this limitation may be waived upon a finding of good cause, by an affirmative vote of a majority of the members of the Commission.

**§23.1.220: SECRETARY.**

The Secretary of the Commission, appointed by the Recreation and Human Services Director shall keep all minutes; shall prepare and distribute the agenda; shall furnish all members of the Commission with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Commission need not be included in the agenda, but copies of same can be mailed to all members of the Commission.

**§23.1.225: QUORUM.**

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

**ARTICLE 3 ORDER OF BUSINESS**

**§23.1.300: CALL TO ORDER.**

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

**~~§23.1.305: AGENDA.~~**

~~The following shall be the ordinary order of business for meetings of the Commission:~~

- ~~1. Roll Call.~~
- ~~2. Approval of Agenda.~~
- ~~3. Approval of Minutes.~~

4. ~~Correspondence.~~
5. ~~Report of Secretary.~~
6. ~~Committee Report.~~
7. ~~Unfinished Business.~~
8. ~~Public Comments.~~
9. ~~New Business.~~
10. ~~Report of Chair.~~
11. ~~Commission Comments.~~
12. ~~Adjournment.~~

#### **~~§23.1.310: ALTERATION OF ORDER.~~**

~~The Chair, with the approval of the Commission, may move items out of prepared agenda order.~~

#### **§23.1.315: SPECIAL ITEMS.**

Special items not appearing on the agenda as prepared may be presented by any member of the public or Commission with the consent by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any applicable legal requirements including the Ralph M. Brown Act (California [Government Code](#) §54950 et seq.).

### **ARTICLE 4 CONDUCT OF BUSINESS**

#### **§23.1.400: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Commission, shall govern the conduct of meetings of the Commission.

#### **§23.1.405: ROLL CALL.**

Before proceeding with the business of the Commission, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Commissioner is unable to attend a meeting, either the Secretary or the Chair shall be notified before the meeting.

#### **§23.1.410: ADDRESSING COMMISSION.**

~~Each person addressing the Commission shall give one's name in an audible tone of voice for the record.~~ If ~~the~~ a person is appearing in a representative or professional capacity such as an attorney, engineer, etc., the person shall state the name of the individual or organization. Unless additional time is granted by the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any individual member thereof. No person, other than members of the

Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, except through the Chair.

## **ARTICLE 5 VOTING**

### **§23.1.500: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

### **§23.1.505: MAJORITY VOTE.**

All Commission actions shall require the affirmative votes of a majority of the members of the Commission.

## **ARTICLE 6 COMMITTEES**

### **§23.1.600: REFERRAL.**

Upon the introduction of any new matter for consideration by the Commission, the Chair may refer the same to a committee of the Commission, appointed by the Chair to study such item of business and recommend to the Commission. The application of this section shall be at the sole discretion of the Chair, and shall be used by the Chair to provide a more even flow of business appearing before the Commission.

### **§23.1.605: APPOINTMENT.**

Committees shall consist of no less than two (2) and no more than four (4) Commissioners. The Chair of the Commission may serve in an ex-officio capacity on all committees.

### **§23.1.610: MEETINGS.**

Committees shall be empowered to meet with organizations or individuals as necessary in order to properly prepare their reports.

### **§23.1.615: BUSINESS.**

Committees shall, in meeting with other organizations or individuals, limit themselves to gathering pertinent facts and explaining previously adopted policies of the Commission. They shall not make any commitments on behalf of the Commission; promise any action on the part of the Commission; initiate or organize any group or urge specific action by an organized group or individual, unless specifically empowered to do so at the time of appointment; take any action which would in any way compromise the position of the Commission or place the Commission in an embarrassing position before the public.

## **ARTICLE 7 RELATIONS WITH THE PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL, AND OTHER BOARDS AND COMMISSIONS**

### **§23.1.700: INFORMATION THROUGH CHAIR.**

All information on action by the Commission shall be released only by the Secretary or Chair, unless by majority vote the Commission shall give such authority to another member of the Commission. Commissioners shall refer all requests for information to either the Secretary or the Chair, and shall not endeavor to interpret any action of the Commission.

