

Thursday December 7, 2023 6:30 pm

1 Frank Ogawa Plaza, City Hall, 3<sup>rd</sup> Floor City Council Chambers  
Oakland, CA 94612

## AGENDA

Reminder: This meeting will take place in person. Members of the public can observe remotely via zoom but must attend in person in order to participate.

### **PUBLIC PARTICIPATION INSTRUCTIONS**

#### **TO OBSERVE:**

- Attend in person; or
- To observe the meeting by video conference, please click the link below to join the webinar:  
<https://us02web.zoom.us/j/86110236577>
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♿ This meeting is wheelchair accessible. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the Cannabis Regulatory Commission, please contact the Office of the City Clerk (510) 238-3612. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility. In compliance with Oakland’s policy for people with chemical sensitivities, please refrain from wearing strongly scented products to events.

Questions or concerns regarding this agenda, or to review any agenda-related materials, please contact the Cannabis Regulatory Commission at (510) 238-6370.

**Members:**

Javier Armas	District 1	Hellen Harvey	District 7
Tracey Corder	District 2	Chaney Turner	At Large
Taib Alaoui	District 3	Yulie Padmore	Mayor
Tariq Ikharo	District 4	TiYanna Long	City Auditor
Vacant	District 5	Greg Minor	City Administrator
Tanya Boyce	District 6		

Available on-line at: <https://www.oaklandca.gov/boards-commissions/cannabis-regulatory-commission>

**MEETING AGENDA**

- A. Roll Call and Determination of Quorum
- B. Approval of the Draft Minutes from the CRC Meeting on November 2, 2023
- C. Reports for Discussion and Possible Action
1. Training on Brown Act, Oakland Sunshine Ordinance, and Parliamentary Procedures
  2. Implementation Update on State Grants
- D. Review of the Pending List and Additions to Next Month's Agenda
- *Building and Fire Baseline Permitting Timelines (since January 2022)*
  - *Establishing Department of Cannabis (since September 2022)*
  - *Planning Department Discussion re Zones Eligible for Cannabis Businesses (since October 2022)*
  - *Draft 2022 Cannabis Regulatory Commission Annual Report (since October 2023)*
  - *Updated Information from Finance Department (since October 2023)*
  - *CRC Attendance Policy (since November 2023)*
  - *Contracting Hazardous Materials Inspections (since November 2023)*
  - *Community Beautification Requirements (since November 2023)*
- E. Open Forum / Public Comment
- F. Announcements
1. Update on Cannabis Permitting Process
  2. Proposal to Authorize Converting Cannabis Equity Loans Into Grants, Allow the Transfer of Permits from Equity Applicants to General Applicants, and Lift the Limit on Cannabis Special Events for a One-Year Period is Scheduled for the City Council's December 5<sup>th</sup> Meeting
  3. Apply to serve on CRC here:  
<https://oakland.granicus.com/boards/w/8552f8c4c0e15460/boards/6697>
- G. Adjournment

Thursday November 2, 2023 6:30 pm

## MINUTES

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Tanya Boyce	District 6		

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**MEETING AGENDA**

A. Roll Call and Determination of Quorum

*Present: Armas, Ikharo, Boyce, Harvey, Turner, Padmore, Long, Minor*  
*Absent: Corder, Alaoui*

B. Approval of the Draft Minutes from the CRC Special Meeting on October 2023

*Chair Turner moved to approve the minutes as drafted. Member Armas seconded the motion and the motion passed with Member Minor abstaining.*

C. Reports for Discussion and Possible Action

1. Oakland Police Department Report on 2022 Citations and Arrests for Cannabis Offenses and Discussion Regarding Private Security Guards at Cannabis Businesses

*Officer John Romero presented the report on behalf of the Oakland Police Department (OPD). Officer Romero highlighted the significant drop in cannabis arrests in recent years. Member Minor noted the City's 2017 equity analysis provided 20 years of historical cannabis arrest data for more context.*

