

MCPD Commissioner Handbook

A supplement to The City of Oakland  
[Board & Commission Member Handbook](#)

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**City of Oakland Citywide Priorities**

1. *Holistic community safety*
2. *Housing, economic, and cultural security*
3. *Vibrant, sustainable infrastructure*
4. *Responsive, trustworthy government*

***Incorporated by reference (click on Title below to access online):***

- [Board & Commission Member Handbook](#)
- [Board and Commission Member Essentials](#)
- [Public Ethics Commission \(PEC\) Overview of Governing Laws and Policies](#)
- [Government Ethics for Public Servants](#)
- [ADA Title II Regulations](#)
- [City of Oakland FY 2021-2023 Adopted Policy Budget](#)

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# CITY OF OAKLAND



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January 2022

Dear MCPD Commissioner,

Thank you for serving on the Mayor's Commission on Persons with Disabilities (MCPD).

This handbook was created to serve as a guide as you navigate your role as an MCPD Commissioner. This document is provided as a supplement to the City of Oakland's Public Ethics Commissions [Board & Commission Member Handbook](#).

Here you will find information about the history and background of the Americans with Disabilities Act (ADA), the role of ADA Programs Division, MCPD roles and responsibilities, and the protocol and guidelines for MCPD meetings.

As we move forward with virtual meetings as our safest option to meet on an indefinite basis, it is time to put attention on meeting protocols and procedures. We have seen more public participation on the virtual platform and clear meeting procedures with strong facilitation can assure that meetings remain on topic and timely, encourage multiple points of view, and ensure that clear decisions are made.

Members must remain aware that they represent the Commission and conduct themselves in a manner that reflects the spirit and goals of the Commission. MCPD meetings are public, televised, and recorded. Professional appearance, tone, and attitude are mandatory, despite the virtual nature of the meetings. Commissioners must always remain aware of the camera and microphone and avoid inadvertent, unprofessional actions or vocalizations.

Commissioners should always be prepared for meetings, familiar with the current agenda items under consideration, and ready to engage in discussion about them. They should plan to report on their own activities to further the strategic plan, goals, and objectives of the Commission.

In this handbook, the roles of the officers and the commissioners are fleshed out and the section on Roles, Responsibilities, and Protocols contains an Overview of the Roles of the Chair and Commissioners in Meetings. It is important that each Commissioner read and understand these best practices fully and have a clear understanding of how to conduct and participate in fair and effective public meetings.

**CITY OF OAKLAND**  
**Mayor's Commission on Persons with Disabilities Members Roles,**  
**Responsibilities and Protocols**

Read, understand, and adhere to the current enabling ordinance for the Commission, Ordinance No.13334 C.M.S.

Familiarize yourself with the [Brown Act](#), the [Sunshine Ordinance](#) and the [Political Reform Act](#) as they affect Commission business.

Members must be aware that they are ALWAYS a representative of the Commission and will conduct themselves in a manner that reflects the spirit and goals of the Commission and that would never compromise the Commission or its work.

Prepare for and attend regular meetings and assist the Chairperson (Chair) and Vice Chairperson (Vice Chair) in accomplishing the strategic plan, goals, and objectives of the Commission. All Commission meetings will have an agenda and will be noticed/posted in accordance with State and City laws.

The Chair of the Commission shall be responsible for composing all correspondence on behalf of the Commission, unless there is an agreed-upon arrangement to delegate this responsibility, on an issue-by-issue basis. The Chair will be responsible for signing all correspondence pertinent to Commission business. When correspondence is generated by a Committee, the Chair and the Committee Chair will co-sign the correspondence. At no time will Commissioners seek to represent the Commission in writing without express authorization by the Chair to do so.

The Vice Chair shares the leadership of the commission, making the role of Chair more manageable and acting as a sounding board when there are challenges and opportunities to reflect on. The Chair and Vice Chair act as liaisons to City of Oakland Boards and Commissions and OakDOT on matters concerning MCPD. This role can be delegated by the Chair or Vice Chair to other commissioners as necessary. The Vice Chair will act as Chair in the absence or at the request of the Chair. Managing, tracking, assigning, and reporting on the establishment of ad hoc committees, the work done by the committees, and the dissolution of ad hoc committees is the responsibility of the Vice Chair.