**§23.1.705: INFORMATION THROUGH OTHER COMMISSIONER.**

Any Commissioner may give a personal evaluation of a Commission action, as long as it is made as a private citizen and so quoted.

**ARTICLE 8 AMENDMENTS**

**§23.1.800: AMENDMENTS.**

The Commission may make recommendations to the City Council for amendments to these Rules of Procedure.



**TITLE 124 WASTEWATER DISCHARGE REGULATIONS**  
**PUBLIC WORKS**

**Chapter 1 {Reserved}**

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## Chapter 2 {Reserved}

### **Editor's Note:**

~~Former Title 12, Chapter 2, Public Works: Fireworks Stand Permit, was repealed and moved to Title 4, Chapter 2, City Clerk: Fireworks Stand Permit, by Resolution No. 84 241, 12/17/1984.~~

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### Chapter 3 {Reserved}

**Editor's Note:**

~~This chapter was reserved for Subdivision.~~

## Chapter 4 {Reserved}

**Editor's Note:**

~~Former Title 12, Chapter 4, Public Works: Displays Within the Public Right of Way, was consolidated with Title 1, Chapter 8, City Manager: Banner Policy, during the 2005-06 republication.~~

## Chapter 5 Uniform Wastewater Discharge Regulations

### ~~§124.5.100:~~ DEFINITIONS.

The following definitions and the definitions contained in Title 3, Chapter 14 of the San Leandro Municipal Code, shall govern the construction of this Chapter.

- (a) **Accessory Dwelling Unit.** An Accessory Dwelling Unit (ADU) is a secondary dwelling unit built on a parcel with an existing Single-Family Dwelling with complete independent living facilities for one or more persons. An ADU can take three forms: detached structure, attached structure, repurposed existing space. For the purposes of this Code, there can be only one ADU per parcel, and the existence of an ADU does not change the status of the Single-Family Dwelling. If more than one ADU is created on the lot, all ADUs convert to Single-Family Dwellings.
- (b) **Billable Parameters.** Those parameters (i.e., flow, BOD, SS, Volume, I/I) for which the treatment works is designed to treat and for which average user charge unit costs of service are calculated.
- (c) **BOD.** The biochemical oxygen demand (BOD) is a laboratory test in which standardized procedures are used to determine the oxygen requirements of wastewater. The BOD test measures the oxygen required for the biochemical degradation of organic material. The test results represent the average BOD strength of wastewater discharged during a given period.
- (d) **Capacity Rights.** The flow, BOD and SS capacity purchase by a user upon obtaining a connection permit, or, if such data are not available, the peak month loadings of a user during the past five fiscal years or some prior year when it can be shown to the satisfaction of the Manager that some prior year's peak month loadings are more representative of a user's use of the wastewater system than occurred over the five year period.
- (e) **Commercial User.** Any non-residential user, including business activity that is not otherwise classified, and that the Manager determines introduces into the sanitary sewer system primarily segregated domestic waste or wastes from sanitary conveniences.
- (f) **Compliance User.** An industrial user which is monitored to determine compliance with both the Federal regulations of the Clean Water Act and the City's local wastewater discharge ordinance.
- (g) **Industrial User.** Any non-residential user who discharges industrial wastes and is identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as now or hereafter amended or supplemented under, but not limited to, the following division:
  - (1) Division A. Agriculture, Forestry, Fishing.
  - (2) Division B. Mining.