*Member Boyce asked how the City is addressing unpermitted cultivation activity and what the protocol is for addressing cannabis use at federally subsidized housing? Officer Romero noted the City addresses unpermitted cultivation administratively and federal properties in Oakland are addressed by the Oakland Housing Authority. Member Boyce then asked how OPD coordinates with private security guards at cannabis businesses. Officer Romero shared that OPD knows which businesses have private security guards, but the State of California regulates private security guards through the Bureau of Security and Investigative Services (BSIS). Member Boyce then advocated for increased training for City staff so that they can become familiar with environmental compliance requirements.*

*Vice-Chair Long asked whether there have been arrests made for burglaries of cannabis businesses. Officer Romero stated yes, but sometimes cannabis operators do not report burglaries, particularly if they are unpermitted operators.*

2. Developing a CRC Member Attendance Policy

*Chair Turner noted that the CRC has had quorum issues in 2023, which prevented the CRC from conducting business. Chair Turner encouraged CRC members to email in advance of the meeting. Chair Turner then made a motion to add an attendance policy to the pending list as staff works with the City Attorney's Office to*

*develop an attendance policy for the CRC. Member Boyce seconded the motion and it passed with Member Minor abstaining.*

### 3. Exit Interview Survey for Withdrawn Applications

*Member Minor provided background on the exit interview survey and how the updated survey reflects the CRC's last input.*

*Vice Chair Long made a motion to (1) request that staff gather information on how the City is informed of when operators withdraw their application and (2) add a question regarding whether the operator is relocating their business within Oakland. Chair Turner made a friendly amendment to add a question regarding what if any impact burglaries/robberies had on their business. Vice Chair Long accepted the friendly amendment. Chair Turner seconded the motion and it passed with Member Minor abstaining.*

### 4. Fires Related to Cannabis Cultivation Facilities and Status of Hazardous Materials Inspector in Fire Prevention Bureau

*Member Minor provided the report. Member Boyce made a motion to place the issue of the City contracting hazardous materials inspections on the pending list and to ask staff to determine what the cost of doing so would be. Chair Turner seconded the motion. Member Armas expresses reluctance over hiring a consultant versus City staff based in Oakland. Nevertheless, the motion passed with Member Minor abstaining.*

### 5. Implementation Update on State Grants

*Member Minor provided the update, which included that the City is no longer accepted new grant applications due to less Go-Biz funding being available. Chair Turner asked how many security grant applications the City received; Member Minor offered to provide an update at the December CRC meeting.*

*After noting cannabis businesses are still struggling with burglaries, Chair Turner then made a motion to place on the pending list that the City should have emergency funding available to operators. Member Padmore seconded the motion and the motion passes with Member Minor abstaining.*

#### D. Review of the Pending List and Additions to Next Month's Agenda

- *Building and Fire Baseline Permitting Timelines (since January 2022)*
- *Establishing Department of Cannabis (since September 2022)*
- *Planning Department Discussion re Zones Eligible for Cannabis Businesses (since October 2022)*
- *Draft 2022 Cannabis Regulatory Commission Annual Report (since October 2023)*
- *Updated information from Finance Department (since October 2023)*

*Member Boyce made a motion to review the City's community beautification requirements at the next CRC meeting. Chair Turner seconded the motion and it passed with Member Minor abstaining.*

*Chair Turner made a motion to agendaize creating a Department of Cannabis at next month's CRC meeting. Vice-Chair Long seconded the motion and it passed with Member Minor abstaining.*

#### E. Open Forum / Public Comment

*Public speakers spoke regarding the loan program and whether bios can be available for CRC members.*

F. Announcements

1. Update on Cannabis Permitting Process
2. Proposal to Authorize Converting Cannabis Equity Loans Into Grants, Allow the Transfer of Permits from Equity Applicants to General Applicants, and Lift the Limit on Cannabis Special Events for a One-Year Period is Scheduled for the City Council's November 14<sup>th</sup> Community Economic Development (CED) Committee Meeting
3. Apply to serve on CRC here:  
<https://oakland.granicus.com/boards/w/8552f8c4c0e15460/boards/6697>