Commission business will be represented or communicated by the Chair unless the Commission and the Chair agree to delegate responsibility for representation to a specific Commission member on a specific issue. In that case, the position or communication of the Commission will be agreed upon and clearly specified in advance. Commissioners at no time will take the initiative to represent the Commission on any matter without prior discussion by the Commission and without the specific knowledge and consent of the Chair. Commissioners will not meet with or contact City staff on Commission business without authorization by the Chair and the Commission.

Each year, the Commission presents an Annual Report from the Chairperson to inform the City Council of its accomplishments over the prior calendar year and its goals and objectives moving forward.

In accordance with the Fair Political Practices Act, Commissioners agree to serve their term on the Commission without compensation or monetary or material gain. Should a Commissioner find themselves in conflict of interest on any matter, the Commissioner will identify the conflict and will take appropriate action. This action may involve excusing oneself from a matter or, in some cases, may involve removing oneself from the Commission. Commission members may seek advice from City staff on these matters by going through the Chair for referrals.

The Commission does not endorse candidates or take positions on ballot matters. Commissioners may not make endorsements on behalf of the Commission. Commissioners, by their own choice, may allow their names to be used with their title as Commissioner for purposes of identification only.

## **Overview of the Roles of the Chair and Commissioners in Meetings**

### **Goal of Meeting Discussions**

The usual goal of any discussion at a public agency meeting is for decision-makers to:

- Receive and share information, so everyone can make informed choices;
- Share thoughts and perspectives on what decision best serves the public's interests and other community values; and
- Reach a decision on what the best option is.

Another goal is for the group to reach decisions in a way that builds and maintains relationships as well as promotes trust in both decision-makers and the decision-making process.

### **Everyone's Role**

All participants in the decision-making process are responsible for working towards achieving these meeting goals. Moreover, everyone has a shared stake in having an opportunity to be heard and being treated fairly. Thus, all officials have an interest in supporting the chair's efforts to conduct the meeting effectively and fairly

## The Chair's Role

The chair's role includes:

- Helping the group determine whether it has all the information necessary and available to make a decision;
- Encouraging decision-makers to share multiple points of view;
- Actively listening to determine potential points of agreement and testing those points for actual agreement;
- Managing any conflicts that may arise during the discussions;
- Keeping the discussion on topic;
- Ensuring that clear decisions are made;
- Sticking to the agenda; and
- Getting through the agenda items in a timely manner.

As a result, the role of the chair can be understood as:

- A team captain who leads by example and helps the group function as a team;
- A coach who encourages participants to perform at their best, including as it relates to principles of fair play and sportsmanship; and
- A referee who has authority to stop the action and apply the rules of play.

For the chair to play the role of referee effectively, the chair needs the group's trust and respect. To earn this trust and respect, the chair needs to conduct the meeting fairly. This means applying the group's agreed upon standards in an impartial manner. If one's colleagues understand that the chair's goal is to be an impartial facilitator to help the group achieve consensus, the group will be more inclined to act in ways that support the chair's efforts and achieve the meeting's goals.

To achieve both the perception and the reality of impartiality, it can be helpful for the chair to hold off expressing his or her views on a matter and not engage in debate.

## Fostering Discussion and Decision

- **Opening up the Issue for Discussion.**

Having stated the issue and heard staff and the public's information on it, ask for decision-makers' thoughts. To enable the chair to be a fair guider of the discussion, the chair will typically refrain from offering their thoughts at the beginning.

- **Who Speaks When and to Whom.**

At this point in the meeting, the discussion is among decision-makers and therefore decision-makers should be speaking to each other in an effort to come to a decision, not the public.

An important role of the chair is to make sure only one person speaks at a time, so both the public and decision-makers can understand and follow the discussion. A typical approach is for each decision-maker to offer their thoughts and then listen to other decision-makers' thoughts in turn.

If it appears multiple people want to talk at once, the chair has the option of asking people to raise their hands to be recognized before speaking. The chair can keep a list of who has asked to be heard, to call on each person to speak in sequence. Everyone who wants to speak should know that they are on the list and their turn is coming. The chair may put a time limit per speaker on public comments if there is a long waitlist.

- **Keeping Discussion Participation Balanced.**

Some bodies have a norm that each person will take a turn in asking all their questions and sharing their thoughts. Others find that such a restriction interferes with dialogue and the deliberative process. If a person seems to be repeating him or herself or otherwise dominating the discussion to the exclusion of others, one approach is for the chair to acknowledge that the individual's perspective has been heard.