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- (3) Division C. Manufacturing.
- (4) Division E. Transportation, Communications, Electric, Gas, and Sanitary Services.
- (5) Division I. Services.
- (h) **Industrial Wastes.** The wastes from industrial processes.
- (i) **Institutional Users.** Schools, hospitals, and government facilities.
- (j) **Flow.** The volume of wastewater occurring over time.
- (k) **Large User.** An industrial user or a non-residential user discharging industrial quantities of flow, BOD, and/or Suspended Solids as determined by the Manager.
- (l) **Manager.** The San Leandro City Manager or designee.
- (m) **MGD.** Million gallons per day.
- (n) **Multiple-Family Dwelling Unit.** Any residential unit designed to house one family in a building containing more than two such units, including triplexes, quadplexes, and apartments. For the purpose of this Code, mobile homes located in a mobile home park shall be considered multiple-family dwellings.
- (o) **Normal Work Days.** Except as provided below, normal work days shall be defined as the normal 5-day work week of Monday through Friday less holidays. For User's normal work days to exceed 5 days a week, the flow from the sixth and/or seventh day must approximate the average daily flow of the 5-day work week.
- (p) **Residential Discharge Equivalency.** A unit of discharge equal in volume and strength to the design discharge of a single-family dwelling unit, as determined in the most recent rate study.
- (q) **Residential User.** Any user introducing into the sewerage system domestic wastes from single-family, accessory or multiple-family dwellings.
- (r) **Schools.** Any public or private institutions of learning that introduce into the City's sewerage system primarily segregated domestic waste or wastes from sanitary conveniences.
- (s) **Service User.** An industrial user or a non-residential user whose wastewater discharge is monitored in order to determine flow, BOD, and/or SS.
- (t) **Single-Family Dwelling.** Any residential unit designed to house one family and not herein defined as multiple-family; duplexes and mobile homes not located in mobile home parks and condominiums shall be considered single-family.

- (u) **SS (Suspended Solids).** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are largely removable by laboratory filtration procedures.
- (v) **User.** A discharge of wastewater to the sanitary sewer system.
- (w) **User Charge.** A charge levied on a user of the sewage system which recovers operation and maintenance expenses and capital costs in proportion to the cost of service.
- (x) **Volume.** The wastewater flow occurring over a specified period of time.
- (y) **Violation Follow-Up Monitoring.** Wastewater discharge monitoring for an industrial user or a non-resident user whose wastewater discharge has exceeded wastewater discharge limitations.

**§124.5.105: CLASSIFICATION OF USERS.**

The user is the occupant or intended occupant or activity for which a connection is made to convey wastewater to the sanitary sewer system. The classifications of users shall be:

- (a) **Classification A.** Residential dwelling units; includes single-family dwelling units (detached units; duplexes, condominiums), accessory dwelling units and multiple-family dwelling units (triplexes, quadplexes, apartments, mobile home parks).
- (b) **Classification B.** All general commercial, industrial, and institutional establishments from which only sewage is discharged.
- (c) **Classification C.** All non-residential establishments whose wastewater discharge contains all or partly non-sewage water, and who are identified in the Standard Industrial Classification Manual (SIC) Manual, 1987, U.S. Office of Management and Budget as amended and supplemented.

**§124.5.110: USER CHARGES.**

Every user shall pay the following monthly sewer use charge, but in no case shall the total charge be less than the effective rate for a multiple-family dwelling unit.

- (a) **For Classification A Users.** The user charge shall be as listed in San Leandro Administrative Code §6.4.100. The charge shall be based upon a flat rate determined by the methods described in these Uniform Wastewater Discharge Regulations per single-family dwelling unit, accessory dwelling unit or multiple-family dwelling unit.
- (b) **For Classification B Users.** The user charge shall be as listed in San Leandro Administrative Code §6.4.100. The charge shall be based upon the volume of water used as determined by the methods described in these Uniform Wastewater Discharge Regulations.

- (c) **For Classification C Users.** Industrial and other large users shall be assessed user charges based on measured discharges of wastewater flow, BOD, and SS. Such measurement shall be obtained from monitoring facilities installed on private property at the points of discharge to the sewer system, unless another location is approved by the Manager. Both installation and operating costs of the monitoring facilities shall be at the sole expense of the user. Frequency of monitoring shall be determined by the Manager. Sampling and testing shall be performed by City staff and shall be paid for by the user in accordance with San Leandro Administrative Code §6.4.100. In the event that City staff are unable to take samples and make tests during a billing period, an average of the test results for the prior twelve-month period shall be used to estimate BOD and SS discharges for the billing period. The Manager shall have the discretion of not using an unusually high measurement if it is judged to be unrepresentative of a user's long-term use of the wastewater system and/or can be explained by a one-time event.

