

CPAB BYLAWS

ARTICLE I - IDENTIFICATION

Section 1: Name

The Oakland Community Policing Advisory Board (hereinafter, "Advisory Board").

Section 2: Authority, Statutory Requirements: and Other Laws and Polices

The Advisory Board shall comply with all applicable laws, including but not limited to, the City of Oakland Charter, the Oakland Sunshine Ordinance (Ordinance No. 11957 C.M.S., adopted January 14, 1997), the Ralph M. Brown Act (Government Code sections 54950 et seq.), the Public Records Act (Government Code sections 6250 et seq.), Resolution No. 72727 C.M.S. (adopted June 11, 1996) and Resolution No. 73185 C.M.S. (adopted on December 17, 1996).

ARTICLE II - MISSION STATEMENT

The mission of the Oakland Community Policing Advisory Board is to oversee and insure the complete, successful implementation of Oakland's community policing policy articulated in City Council Resolution No. 72727 C.M.S. Oakland's community policing policy represents a major achievement in the decentralization of city government, the democratic empowerment of the city's neighborhoods, and contains the potential to reduce crime and the fear of crime in those neighborhoods. Committed to this effort, the Advisory Board shall fulfill its responsibilities through cooperative interaction with the community, the Oakland Police Department, city officials, staff and other local public and private agencies.

ARTICLE III - ADVISORY BOARD

Section 1: Number, Appointing Authority and Qualifications

The Advisory Board shall consist of fifteen (15) members who shall be Oakland residents. These members shall be appointed as follows: three (3) members appointed by the Mayor; one (1) member appointed by each of the City's Council members; one (1) member appointed by the Oakland Housing Authority; two (2) members appointed by the Home Alert Steering Committee; and one (1) member appointed by the Oakland Unified School District. (Resolution No. 73185 C.M.S.)

Section 2: Term of Appointment

Members of the Advisory Board shall be appointed to overlapping terms, to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired term only. Members of the Advisory Board shall serve for a term of (3) years, except that for terms commencing immediately preceding adoption of these Bylaws, five (5) members shall be appointed for a one (1) year term, five (5) members shall be appointed for a two (2) year term, and five (5) members shall be appointed for a three (3) year term. No member may serve more than two (2) consecutive three (3) year terms.

Section 3: Qualifications

Each member of the Advisory Board shall be a resident of Oakland.

Section 4: Vacancy and Removals

(a) A vacancy on the Advisory Board will exist whenever a member dies, resigns, or is removed. Any vacancy shall be filled by the elected official or organization that appointed the Advisory Board member. A vacancy shall be filled no sooner than thirty (30) days and no later than sixty (60) days from the date that such vacancy occurs.

(b) Among other things, conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties and absence from (3) consecutive regular meetings for any reason, except when absent by permission of the Advisory Board, shall constitute cause for removal. The Chairperson may recommend removal to the appointing authority and/or the City Council. A member may be removed for cause, after hearing, by the affirmative vote of at least six (6) members of the City Council. In the absence of cause, no Advisory Board member may be removed prior to the expiration of their term, notwithstanding the expiration of the term of the appointing elected official.

Section 5: Compensation

Advisory Board members shall serve without compensation.

Section 6: Oath of Public Office

Acceptance of the Oath of Public Office constitutes an Advisory Board member's sworn responsibility of public trust. Members are required to serve well and to faithfully discharge their duties and responsibilities diligently and consistent with the laws of the City of Oakland and all pertinent state and federal laws.

Section 7: Functions and Duties of the Advisory Board

It shall be the function and duty of the Advisory Board, for and on behalf of the City of Oakland, its residents, elected officials and officers to:

- (a) Oversee, monitor, and report at least twice yearly on the implementation of Resolution No. 72727 C.M.S. and to provide recommendations to the Mayor, Council, City Manager and Chief of Police on further steps necessary to carry out the objectives of said Resolution;
- (b) Assist in setting city-wide priorities for the full implementation of community policing through a review of community policing strategies, materials and training;
- (c) Assess the effectiveness of community policing strategies and make recommendations for improvement;
- (d) Serve as a primary communication link to the community and bring feedback from the community to the Advisory Board;
- (e) Serve as advisors to the Chief of Police and top command staff on community policing strategies, planned or implemented;
- (f) Review and make budget recommendations of the Oakland Police Department's community policing programs;
- (g) Assist in educating and informing the public about community policing, its current progress and its directions;
- (h) Serve as an active advocate for the community policing philosophy;
- (i) Help host and actively participate in community policing public meetings, including Neighborhood Crime Prevention Council meetings;
- (j) Make recommendations to the Chief of Police to support the successful implementation of community policing; and
- (k) Serve as a citizen review and involvement body for the City Council and Oakland Police Department on community policing issues suggested by the Advisory Board members and by the Chief of Police.