Example: Chair *"We have heard that Supervisor Nasirian feels strongly that fixing our roads is an urgent priority. What are others' thoughts?" or "Is there anyone who hasn't spoken yet who would like to share their thoughts?"*

The chair can also give preference to those who haven't spoken. Example: Chair *"I see your hand up Council Member Cooke and we'll get to you in a moment; I am going to recognize Council Member Suarez first since she hasn't yet spoken."*

- **Avoiding Interrupting one Another.**

When people are passionate or otherwise convinced of the correctness of their position or information, they will sometimes jump in to respond to what a colleague is saying. A chair's role is to intervene to protect the person's ability to finish their thought. ("Let's let Director Feliciano finish his thought; you'll have an opportunity to share your perspectives.")

- **Dealing with Conflict.**

Differing perspectives is inherent in a group decision-making process and healthy. However, if the discussion gets particularly heated among two or more decision-makers, a helpful device is to have people address their remarks to the chair. Another is to summarize the points of disagreement and then move the discussion away from those who are in conflict by asking others how they see the issue. If the conversation turns personal, the chair can ask the group to keep the discussion focused on the problem at hand, not underlying motivations or personalities. If these techniques are unsuccessful, calling a recess can be helpful to enable people to step away from the conflict and reflect on how to move the discussion forward. See also Dealing with Emotional Audiences ([www.ca-ilg.org/dealing-emotional-audiences](http://www.ca-ilg.org/dealing-emotional-audiences)).

- **Actively Listening for Signs of Consensus.**

The chair's role is to listen for points of agreement and possible consensus and then test the chair's sense of where people are leaning. Tools the chair has to help the group get to a decision point include:

- *"It sounds like Supervisor Rodriguez and Supervisor Ifill are both concerned about the impact of the proposed use, even with the proposed conditions on the permit, on surrounding neighbors. Am I understanding your concerns? Would either of you like to move that the application be denied?"*
- *Thank you, Council Member Chen, for sharing that view; would you like to make a motion to that effect?"*
- *"It sounds that there are two views on the board: [state the two views]. Which strikes people as having more advantages for our community? "What's the group's pleasure? The question before us is [restate the issue before the group]."*

- **Motion and Second.**

Once a motion is made, the chair asks for a second. A second to the motion indicates that at least one other person agrees with the maker of the motion.

- If no one seconds the motion, the chair can note that the motion is appearing to die for lack of a second. The chair can ask if someone else wants to make a different motion.
- If the group seems ambivalent, the chair can ask if someone wants to second the motion for purposes of discussion. Through that discussion, an approach at least a majority can agree on may emerge, in which case the chair may want to ask whether there's a friendly amendment to the original motion or a substitute motion.

- **Vote.**

It's helpful for the chair to re-state the motion on which the group is voting.

## **ADA Programs Division**

[The Americans with Disabilities Act of 1990 \(ADA\)](#) is a comprehensive civil rights law that prohibits discrimination against persons with disabilities in employment, access to public services, telecommunications, public transit, and commercial services. Discrimination can manifest in an inaccessible built environment, as well as in the delivery of programs where the usual rules, procedures, and manner of communication results in the exclusion of persons with disabilities. Therefore, public entities have a dual responsibility under the ADA: to provide for both physical and programmatic access, which in turn requires affirmative steps to remove existing barriers, and to design new facilities and programs with accessibility in mind.

The City of Oakland, through its ADA Programs Division, fulfills these obligations, and the ADA's requirement that public entities designate a point of contact for complaint resolution and compliance coordination. The Division supports all City entities in serving Oaklanders with disabilities through its Auxiliary Aids and Services program, by participating in capital improvement projects, by providing technical assistance and training, and in promulgating disability access policies. The Division investigates complaints of discrimination on the basis of disability and hears appeals of service denials such as requests for disabled parking or curb ramp installation. The Division also can provide information to the general public regarding services, organizations, and other resources relevant to persons with disabilities.

To deal with existing barriers at the time the ADA became law, the ADA required that public entities conduct an accessibility assessment of its programs, services, buildings and facilities. Any barriers revealed through this program and facility inventory is required to be prioritized in a Transition Plan with specific timelines for remedial action. The ADA Programs Division continues to implement the current Transition Plan, which was last updated in 1996, and is coordinating the update to the Transition Plan in 2015.