**§124.5.115: CAPACITY FEES.**

- (a) Any person (whether a new or existing user) who installs new or additional fixtures, equipment, processes or devices, including provisions for future installation, which will add (either in fact or potential) wastewater load to the sanitary sewer system shall pay to the City a "Capacity Fee" as determined by the conditions and formula hereinafter enumerated. No plumbing permit shall be issued nor shall any connection be made to the sanitary sewer system until the applicable capacity fee has been paid.

- (b) The capacity fee for residential dwelling units shall be the appropriate unit cost as listed in San Leandro Administrative Code §6.4.100.

The capacity fee for converting an existing apartment building to condominium units shall be as listed in San Leandro Administrative Code §6.4.100. Non-residential users shall be assessed capacity fees based on the estimated average day of their peak month discharge according to the unit cost schedule as listed in San Leandro Administrative Code §6.4.100, but in no case shall the fee for a new connection be less than the single-family Residential discharge equivalency.

- (c) A capacity fee adjustment may be made at the end of one year of service for all non-residential users to reflect the actual wastewater discharge based on monitored wastewater discharged or metered water usage adjusted for volume not discharged to the sanitary sewer system. If the estimated wastewater discharge is low, an additional capacity fee shall be assessed. If the estimated wastewater discharge is high, the City shall issue a refund to the user.
- (d) The City reserves the right to make an additional capacity fee assessment for an existing sewer connection if the peak month flow or strength of discharge is increased above that flow or strength upon which the original capacity fee was based.
- (e) Capacity fee receipts shall be deposited into a separate reserve account to be used for future treatment facility expansion projects, or if no future expansion is required, these funds may



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be used to finance other treatment facility improvement projects or to retire the State Revolving Fund Loan.

- (f) Each sewer permit issued as herein provided, and the right to a sewer connection pursuant to any such sewer permit so issued, shall run with the land, and shall not be transferred to, or used for, any other property other than the property for which the sewer permit was originally issued.
- (g) All sewer rates, charges, and fees as herein provided shall be non-refundable.
- (h) The Sanitary Sewer Capacity Fee shall be modified each July 1st or on the date set by City Council by an amount less than or equal to the percentage change in the ENR 20 City Index as published by Engineering News-Record from the preceding one-year period. City Council may also change the fee to other amounts as appropriate.

### **§124.5.120: WASTEWATER DISCHARGE PERMITS.**

- (a) Reference is made to the Title 3, Chapter 14, Uniform Wastewater Discharge Regulations, of the San Leandro Municipal Code. All references herein to “Regulations” shall be to the aforementioned regulations.
- (b) The Regulations require that Major Contributing Industries, as defined in Section §3-14-200 of the Regulations, connected to or discharging into the City sewer must obtain a Pretreatment Permit.
- (c) Section §3-14-520 of the Regulations lists standard permit conditions.
- (d) Applications for the Pretreatment Permit will be kept on file by the City. Major Contributing Users shall be issued a permit upon completion of the application.
- (e) Upon receipt of the completed application, City staff will schedule an inspection of each applicant’s facility. This will verify and complete the information provided on the application.
- (f) Upon issuance or renewal of the permit, a permit fee as set forth in San Leandro Administrative Code §-6.4.100 shall be charged.
- (g) A condition of any Pretreatment Permit shall be the requirement that the permittee pre-treat the wastewater to acceptable limits for conventional pollutants, as described in applicable Federal, State and/or City regulations.