*Chair Turner noted that Senate Bill (SB) 51 was signed into law by Governor Newsom, extending the provisional licensing sunset for equity retailers.*

G. Adjournment



## Cannabis Regulatory Commission

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**TO:** Cannabis Regulatory Commission

**FROM:** Greg Minor  
Deputy Director, Economic  
and Workforce  
Development Department

**SUBJECT:** December 2023 Agenda Items

**DATE:** December 4, 2023

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### ITEM C (1) Training on Brown Act, Oakland Sunshine Ordinance, and Parliamentary Procedures

The CRC periodically receives trainings from the City Attorney's Office on open meeting requirements and parliamentary procedures. In light of the addition of new CRC Members, City Attorney's Office has composed the attached powerpoint presentation on these topics and will be available at the CRC's December meeting to answer related questions.

### ITEM C (2) Implementation Update on State Grants

Oakland's pioneering race and equity analysis of the cannabis industry and creation of an Equity Program inspired jurisdictions across the country to pursue and support similar programs. Then starting in 2019 the State of California set aside annual grant funding to support local jurisdictions' cannabis equity programs. **Table A** outlines the amount of funding the City has received from the State of California for its Equity Program, Oakland's ranking among local jurisdictions each year, and the total amount of funding set aside by the State of California that year. Notably, due to less state investment in cannabis equity programs, the City of Oakland and other local jurisdictions have less funds to disburse to equity applicants in the coming fiscal year.

**Table A: Oakland’s Receipt of Local Equity Grant Funding**

<b>State Funding Agency</b>	<b>Fiscal Year (FY)</b>	<b>Amount of Funding Received</b>	<b>Oakland's Ranking Among Local Jurisdictions</b>	<b>Total Amount of Funding Available Statewide</b>
BCC <sup>1</sup>	FY 2019-2020	\$1,657,201.65	2nd	\$10 million
Go-Biz	FY 2019-2020	\$6,576,705.76	1st	\$30 million
Go-Biz	FY 2020-2021	\$2,434,712.51	1st	\$15 million
Go-Biz	FY 2021-2022	\$5,435,140.82	2nd	\$35 million
Go-Biz	FY 2022-2023	\$1,996,487.50	1st	\$15 million

With respect to the \$5,435,140.82 “Go-Biz 3” grant, staff will finish disbursing the remaining funds in the next two weeks after entering into contract with the final event grantees and C4C, Inc. (C4C), doing business as Case for Cannabis, to implement a two-year cannabis workforce certification and on the job training programs. Staff is now in the process of disbursing “Go-Biz 4” funds. As the amount of Go-Biz 4 grant applicants in the pipeline matches the amount of funding available, the City stopped processing new grant applications in November 2023.

In addition to Go-Biz Grants, in 2022 the City of Oakland received a three-year \$9,905,020 Local Jurisdiction Assistance Grant (LJAG) from the Department of Cannabis Control (DCC) to support the transition of cannabis operators from a provisional to an annual state license. As noted at prior CRC meetings, due to delays in hiring building and fire department staff, staff has sought City Council and DCC approval to re-purposed unspent funding as grants to operators to bring their buildings into compliance with building, fire and health codes. Additionally, staff has formed small teams of inspectors on overtime to inspect and review the compliance status of provisionally licensed cannabis operators.

Finally, in 2021 the City received a three-year grant from the Board of State and Community Corrections (BSCC) to address the impacts of cannabis legalization and in 2023 the City received a five-year \$3 million [Proposition 64 Health and Safety Cohort 3 Grant](#), which will consist of (i) security measures for Oakland’s licensed cannabis operators and (ii) a public education campaign to support Oakland equity operators. For more information, please [visit here](#).