### ADA Programs Division Staff

The Division is currently staffed by the ADA Programs Manager and an ADA Program Analyst. In addition to carrying out a comprehensive set of programs to make Oakland's programs and facilities accessible, the Division also supports the activities of the Mayor's Commission on Persons with Disabilities (MCPD).

### Relationship with Other City Organizations

ADA Programs is currently a Division of the Department of Transportation. For citywide policy issues the Division coordinates with the City Administrator's office. The Division works with liaisons from other City departments including but not limited to the Department of Human Services, Oakland Parks and Recreation, Oakland Police Department, and the Oakland Public Library to assist with policy development and implementation, complaint investigation, and complaint resolution. Staff participate on a variety of internal stakeholder groups as well as with ad hoc committees to review capital improvement projects and to develop policy on issues touching the disability community.



## **About the Mayor's Commission on Persons with Disabilities (MCPD)** (Originally the Commission on Disabled Persons)

The landmark [Rehabilitation Act of 1973](#) (Act) and the resulting implementing regulations that were adopted in 1977 changed the lives of persons with disabilities in the United States for all time. [Section 504](#) of this Act established that persons with disabilities have the civil right to access programs and services that receive federal financial assistance. This right included the requirement that recipients of federal financial assistance take affirmative steps to make their programs and services accessible, by removing physical and programmatic barriers to participation by persons with disabilities.

As part of its implementation of the requirements of Section 504, The Commission on Disabled Persons was established by the City Council on August 5, 1980 by Ordinance No. 9968 C.M.S., for the purpose of advising, reviewing and commenting on programs, services and activities of the City of Oakland, funding opportunities, and all matters affecting persons with disabilities in the community. This original enabling ordinance provided for a fifteen-person membership and established the quorum at eight members. The Commission was instrumental in helping the City fulfill its obligation to engage with the disability community in conducting the self-evaluations required by Section 504 of the City's programs and services to identify and remediate barriers experienced by persons with disabilities.

Since the establishment of the Commission, another landmark law further developed the disability civil rights landscape. The [Americans with Disabilities Act of 1990 \(ADA\)](#), and as [amended in 2008](#), extended Section 504's anti-discrimination mandate to private employers, state and local government entities (Title II), private businesses (Title III), transportation and telecommunications providers. Like Section 504, the ADA also contained the requirement of a self-evaluation and the participation of interested persons in conducting the evaluation, including individuals with disabilities and organizations representing individuals with disabilities. The ADA further required the adoption of a Transition Plan, (Plan) for prioritizing barrier removal activities based on the self-evaluation findings. In addition to contributing to the development of the Plan, one of the Commission's primary activities has been monitoring the City's compliance with the Plan.

In 1994, City Council determined that existing boards and commissions should be governed by uniform requirements regarding the selection of members, the duties of said members, and general responsibilities. Ordinance No. 9968 C.M.S. was accordingly amended by Ordinance 11864 C.M.S., but the membership and quorum requirements remained the same.

At the June 24, 2014 Life Enrichment Committee (LEC) meeting at which MCPD presented its annual report, Council directed staff to work with the Commission to revisit its quorum and membership requirements due to a high rate of vacancies and difficulty reaching quorum.

Consequently, the Commission, in consultation with the City Administrator's Office, agreed at its November 10, 2014 regular meeting to amend its quorum and membership requirements. Ordinance No. 13334 C.M.S became effective in 2015. It renamed the commission to Commission on Persons with Disabilities and provides for a total of eleven (11) members, with six (6) constituting a quorum, and a minimum of bimonthly (every other month) meetings.

## **Conduct at Commission Meetings -Parliamentary Procedures-**

### **Simple motion**

1. Announce the next item on the agenda and ask if anyone has anything to say about it.
2. Call on anyone who wants to speak as each speaker stops.
3. If you feel everything relevant has been said, ask if anyone wants to make a motion.
4. Whether you ask, or someone just speaks up, they should say, "I move..., etc."
5. If no one seconds, ask for a second. If no one seconds, say, "The motion dies for lack of a second", and continue discussion.
6. If you get a second say, "We have a motion and a second to", then repeat the motion.
7. Ask if there is any further discussion. Remember a motion is specific wording that might vary from what was initially discussed before the motion was made.
8. When discussion ends, or if you think people are just repeating themselves, ask if the group is ready to vote.
9. If there are no objections, say, "All in favor say aye; all opposed nay; any abstentions?" Then say if the vote passed or failed.
10. If you can't tell from a voice vote, ask for a show of hands. Any member has the right to ask for a show of hands if they want.