#### **Legislative History:**

~~Resolution No. 82-128, 06/21/1982 [§§12.5.100-12.5.115]; Resolution No. 82-262, 10/04/1982 [§§12.5.100-12.5.115]; Resolution No. 83-113, 06/20/1983 [§§12.5.100-12.5.115]; Resolution No. 85-115, 06/24/1985 [§§12.5.100-12.5.115]; Administrative Order, 09/17/1985 [§12.5.115]; Resolution No. 87-108, 06/15/1987 [§§12.5.100-12.5.120]; Resolution~~

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~~No. 89-122, 06/19/1989 [§§12.5.100-12.5.120]; Resolution No. 91-111, 06/17/1991 [§§12.5.100-12.5.120]; Resolution No. 93-161, 07/16/1993 [§§12.5.100-12.5.120]; Resolution No. 95-108, 06/12/1995 [§§12.5.100-12.5.120]; Resolution No. 98-85, 08/17/1998 [§§12.5.100-12.5.120]; Resolution No. 2000-78, 06/05/2000 [§12.5.100(e)]; Resolution No. 2001-48, 03/05/2001 [§§12.5.100-12.5.120]; Resolution No. 2002-95, 07/01/2002 [§§12.5.100-12.5.120]; Resolution No. 2003-114, 05/19/2003 [§§12.5.100-12.5.120]; Resolution No. 2005-156, 11/21/2005 [§12.5.120]; Resolution No. 2006-042, 05/01/2006 [§§12.5.110-12.5.115]; Resolution No. 2010-071, 06/21/2010 [§12.5.100; §12.5.110]; Resolution No. 2011-159, 09/06/2011 [§12-5-115(i)]; Resolution No. 2017-040, 03/20/2017 [§§12.5.100-12.5.120]; Resolution No. 2019-125, 07/15/2019 [§ 12.5.115]~~

## Chapter 6 {Reserved}

**Editor's Note:**

~~Former Title 12, Chapter 6, Public Works: Fees and Charges for Services Provided by the Building Regulations Division of the Development Services Department, was repealed and moved to Title 6, Chapter 4, Finance: Fees, by Resolution No. 2000-79, 06/05/2000.~~

## Chapter 7 {Reserved}

**Editor's Note:**

~~Former Title 12, Chapter 7, Public Works: Abatement of Weeds and Grass, was editorially renumbered to be Title 11, Chapter 4, Police: Abatement of Weeds and Grass, during the 2005-06 republication.~~

## **Chapter 8—~~Street Tree Policy and Procedure~~**

### **~~§12.8.100:—GENERAL.~~**

~~A street tree is a plant of arborescent form planted by the City within the public right-of-way. Except as specifically provided in this Chapter, trees planted by the property owner that are located inside or outside the public right-of-way, and/or City trees that have been at some point maintained by the property owner are the sole and exclusive responsibility of the property owner.~~

### **~~§12.8.105:—STREET TREE PLANTING.~~**

~~Property owners desiring a new street tree must contact the City to request a tree. The City will plant the tree for a fee set forth in §6.4.100 of the San Leandro Administrative Code. The property owner will have limited discretion as to the type of tree based on the area available for planting.~~

~~If an existing street tree is being removed by the City under the circumstances in §12.8.110 and the property owner asks for a replacement tree to be planted, there will be no cost to the property owner for this service.~~

### **~~§12.8.110:—STREET TREE REMOVAL.~~**

~~(a) The City will remove a street tree under the following circumstances:~~

- ~~(1) Where the tree is dead or damaged beyond expected recuperation (by storm, vehicle accident, etc.).~~
- ~~(2) Where hazardous conditions exist (e.g., a tree in danger of falling over).~~
- ~~(3) Where the City determines a tree has caused concrete or sewer damage and further damage cannot be prevented by normal tree maintenance measures, such as root pruning.~~
- ~~(4) Where the City is engaged in a scheduled and phased tree removal and replacement program.~~
- ~~(5) Under unusual hardship circumstances upon approval by the Public Works Services Director.~~

~~(b) A property owner may prune or remove a City street tree under the following conditions:~~

- ~~(1) The property owner shall obtain an encroachment permit from the City Engineering and Transportation Department prior to pruning or removal of the City tree.~~
- ~~(2) The tree removal shall include stump grinding, with return of the planting area to either softscape or hardscape that does not create a tripping hazard to the public.~~
- ~~(3) The cost of pruning or removal and stump grinding of the City tree shall be the exclusive responsibility of the property owner.~~