**Figures 1-4** provide status updates on these various state grants.

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<sup>1</sup> Initially the Bureau of Cannabis Control, the predecessor to the Department of Cannabis Control, disbursed Local Equity Grant funding.



**Figure 1- Local Jurisdiction Assistance Grant**

**LOCAL JURISDICTION ASSISTANCE GRANT (2022-2025)**

<b>USES</b>	<b>COST IN ONE YEAR</b>	<b>COST OVER THREE YEARS</b>	<b>DISBURSED</b>	<b>BALANCE</b>
Grants to Provisionally Licensed Equity Applicants	\$547,218.50	\$1,722,655.50	1,325,000.00	\$397,655.50
Special Activity Permit Technician	\$166,810.00	\$500,430.00		\$500,430.00
Planning CEQA Review	\$9,237.00	\$27,710.00		\$27,710.00
Program Analyst for Processing Grants	\$198,640.00	\$595,920.00	113,010.69	\$482,909.31
Process Coordinator II in Building Bureau	\$175,696.00	\$527,088.00		\$527,088.00
Overtime for Civil Engineers to Review Plans	\$591,075.00	\$1,773,224.00	12,861.34	\$1,760,362.66
Overtime for Code Enforcement	\$78,115.80	\$234,347.00	31,056.43	\$203,290.57
Hazardous Materials Inspector II	\$193,545.00	\$580,638.00		\$580,638.00
Overtime for Fire Plan Engineers to Review Plans	\$73,760.00	\$221,280.00	6,709.73	\$214,570.27
Overtime for Fire Code Enforcement	\$61,824.00	\$185,472.00	10,397.22	\$175,074.78
Overtime for Special Activity Permit Inspectors for Security Inspections	\$50,000.00	\$150,000.00	41,959.15	\$108,040.85
Annual CPTED Training for Municipal Code Enforcement Officers	\$1,200.00	\$3,600.00	595.00	\$3,005.00
Establishing/Maintaining Accela Module for Cannabis Permit Tracking	\$310,000.00	\$430,000.00		\$430,000.00
Grants to Meet Security Requirements	\$574,218.50	\$1,722,655.50	1,422,137.39	\$300,518.11
Consultant (4Front Partners) to Administer Loan/Grant Programs	\$160,000.00	\$480,000.00	383,681.14	\$96,318.86
Consultant (Knox & Ross) to Provide Legal Assistance to Equity Applicants	\$125,000.00	\$375,000.00	188,000.00	\$187,000.00
Consultant (Oaksterdam) to Provide Technical Assistance to Equity Applicants	\$125,000.00	\$375,000.00	173,735.00	\$201,265.00
<b>TOTALS</b>	<b>\$3,441,339.80</b>	<b>\$9,905,020.00</b>	<b>\$3,709,143.09</b>	<b>\$6,195,876.91</b>

**Figure 2: 2022-2023 Go-Biz (GO-Biz 3) Grant Funds**

	<b>TOTAL FUNDED</b>	<b>DISBURSED</b>	<b>BALANCE</b>
Grants/Loans to Operators for Start Up and Ongoing Costs	\$2,178,953.10	\$2,178,953.10	\$0
Events	\$300,000.00	\$300,000.00	\$0
No Interest Loan to Purchase Property	\$2,250,000.00	\$2,250,000.00	\$0
Managing Shared-Use Facilities	\$212,915.36	\$212,915.36	\$0
Workforce Development	\$280,357.00		\$280,357.00
Administering of Grant/Loan Programs	\$89,956.36	\$89,956.36	\$0
<b>STAFFING</b>			
Half of City Administrator Analyst	\$122,959.00	\$122,959.00	\$0
<b>TOTALS</b>	<b>\$5,435,140.82</b>	<b>\$5,154,783.82</b>	<b>\$280,357.00</b>