### **Amending a motion**

When you have a motion and a second, a member may say they want to offer an amendment.

1. The offered amendment must state the exact language that is to go in the amended motion.
2. We use what is referred to as "friendly amendments", so ask the person who made the original motion if he/she accepts the amendment.
3. If the answer is yes, ask the person who seconded the original motion if she/he accepts.
4. If yes, say, "We now have amended motion that says," then repeat the motion with the amended language.
5. If either party says no, they don't accept the suggested amendment, ask for a second for

the amendment.

6. If no one seconds, say, "The amendment dies for lack of a second", and continue the discussion and vote on the original motion.
7. If someone seconds, say, "We now have a motion and a second to amend the original motion to say," and repeat the motion with the amendment.
8. Ask for discussion of the amendment only. The original motion is not being discussed, only the amendment.
9. As with any motion, after discussion take a vote as described above. Make it clear to the board that only the amendment is being voted on, not the full motion.
10. If the motion fails, say, "We are now taking up the original motion again." Go through the steps as described above to finish debate and vote on the original motion.

### **"Call for the question"**

During debate of a motion any member, when it is their turn to speak, may call for the question. This is a request to stop debate and vote on the motion.

1. Ask for a second for the motion to "call the question".
2. If there is no second, say, "The motion to end debate dies for lack of a second", and continue with discussion.
3. If there is a second all discussion ends. Say, "We are now going to vote on whether to end the debate. If you vote yes, all debate ends and we will immediately vote on the motion we have been discussing. If you vote no, we will continue to discuss the motion before we vote on it."
4. Vote on the motion as described above.
5. If it fails continue the debate. If it passes go straight to a vote on the motion before the body with no further discussion.

### **"Point of Order"**

Any member can say, "Point of order" any time, even if they have not been recognized to speak. It means they think that whatever is occurring at the time is out of compliance with some rule that governs the actions of the board.

1. The member should state the actions that he/she believes are wrong, and what rule is being broken.

The rule would generally be in laws governing corporations or nonprofits, the organization's Articles of Incorporation or By-laws, or policies passed by the board that describe board activities or responsibilities.

2. The Chair would rule on the validity of the objection or seek guidance by finding the relevant law or regulation.

### **“Table an item”**

During discussion of an agenda item, before or after a motion has been made, a member may ask that the item be tabled until a later time.

3. The request should state when the item would be addressed (such as after the finance report or at the next meeting), and why it should be tabled.
4. The reasons usually are related to wanting information that isn't available at the time. If the reasoning is sound the Chair asks if everyone agrees to the suggestion.
5. If no one objects the item is tabled and taken up again at the time designated.
6. If the required information still isn't available, the Chair may pick a later time and table the item until then.
7. If any member objects to the item being tabled, the Chair would ask the member who made the suggestion if she/he wants to make it a motion.
8. If so, the member would say, "I move the item be tabled until..." whatever time was chosen.
9. The Chair then treats it like any other motion by asking for a second, having discussion and a vote.

*Thank you to Bob Hand, Executive Director, Resources for Independent Living, for presenting this guidance at the Community Leadership Academy hosted by the ADA Programs Division in March 2015.*

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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL  
**ORDINANCE NO: 13334 C.M.S**

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**ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 9968 C.M.S. AND ORDINANCE NO. 11864 C.M.S. TO CHANGE THE NAME OF THE COMMISSION ON DISABLED PERSONS TO THE COMMISSION ON PERSONS WITH DISABILITIES, AND TO MODIFY THE COMMISSION'S MEMBERSHIP TERMS, QUORUM REQUIREMENT, AND MEETING FREQUENCY**

**WHEREAS**, the Commission on Disabled Persons was established by the City Council of the City of Oakland on August 5, 1980 by Ordinance No. 9968 C.M.S., for the purpose of advising, reviewing and commenting on programs, services and activities of the City of Oakland, funding opportunities and all matters affecting persons with disabilities in the community and otherwise promoting total integration of persons with disabilities into the community; and

**WHEREAS**, at a Special Meeting of the City Council convened on or about April 26, 1994, the City Council determined that existing boards and commissions should be amended to incorporate uniform requirements regarding the selection of members, the duties of said members, and the general responsibilities of boards and commissions; and