Section 8: Authority

The Advisory Board shall have no authority or responsibility to inquire into or investigate personnel actions or practices subject to review by either the Civil Service Commission,

the Citizens' Police Review Board or any other duly constituted regulatory or oversight body.

Section 9: Rules, Regulations and Procedures

Rules, regulations and procedures for the conduct of Advisory Board business shall be established by a majority vote of the members present. The Advisory Board must vote to adopt any motion or resolution. The Advisory Board must transmit to the City Council any rules, regulations and procedures adopted by the Advisory Board.

Section 10: Role of Individual Advisory Board Members

It shall be the duty of individual Advisory Board members to:

- (a) Represent stakeholder groups, the constituents in the Council District from which they are appointed, or the community as a whole in providing input which reflects the concerns, visions and ideas of the community;
- (b) Participate in Advisory Board activities and functions; and
- (c) Suggest issues to be brought before the Advisory Board.

ARTICLE IV - OFFICERS

Section 1: Chairperson

The Chairperson shall preside at all meetings of the Advisory Board and is an ex-officio member of all standing committees. The Chairperson is accountable to the Advisory Board as a whole in setting policy and shall also perform such duties as may be assigned by the Advisory Board. The Chairperson, or the Chairperson's designee, serves as the liaison to the media and other departments and agencies as necessary. The Chairperson, or the Chairperson's designee is the official representative of the Advisory Board and is the only individual authorized to make reports to City Council on behalf of the Advisory Board.

Section 2: Vice-Chairperson

The Vice-Chairperson shall perform the duties and responsibilities that may be delegated by the Chairperson, and the assignments traditionally assigned to that office. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform the duties as described in Article IV, Section 1.

ARTICLE V - ADVISORY BOARD STAFF

Section 1: City Manager and Chief of Police

The City Manager and the Chief of Police, or designees thereof, shall provide the Advisory Board with staff assistance as necessary to enable the Advisory Board to fulfill its functions and duties. The Oakland Police Department shall record minutes for staff and agendize all regularly scheduled Advisory Board meetings.

Section 2: Legal Advisor

The City Attorney is the Advisory Board's legal advisor. The City Attorney shall provide the Advisory Board with legal assistance, to the extent such assistance does not constitute a conflict of interest. If the City Attorney makes a determination communicated in writing that she or he cannot, consistent with the California State Bar Rules of Professional Conduct, provide advice sought by the Advisory Board, the City Attorney may retain outside counsel at the City's expense. (Oakland City Charter, sec. 401.)

Section 3: Custodian of Records

Pursuant to section 00.24 of the Sunshine Ordinance, the Advisory Board shall maintain a public records file that is accessible to the public during normal business hours. The City Clerk shall be the official custodian of these public records, which shall be maintained in

the manner consistent with records kept by the City Clerk on behalf of all other standing Commissions. In addition, the Oakland Police Department shall also maintain, on behalf of the Advisory Board, a set of public records

ARTICLE VI - MEETINGS

Section 1: Notice of Quorum

All meetings must comply with public notice requirements. At all meetings of the full Advisory Board, the presence of a majority, eight (8) of the members, shall constitute a quorum for all purposes. In the event that a quorum is not established within fifteen (15) minutes of the noticed start time of the meeting, the Chairperson, in his/her discretion, may cancel the meeting. Discussion of the items noticed on the agenda may continue, and the Chairperson will determine whether or not any formal action may be taken. A designee of the Chief of Police will prepare a record of the discussion and the record will reflect whether or not (i) the meeting was canceled due to a lack of a quorum and (ii) any formal action was taken on the items discussed. In determining whether a meeting should be canceled, the Chairperson should consider factors such as (i) whether the delay is caused by conflicting meeting schedules and (ii) whether prior notice from the member was given that he or she would be late.

The individual designated by the Chief of Police to prepare a record of the meeting shall keep a record of Advisory Board members' attendance. The attendance record shall reflect absences and tardiness (arrival after the fifteen (15) minute scheduled start time) and shall indicate whether the absence or tardiness was excused or unexcused. An Advisory Board member shall notify the Chairperson or the designee of the Chief of Police of an anticipated absence.

Section 2: Motions

If any Advisory Board member shall demand a second to any motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by an Advisory Board member.

Section 3: Public Input

All interested persons shall be allowed to express their views (oral or written) at regular Advisory Board or standing Committee meetings regarding matters within the jurisdiction of the Advisory Board and at special Advisory Board or standing Committee meetings on matters that are agendaized. However, the Advisory Board agenda need not provide an opportunity for members of the public to address the Advisory Board on any item that has already been considered by a Committee composed exclusively of Advisory Board members, at a public meeting wherein all interested members of the public were afforded the opportunity to address the Committee on the item, before or during the Committee's consideration of the item, unless the item has been substantially changed since the Committee heard the item, as determined by the Advisory Board.