**Figure 3- Original and Current Uses of Proposition 64 Cohort Two Grant (2021-2024)**

<b>Original and Proposed/New Uses of Proposition 64 (BSCC) Grant Funds</b>				
<b>Purpose</b>	<b>Original Organization</b>	<b>Original Amount</b>	<b>New or Same Organization</b>	<b>New or Same Amount</b>
Preventative and Intervention Activities for Youth	East Oakland Youth Development Center (EOYDC)	\$360,000	Public Health Institute	\$280,000
Develop and Support Youth Awareness Campaign	Public Health Institute	\$133,306	Same	\$163,306
Data Management/Local Evaluation Reports	Cityspan	\$30,000	LMB Creative Group, LLC	\$80,000
Security Workshops and Support for Cannabis Businesses	City of Oakland: 8 Hours Weekly Police Officer Overtime	\$112,329	Same	Same
Public Outreach Campaign to Adults	To Be Determined After Request for Proposals	\$70,000	Make Green Go Selected After RFP	\$75,000
Meeting Supplies and Notification	EOYDC, OUSD, PHI	\$32,000	Youth Uprising, OUSD, PHI	\$27,000
Indirect Costs/Overhead	City of Oakland	\$29,059	Same	Same
Oversee Overall Program	City of Oakland: 0.5 F.T.E. City Administrator Analyst	\$231,000	Same	Same
<b>TOTAL</b>				<b>\$997,694</b>

**Figure 4- Proposition 64 Cohort Three Grant (2023-2028)**

<b>USES</b>	<b>YEAR 1 FY 23-24</b>	<b>YEAR 2 FY 24-25</b>	<b>YEAR 3 FY 25-26</b>	<b>YEAR 4 FY 26-27</b>	<b>YEAR 5 FY 27-28</b>	<b>TOTAL</b>
Half of Program Analyst III	0	\$100,000	\$105,000	\$110,000	\$115,000	\$430,000
Equity Public Awareness Consultant	\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	\$225,000
3rd Party Evaluator	0	\$20,000	\$20,000	\$20,000	\$20,000	\$80,000
Grants to Secure Facilities	0	0	\$200,000	\$200,000	\$200,000	\$600,000
Grants to Support Onsite Security	\$332,000	\$332,000	\$332,000	\$332,000	\$332,000	\$1,660,000
RFP Advertising	5,000					\$5,000
<b>TOTAL</b>	<b>\$382,000</b>	<b>\$497,000</b>	<b>\$702,000</b>	<b>\$707,000</b>	<b>\$712,000</b>	<b>\$3,000,000</b>

**Figure 5: 2023-2024 Go-Biz (GO-Biz 4) Grant Funds**

<b>CATEGORY</b>	<b>TOTAL FUNDED</b>	<b>DISBURSED</b>	<b>BALANCE</b>
Grants/Loans to Operators for Start Up and Ongoing Costs	\$1,796,838.75	\$ 471,046.90	1,325,791.854
Consultant (Loan & Grants)	\$78,979.75	\$ 78,979.75	0
Staffing (Half of City Administrator Analyst)	\$120,669.00	0	\$ 120,669.00

ITEM F (1) Update on Cannabis Permitting Process

Below please find cannabis permitting statistics from 2017 to present day for the CRC's review, including additional categories as well as application and permit trend graphs.