**WHEREAS**, the Ordinance which established the Commission on Disabled Persons was amended accordingly by Ordinance No 11864 C.M.S.; and

**WHEREAS**, the City Council Life Enrichment Committee recommended that, in order to address ongoing difficulties in achieving quorum and full membership, the Commission's enabling ordinance be amended to provide for greater flexibility in membership, attendance and quorum requirements; and

**WHEREAS**, since the passage of the Americans with Disabilities Act of 1990 (the "ADA"), as amended in 2008, the Commission has evolved in its role as an advisory body responsible for monitoring the City's compliance with honoring the civil rights of persons with disabilities;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Oakland hereby determines that the preceding recitals are true and correct and hereby adopts and incorporates them into this Ordinance.

**SECTION 2.** The Commission on Disabled Persons is hereby renamed the Commission on Persons with Disabilities (the "Commission").

**SECTION 3.** The provisions governing the Commission as set forth in Ordinance No. 9968 C.M.S. and Ordinance No. 11864 C.M.S. are hereby amended and restated as follows (added language is indicated by underlined text, and deleted language is indicated by strikeout text):

**Establishment of Commission**

Pursuant to Section 601 of the Charter of the City of Oakland, there is hereby created a Commission on Persons with Disabilities.

**Duties and Functions**

The duties and functions of the Commission on Persons with Disabilities shall be as follows:

- A. The Commission shall advise the City Council on service, funding opportunities and all matters affecting the disability community.
- B. The Commission shall review and comment on all community policies, programs and actions which affect persons with disabilities.
- C. The Commission shall render advice and assistance to other City boards and Commissions, to City departments and to private agencies on matters affecting the disability community.
- D. The Commission shall identify the needs of the disability community and create a citizen awareness of these needs via outreach and education in Oakland and for City staff. Activities shall be aimed at increasing awareness and access for people with disabilities to local, state and federal programs, and at increasing opportunities to fully engage in civic and cultural life.
- E. The Commission shall promote the total integration of persons with disabilities into all aspects of the community.

- F. The Commission shall submit regular status reports to the City Council committee designated as liaison to the Commission, at least once annually or more frequently as directed by the Chairperson of the City Council committee to which the Commission reports.
- G. Status reports submitted in fulfillment of subsection F above must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for staffing and administration of the Commission.
- H. Each year, the Commission shall review the annual goals and objectives of the City Council. Review of City Council goals and objectives shall be undertaken to provide the Commission the opportunity to better integrate the activities of the Commission with the City's overall goals and objectives.
- I. City Council approval must be obtained prior to the creation of any additional standing committee of the Commission. A proposal to create a standing committee of the Commission must include information regarding the costs associated with staffing the standing committee, and the costs of complying with noticing and reporting requirements resulting from the establishment of any such standing committee of the Commission.
- J. The Commission shall perform such other functions and duties as may be directed by the City Council.

In prescribing the above duties and functions of the Commission, it is not the intent of this Council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other City board or commission, or to a City department. As to such functions or responsibilities above set forth which are partially or wholly the responsibilities of another board or commission, or of a department of the City, the Commission will render assistance and advice to such board, Commission, or department as may be requested.

### **Membership Number and Quorum**

- A. To the extent practicable, appointments to the Commission shall reflect the geographical diversity of the City.
- B. In making appointments to the Commission on Persons with Disabilities, the Mayor shall accept for consideration



recommendations for appointments offered by each Council member. Council members must submit recommendations to the Mayor for consideration at least 30 days prior to expiration of an existing Commission member's term.

- C. The Commission shall consist of eleven (11) members who will be appointed pursuant to Section 601 of the Charter and who shall serve without compensation. At least a majority of said Commission members appointed shall be persons with disabilities. To the extent possible, the Commission membership will reflect the diverse interests of the business and labor communities and all persons with disabilities.
- D. Six (6) Commissioners shall constitute a quorum.

### **Membership Terms**

- A. Staggered Terms. Membership terms are currently staggered.
- B. Length of Terms. All appointments shall be for a period of three (3) years except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.
- C. Limit on Consecutive Terms. No person shall be appointed to serve more than two(2) consecutive terms as a member of the Commission on Persons with Disabilities, except that if a member's initial appointment is for the unexpired portion of a term and that unexpired portion is for a period less than twelve (12) months, then that person may serve up to three (3) consecutive terms.
- D. Holdover Status. In the event an appointment to fill a vacancy has not occurred by the conclusion of a Commission member's term, that member may continue to serve as a member of the Commission during the following term in a holdover capacity for a period not to exceed one year, to allow for the appointment of a Commission member to serve the remainder of said following term.