Section 4: Public Input On Agendaized Items

A person wishing to speak must submit his or her name and the item on the agenda he or she wishes to discuss, if any, to the individual designated to prepare a record of the meeting before being recognized by the Chairperson. A person wishing to speak must complete a speaker card for each agenda item on which he/she wishes to speak. Multiple agenda items cannot be listed on one speaker card. Speakers' cards must be received by the Chairperson or Vice-Chairperson prior to Advisory Board or Committee action on modifications to the agenda, unless consent to speak is given by the Chairperson, Vice-

Chairperson or a majority of the Advisory Board or Committee. If a speaker signs up to speak on multiple items listed on the agenda, the Chairperson or Vice-Chairperson may rule that the speaker be given an appropriate allocation of time to address all issues at one time (cumulatively) before the items are called.

Each agenda for regular or special meetings of the Advisory Board, or its standing Committees at which action is proposed to be taken on an item, shall provide an opportunity for each member of the public to directly address the Advisory Board prior to action thereon. Each person wishing to speak on an item shall be permitted to speak once based upon previously adopted time constraints, which are reasonable and uniformly applied.

Section 5: Public Input On Non-Agended Items (Open Forum)

All regular Advisory Board meetings shall provide the opportunity for public comment on items not on the agenda but within the jurisdiction of the Advisory Board. Such opportunities for public comment, Open Forum, shall appear on the agenda prior to adjournment. Each person wishing to speak on such items shall be allowed to do so, after filling out a speaker's card. The Advisory Board may limit the time for public comment under Open Forum to a total of fifteen (15) minutes. Members of the public may, after submittal of speaker cards, address the Advisory Board regarding any items of public interest that are not on the meeting agenda. Ordinarily, each speaker may speak for up to three (3) minutes, but the Chairperson has the discretion to limit or extend the time. Open Forum speaker cards are to be numbered in the order received by the individual designated by the Chief of Police to prepare a record of the meeting.

Section 6: Identification of Speaker

Persons addressing the Advisory Board or Committees shall state their names and the organization they are representing, if any. They shall confine their remarks to the subject under discussion, unless they are speaking during the Open Forum portion of the Agenda.

Section 7: Chairperson

Where eight (8) or more speakers have submitted speaker's cards, the Chairperson may, in the interest of time, request that speakers organize by sides with designated speakers. The Chairperson shall maintain order in the chamber, have authority to refuse the floor to any person, and may limit or extend the time allocated to any speaker. The Chairperson may rule a public speaker out of order if:

- (a) the speaker is speaking beyond the allocated time limit;
- (b) the speaker's remarks are not relevant to the agenda item or are repetitious;
- (c) the manner, tone and content of the speaker's remarks are disruptive (disturb the peace and good order of the meeting), attack the character of individuals or are abusive (e.g. use vulgar or obscene language).

The public has the right to criticize policies, procedures, programs or services of the City, the Advisory Board or of any other aspect of the City's or Advisory Board's proposals or activities or the acts or omissions of the Advisory Board or its staff or that of other public employees. The Advisory Board shall not abridge or prohibit public criticism. Nothing in this section confers any privilege or protection beyond that which is otherwise provided by law.

Section 8: Meeting Minutes

Minutes shall be taken at every regular and special Advisory Board meeting and shall be approved by majority vote of the Advisory Board. The Minutes shall be taken by an individual designated by the Chief of Police.

Section 9: Regular Meetings

Regular Advisory Board meetings shall be held on the first Wednesday of each month at 6:00 p.m. except in the case of a City recognized holiday, when the meeting shall be held on a date mutually agreeable to a majority of the Advisory Board. Meetings shall be held in Hearing Room 3, Oakland City Hall, One Frank H. Ogawa Plaza in the City of Oakland, California.

Section 10: Notice and Conduct of Regular Meetings

Notices and agendas of all regular Advisory Board and standing Committee meetings requiring notice shall be posted in the City Clerk's Office and on an exterior bulletin board accessible twenty-four (24) hours a day. Notice of regular meetings shall be posted at least seventy-two (72) hours before the meeting. Action may only be taken on items properly noticed pursuant to this section unless it is an emergency item under the Brown Act.

Section 11: Notice and Conduct of Special Meetings

Special Meetings may be called at any time by the Chairperson or by a majority of the Advisory Board members in accordance with Section 00.6(E) of the Sunshine Ordinance.

Section 12: Recess

The Advisory Board shall recess for the period of August 1 through August 31 each year, which shall be known as the "annual recess". During the annual recess the Advisory Board may be convened by the Chairperson for special Board meetings.