**Figure F-1: Application Totals**

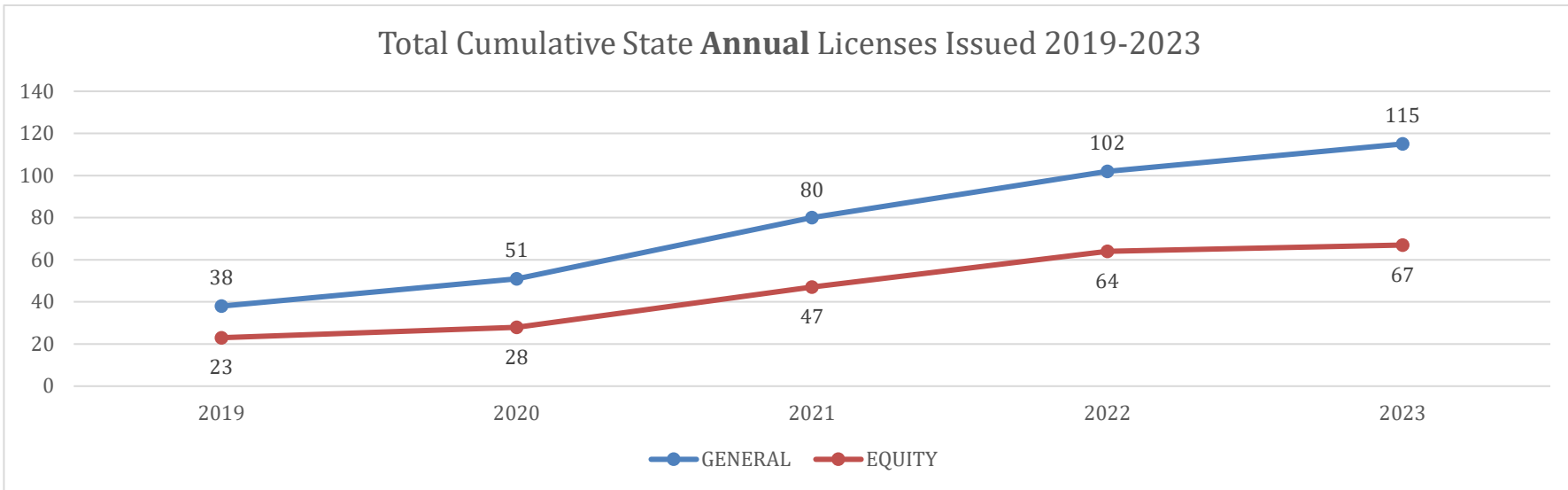
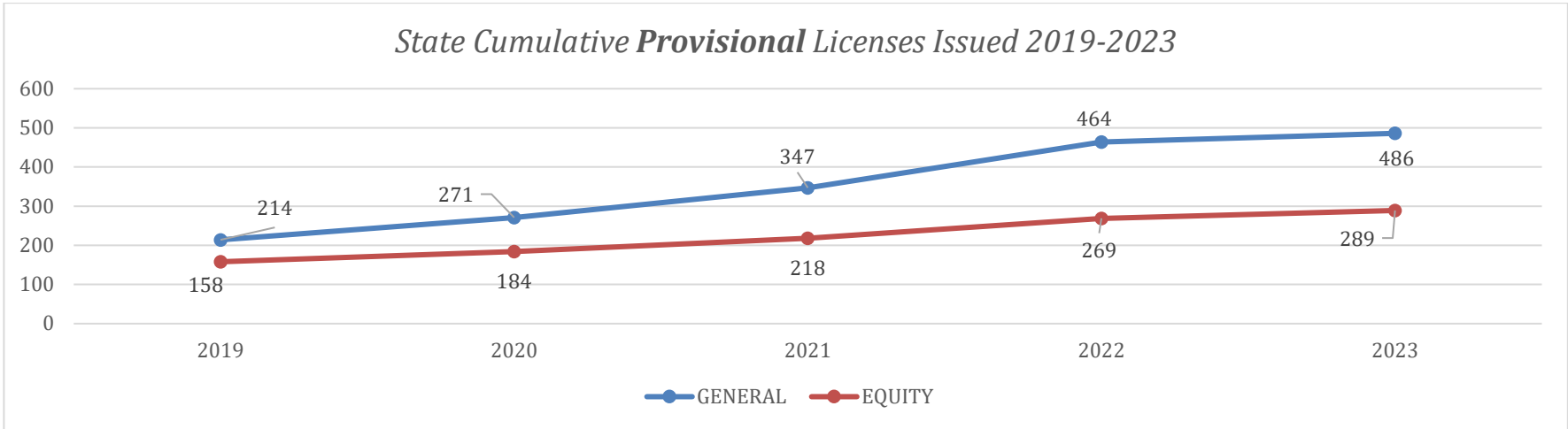
<b>APPLICATIONS</b>	<b>TOTALS</b>	<b>PENDING</b>
Total Complete & Incomplete Applications	1558	140
Total Complete Applications	1558	
Complete General Applications	659	
Equity Applications based on residency	780	
Equity Applications based on conviction	119	
Incubators	316	
Interested in Incubating	23	
Complete Application with property	1019	
Complete Application without property (Equity)	435	
Complete Applicants without property (General)	104	