- E. Removal. To assure participation of Commission members, attendance by the members of the Commission to all regularly scheduled and special meetings of the Commission shall be recorded, and such record shall be provided upon request to the Office of the Mayor for review. A member may be removed pursuant to Section 601 of the City Charter. Among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the Commission Chair, shall constitute cause for removal.
  
- F. Vacancy. A vacancy on the Commission will exist whenever a Commissioner dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within ten (10) days of appointment.

### **Officers and Meetings**

The Commission shall elect a chairperson and a vice chairperson from amongst its members who will serve a one-year term. The Commission shall meet at least every other month in the Oakland City Hall, One Frank Ogawa Plaza, Oakland, at an established date and time suitable for its purpose. Such meetings shall be designated regular meetings. Other meetings called by the Mayor or City Administrator and meetings scheduled for a time or place other than for regular meetings, shall be designated special meetings. Written notice of special meetings shall be given to the Commission members, the Council, and the public press in accordance with the open meeting requirements of the Oakland Municipal Code.

### **Rules and Reports**

The Commission shall establish rules and procedures for the conduct of its business by a majority vote of the Commissioners present. Said rules and any amendments thereto shall be delivered to the City Administrator for review and approval. Voting shall be required for the adoption of any motion or resolution. The Commission shall make its reports, findings and recommendations in writing unless otherwise directed by the Mayor. All reports, findings, and recommendations shall be made either to the City Administrator or the City Council. Recommendations from the Commission to the City Administrator or the Mayor shall be carefully and fully considered by him/her. If rejected by the City Administrator or Mayor, the Commission may submit its recommendations to the Council for its consideration, as appropriate.

**Staff**

The City Administrator shall provide the Commission with staff assistance from City employees under his or her jurisdiction.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 20 2015

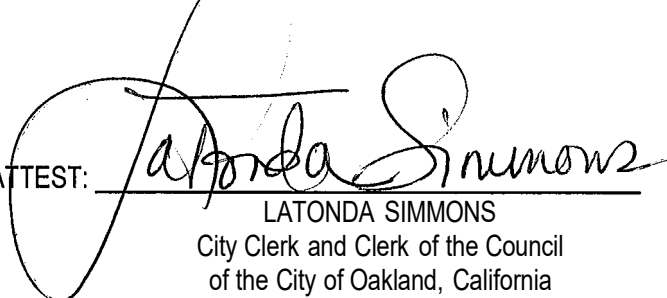
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, LINDSAY, PLAN, REID, AND PRESIDENT GIBSON MCELHANEY.,-

NOES- *ft5*

ABSENT- *(15)*

ABSTENTION - *0*

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date  
OCT 06 2015

*Date of Attestation* | *10/22/15*

**NOTICE AND DIGEST**

**ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 9968 CM.S. AND ORDINANCE NO. 11864 C.M.S. TO CHANGE THE NAME OF THE COMMISSION ON DISABLED PERSONS TO THE COMMISSION ON PERSONS WITH DISABILITIES, AND TO MODIFY THE COMMISSION'S MEMBERSHIP TERMS, QUORUM REQUIREMENT, AND MEETING FREQUENCY**

This Ordinance amends and restates Ordinance No. 9968 CM.S. and Ordinance No. 11864 C.M.S. to change the name of the Commission on Disabled Persons to the Commission on Persons with Disabilities and modify the Commission's membership terms and quorum requirement. This Ordinance also clarifies the Commission's functions and duties, and changes the Commission meeting frequency from once a month to every other month.

**FILED**  
**OFFICE OF THE CITY CLERK**  
**OAKLAND**  
**2015 SEP 17 PM 12:58**

## History & Legal Background

The University of California Berkeley hosts a [Disability Rights and Independent Living Movement website](#) where visitors can view an introduction, timeline, stories, pictures, and related projects documenting the evolution of the disability rights movement.

[The Americans with Disabilities Act \(ADA\) of 1990](#) is a federal civil rights law that ensures persons with disabilities receive the same civil rights protections as all other Americans.