- ~~(4) — If a replacement tree is not requested by the property owner as set forth in §12.8.105, the property owner shall be required to pay the City the fee set forth in §6.4.100 of the San Leandro Administrative Code for a tree to be planted in a location of the City's choosing.~~

**~~§12.8.115: — STREET TREE TRIMMING.~~**

~~The City trims young street trees as needed for proper growth. Mature trees are trimmed by area on a scheduled basis depending on the size and species of the trees.~~

~~Pacific Gas & Electric, as the local electricity utility purveyor, may trim or remove City trees at any time in order to maintain electrical line clearance, and will attempt to provide prior notification to the property owner. It is noted that Pacific Gas & Electric does not remove/grind the stumps of trees that they remove.~~

**~~§12.8.120: — {RESERVED}.~~**

**~~§12.8.125: — OTHER MAINTENANCE.~~**

~~The City will root prune street trees as needed. The City will remove and dispose of large limbs that have fallen from street trees. The property owner is responsible for the clean up of tree debris, such as small limbs, leaves, berries and nuts.~~

~~If large limbs from trees located on private property fall and obstruct the public sidewalk or street, the City will, upon notification by the property owner, remove the obstruction and place the limbs on the private property for disposal by the property owner.~~

**~~§12.8.126: — ADMINISTRATIVE AUTHORITY.~~**

~~In order to provide for a sustainable urban forest within San Leandro neighborhoods, street trees within identified neighborhoods, which may have grown beyond the public right of way, may require maintenance by the City. The Public Works Services Director is hereby given administrative authority to adopt policies pertinent to the maintenance of street trees as deemed necessary.~~

**~~§12.8.130: — {RESERVED}.~~**

**Legislative History:**

~~Resolution No. 83-260, 11/21/83 [§§12.8.100-12.8.130]; Resolution No. 2001-154, 09/17/01 [§§12.8.100-12.8.130]; Resolution No. 2003-125, 06/02/2003 [§§12.8.105, 12.8.110, 12.8.120, 12.8.130]; Resolution No. 2008-134, 11/03/2008 [§§12.8.110, 12.8.126]; Resolution No. 2010-049, 05/03/2010 [§12.8.105]; Resolution No. 2019-150, 09/03/2019 [§§12.8.100-12.8.115]~~

## Chapter 9 {Reserved}

**Editor's Note:**

~~Former Title 12, Chapter 9, Public Works: Substitution of Subcontractors, was editorially renumbered to be Title 8, Chapter 2, Engineering and Transportation: Substitution of Subcontractors, during the 2005-06 republication.~~

## Chapter 10 {Reserved}

**Editor's Note:**

~~Former Title 12, Chapter 10, Public Works: Traffic Warrants for Stop Signs, was editorially renumbered to be Title 8, Chapter 3, Engineering and Transportation: Traffic Warrants for Stop Signs, during the 2005-06 republication.~~



## Chapter 11 {Reserved}

**Editor's Note:**

~~This Chapter was reserved for Encroachment Procedures.~~

## Chapter 12 {Reserved}

**Editor's Note:**

~~Former Title 12, Chapter 12, Public Works: Oversize Vehicles, was editorially renumbered to be Title 8, Chapter 4, Engineering and Transportation: Oversize Vehicles, during the 2005-06 republication.~~

## Chapter 13 {Reserved}

**Editor's Note:**

~~Former Title 12, Chapter 13, Public Works: Substandard Residential Driveways, was editorially renumbered to be Title 8, Chapter 5, Engineering and Transportation: Substandard Residential Driveways, during the 2005-06 republication.~~

## Chapter 14 {Reserved}

**Editor's Note:**

~~Former Title 12, Chapter 14, Public Works: Residential Parking Permit Program, was editorially renumbered to be Title 8, Chapter 6, Engineering and Transportation: Residential Parking Permit Program, during the 2005-06 republication.~~

## Chapter 15 {Reserved}

Chapter 1

**§26.1.100:**      **POLICY GOVERNING USE OF COMPUTER SYSTEMS,** E-MAIL AND INFORMATION SECURITY.

City computer systems are made available to employees, public officials, and in some cases consultants to improve efficiency, communications and productivity when providing services to the community. City computer systems are defined to include any City provided computer hardware (personal computers, laptops, personal digital assistants [PDAs], smart phones, mobile digital terminals, host systems and related devices, printers and other production peripheral equipment, scanners, the City's network), computer software, remote access, electronic mail (e-mail) and Internet connection tools used to provide City services. Use of City provided computer systems are for official City purposes only. This policy is established to protect the City's investment in information technology; safeguard the information contained within City computer systems; and assist in the efficient delivery of City services.