ARTICLE VII - COMMITTEES

Section 1: Committees

It is the policy of the Advisory Board to appoint individual Advisory Board members to perform specific tasks or functions. The Chairperson is authorized to form standing and ad hoc committees, as deemed necessary to carry out the responsibilities of the Advisory Board. With respect to standing committees that are formed, the chairperson shall appoint Advisory Board members to serve as committee chairperson(s) for a period of one (1) year, unless otherwise specified. Individuals appointed to ad hoc committees shall serve for the period specified by the Chairperson.

Section 2: Standing Committee Meetings

Standing committees shall meet at the call of their chairs, or as deemed necessary by a majority of the committee membership.

Section 3: Committee Quorum

A majority of the members of a committee constitutes a quorum.

Section 4: Executive Committee

This standing committee shall be responsible for administrative and operational aspects of the Advisory Board.

Section 5: Fund Development Committee

This standing committee shall be responsible for identifying and seeking financial support for the Advisory Board and various Neighborhood Crime Prevention Councils (NCPCs).

Section 6: Program and Services Committee

This standing committee shall be primarily responsible for recommending program activities, including outreach and training, media relations and providing services to the NCPCs.

Section 7: NCPC Resource Committee

This standing committee shall serve as the primary liaison to the NCPCs. This standing committee will also prepare and provide each NCPC with a generic set of ground rules to be adopted or amended by individual groups.

ARTICLE VIII - AGENDA REQUIREMENTS

Section 1: Agenda Preparation

The agenda is prepared through the joint effort of the Chairperson and the Chief of Police or their designees. In the event of a special meeting, the agenda shall be prepared through the joint effort of either the Chairperson or designee, or the Advisory Board members and their designee(s). The agenda shall contain a meaningful description of each item to be transacted or discussed at the Advisory Board or committee meeting so as to alert a person of average intelligence whose interests may be affected by the item that he or she may have reason to attend the meeting or seek more information about the item.

ARTICLE IX - VOTING

Section 1: Voting, Abstention and Recusal

Each member present at an Advisory Board or standing Committee meeting shall vote on all matters put to a vote, unless the member is excused from voting by a motion adopted by a majority of the members present or unless the member has been advised to recuse himself or herself from the vote by the City Attorney because he or she may have a conflict of interest regarding the item.

Section 2: Voting by Proxy

Voting by proxy is prohibited.

ARTICLE X - PARLIAMENTARY PROCEDURE

Section 1: Robert's Rules of Order (Newly Revised)

The business of the Advisory Board and its standing Committees shall be conducted, to the extent possible, in accordance with parliamentary rules as contained in Robert's Rules of Order (Newly Revised), except as modified by these rules and in accordance with State open meeting laws and local open meeting laws, including the Oakland Sunshine Ordinance. The City Attorney, or such other person as may be designated by the Chairperson, upon approval of the Advisory Board shall serve as the official parliamentarian for meetings of the Advisory Board.

ARTICLE XI - REPRESENTATION OF THE ADVISORY BOARD

Section 1: Representation of the Advisory Board

The Chairperson, or its designee, is the official representative of the Advisory Board. The Chairperson, or its designee, is the only individual authorized to speak on behalf of the Advisory Board to all entities including, but not limited to, City Council the media, the public and at all hearings and public forums. All communications with the Advisory Board shall be conducted through the Chairperson or its designee. Whenever the Advisory Board learns that a view, position or opinion of the Advisory Board as a whole has been misinterpreted or misrepresented in the media, at a hearing, or in a public forum, the Advisory Board, through the Chairperson or the Chairperson's appointed representative, shall make every reasonable effort to clarify the Advisory Board's true position as soon as practicable. Whenever an Advisory Board member communicates

with the news media or others, or appears at a public hearing or before another City Agency or Department to discuss existing or proposed legislation or policy, the Advisory Board member shall make every reasonable effort to specify whether the Advisory Board member is expressing a personal opinion, view or position or an opinion, view or position of the Advisory Board as a whole.

ARTICLE XII - BYLAW AMENDMENTS

These bylaws shall be reviewed annually or as necessary. The Advisory Board may adopt bylaw amendments at any regular meeting of the Advisory Board by a majority vote of those present, provided such proposed amendments are circulated in writing to all Advisory Board members at least ten (10) days prior to such meeting, and ten (10) days' public notice shall be posted. The Advisory Board shall transmit the proposed bylaw amendments to the City Council within seven calendar days of adoption. The bylaw amendments become effective sixty (60) days after the date of adoption by the Advisory Board unless before the expiration of this sixty (60) day period two-thirds (2/3) of all the members of the City Council vote to veto the bylaw amendments.