Unlike prior disability laws and regulations, the ADA puts responsibility for accommodation on society rather than on the individual with a disability. The ADA guarantees equal opportunity for individuals with disabilities in public and private sector services and in employment. It is a comprehensive anti-discrimination law that extends to virtually all areas of society and to every aspect of daily living.

The ADA is organized into five broad civil rights areas, called “Titles.”

Title I: Employment – Requires employers with 15 or more employees to ensure that their employment practices do not discriminate against qualified people with disabilities.

Title I requires protection for job applicants and employees during all phases of employment, including the application process, interviewing, hiring, employment itself, and discharge from employment. Employers must also reasonably accommodate the disabilities of qualified applicants and employees, unless an undue hardship would result.

In California, this applies to employers who have five or more employees.

- The Human Resources Department enforces Title I requirements for the City of Oakland.

Title II: State and Local Government Services – Requires public programs and services be made accessible to persons with disabilities. Mandates non-discrimination on the basis of disability in policy, practice and procedure. Prescribes a self-evaluation process and requires that architectural and communications barriers be removed to the extent necessary to provide full access to programs and services.

- The City of Oakland ADA Programs Division ensures full compliance with Title II of the ADA.

Title III: Public Accommodations – Requires places of public accommodation be accessible to, and usable by, people with disabilities.

Places of public accommodation include private businesses and privately owned and operated organizations that offer goods and services to the general public. These include office buildings, factories, convention centers, museums, libraries, parks, zoos, private schools, day care centers, restaurants, hotels, theatres, retail stores, shopping centers, pharmacies, hospitals, doctor offices, private entities that own, operate, or lease to places of public accommodations, and others. The ADA Programs Division does not have jurisdiction to enforce the requirements of Title III.

Title IV: Telecommunications – Mandates the establishment of a national network of telecommunication relay services that is accessible to people who have hearing and speech disabilities. Also requires captioning of all federally funded television public service announcements.

Title V: Non-Retaliation and Other Provisions – Explicitly prohibits retaliation against people exercising their rights under the ADA. Sets forth specific responsibilities for the adoption of enforcement regulations by federal agencies. It also includes a number of miscellaneous provisions.

California has its own corollary to the ADA in the [Disabled Persons Act](#) which is enforced by the [California Department of Fair Employment and Housing](#).

Other laws relevant to the rights of persons with disabilities in California include but are not limited to the following:

- The [Lanterman Act](#) establishes a right to services for persons with intellectual disabilities through the statewide Regional Center system.
- The [Lanterman-Petris-Short Act](#) establishes protections for persons with mental health conditions who are considered for involuntary psychiatric treatment.

For links to these and other state and federal laws and regulations affecting the rights of persons with disabilities you may visit [CA Department of Rehabilitation](#)

## **Online ADA and Related Resources**

### Agencies with ADA Responsibilities

- Employment: [U.S. Equal Employment Opportunity Commission](#)
- Transportation: [U.S. Department of Transportation](#), [Federal Transit Administration](#)
- Telephone Relay Service: [Federal Communications Commission](#)

- ADA Standards and Guidelines: [U. S. Access Board](#)
- Education: [U.S. Department of Education](#)
- Health Care: [U.S. Department of Health and Human Services](#)
- Labor: [U.S. Department of Labor](#)
- Housing: [U.S. Department of Housing and Urban Development](#)
- Parks and Recreation: [U.S. Department of the Interior](#)
- Agriculture: [U.S. Department of Agriculture](#)

#### Federal ADA and Disability Resources

- Federal Emergency Management Agency (FEMA): [Office of Disability Integration & Coordination](#)
- Federal Website on Disability Information and Services: [Disability Services | USAGov](#)
- Official Federal Web Portal with Access to Information and Services: <http://www.usa.gov>

#### Federal Employment Resources

- Job Accommodation Network: [askjan.org](http://askjan.org)
- Federal Employment of People with Disabilities: <https://www.opm.gov/policy-data-oversight/disability-employment/>
- Department of Labor: [Office of Disability Employment Policy](#)

#### Local and Regional Information and Technical Assistance on the ADA

- ADA National Network: <http://www.adata.org>
- Pacific ADA Center: [adapacific.org](http://adapacific.org)
- Accessible Transportation -- Project Action: [projectaction.org](http://projectaction.org)

#### Business Resources

- Small Business Administration (Resources): [sba.gov](http://sba.gov)
- [Office of Diversity, Inclusion, and Civil Rights](#)