All City computer systems provided in accordance with this policy remain the property of the City. Users of City computer systems have no right to or expectation of privacy or confidentiality in any activity using the City computer systems, equipment, or networks. Any electronic files, documents, or records (as that term is defined in the California Public Records Act) stored, accessed, or transferred on the City's computer systems are not private to the user and are potentially disclosable under the California Public Records Act.

(a)      E-Mail System.

- (1)      The E-Mail System shall be used for the transmission of communications and documents only and shall not be used for the storage of information or records. The E-Mail System is provided by the City to Users as a convenient and efficient method for rapidly communicating transitory information in an electronic format.
- (2)      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.

- (3) No User shall attempt to disguise the origin of any E-Mail, unless authorized by the Chief of Police for a criminal investigation.
- (4) E-Mail messages located in a 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.
- (5) E-Mail messages that must be retained in accordance with the City's Records Retention Schedule or by law should be moved to a User's Outlook Cabinet or saved and placed in the appropriate subject file, either electronically or in hard copy.

(b) Use.

- (1) City employees and public officials are responsible for the care, security and appropriate use of City computer systems and any related equipment. Inappropriate uses may include, but are not limited to, obscenity, harassment, slander, defamation, commercial or for-profit activities, and political or campaign activities.
- (2) City computer systems are for use by employees, public officials, and City Manager designated persons only. Contractors, vendors and other non-City users may be granted access to City computer systems with approval from the Information Services Manager. Contractors, volunteers, and other non-City users accessing the City of San Leandro's computer systems are subject to the same policies and guidelines as any City employee or public official.
- (3) City computer hardware and software will be installed, configured and supported by the City Manager's Office, Information Technology Division only.
- (4) All Users shall respect copyright and license agreements and shall not distribute or download programs or materials without the legal right to do so.
- (5) Any City-owned computer systems provided to or used by employees and public officials of the City should be returned to the City Manager's Office immediately upon request.

(c) Unacceptable Uses. City computer systems shall not be used for:

- (1) Personal gain or political activity.
- (2) Outside business activities, fundraising, or charitable activity without the express authorization of the City Manager.
- (3) Libelous, offensive, or harassing statements, documents or images, including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- (4) Sending or soliciting sexually oriented messages or images; accessing internet sites which are "adult-oriented" in nature, or which require the user to be over

the age of 18 years, or which offer gambling services, or which contain obscene content of any nature. Employees of the Police Department are exempt when performing duties that require him or her to perform these prohibited activities.

- (5) Impersonation of any person or communication under a false or unauthorized name.
- (6) Inappropriate mass mailing or “spamming.”
- (7) Knowingly or maliciously introducing any invasive or destructive programs (i.e. viruses, worms, Trojan Horses) into City computer systems or networks.
- (8) Attempting to circumvent local or network system security measures.

(d) Information Security.

- (1) City employees and elected officials access City computer systems with a unique identification and password. In order to protect City equipment and information, the City issued identification and passwords should not be shared or easily accessible to anyone but the individual user.
- (2) All devices used to connect to the City’s computer systems must be continually executing approved virus-scanning software with a current virus database. Users shall not disable any anti-virus software installed nor download any files which trigger a warning from the anti-virus software.
- (3) The Information Technology Division of the City Manager’s Office will backup files stored on the City’s computer networks according to the City’s network backup policies. Users shall utilize network resources to store their data files to the fullest extent possible to protect the City’s data resources. Users are responsible for ensuring that critical data not stored on network servers is backed up and stored in a safe location.

(e) Public 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 (California Government Code §§ 7920.000 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.