**Figure F-2: Permit Applications by Category**

<b>COMPLETED APPLICATIONS BY BUSINESS TYPE</b>	<b>GENERAL</b>	<b>INCUBATOR*</b>	<b>INTERESTED IN INCUBATING*</b>	<b>EQUITY</b>
Delivery	160	51	4	231
Cultivator (Indoor)	209	103	13	149
Cultivator (Outdoor)	5	3	0	36
Distributor	140	76	4	219
Mfg. Volatile	49	36	0	46
Mfg. Non-Volatile	90	43	2	172
Transporter	5	3	0	36
Lab Testing	1	1	0	10
<b>GRAND TOTALS</b>	<b>659</b>	<b>316</b>	<b>23</b>	<b>899</b>

\*These numbers are part of the General Total

**Figure F-3: Operators Issued Provisional and Annual Licenses**





**Figure F-4: New Permits Issued to Cannabis Operators Since Spring of 2017 by Category<sup>2</sup>**

<b>NEW ANNUAL PERMITS BY BUSINESS TYPE</b>	General	Incubator	Equity	Total
On-site Consumption	3		3	6
Dispensary	8	1	9	18
Delivery	68	18	88	169
Cultivator (Indoor)	6	6	19	31
Cultivator (Outdoor)	0	0	2	2
Distributor	26	27	59	112
Mfg. Volatile	3	5	1	9
Mfg. Non-Volatile	9	11	42	62
Transporter	2	0	5	6
Lab Testing	0	0	0	0
<b>GRAND TOTALS</b>	<b>125</b>	<b>68</b>	<b>228</b>	<b>421</b>

<sup>2</sup> Figure F-4 includes dispensaries that were permitted before 2017 and have renewed their permits since 2017

**Figure F-5: Withdrawn Applications**

<b>WITHDRAWN APPLICATIONS</b>	<b>GENERAL</b>	<b>INCUBATOR</b>	<b>EQUITY</b>	<b>TOTALS</b>
Delivery	22	39	88	149
Cultivator (Indoor)	18	23	62	103
Cultivator (Outdoor)	14	13	13	40
Distributor	13	56	74	143
Mfg. Volatile	4	20	23	47
Mfg. Non-Volatile	14	30	52	96
Transporter	6	1	16	23
Lab Testing		3	3	6
<b>TOTALS</b>	<b>91</b>	<b>185</b>	<b>331</b>	<b>607</b>

**Figure F-6: Revoked Local Authorization**

<b>REVOKED LOCAL AUTHORIZATION</b>	<b>GENERAL</b>	<b>INCUBATOR</b>	<b>EQUITY</b>	<b>TOTALS</b>
Delivery	1	6	6	13
Cultivator (Indoor)	5	20	6	31
Cultivator (Outdoor)				0
Distributor	1	5	4	10
Mfg. Volatile		3		3
Mfg. Non-Volatile		3	1	4
Transporter		1		1
Lab Testing				0
<b>TOTALS</b>	<b>7</b>	<b>38</b>	<b>17</b>	<b>62</b>

**Figure F-7: Graph of Cannabis Permit Applications Received Since 2017**

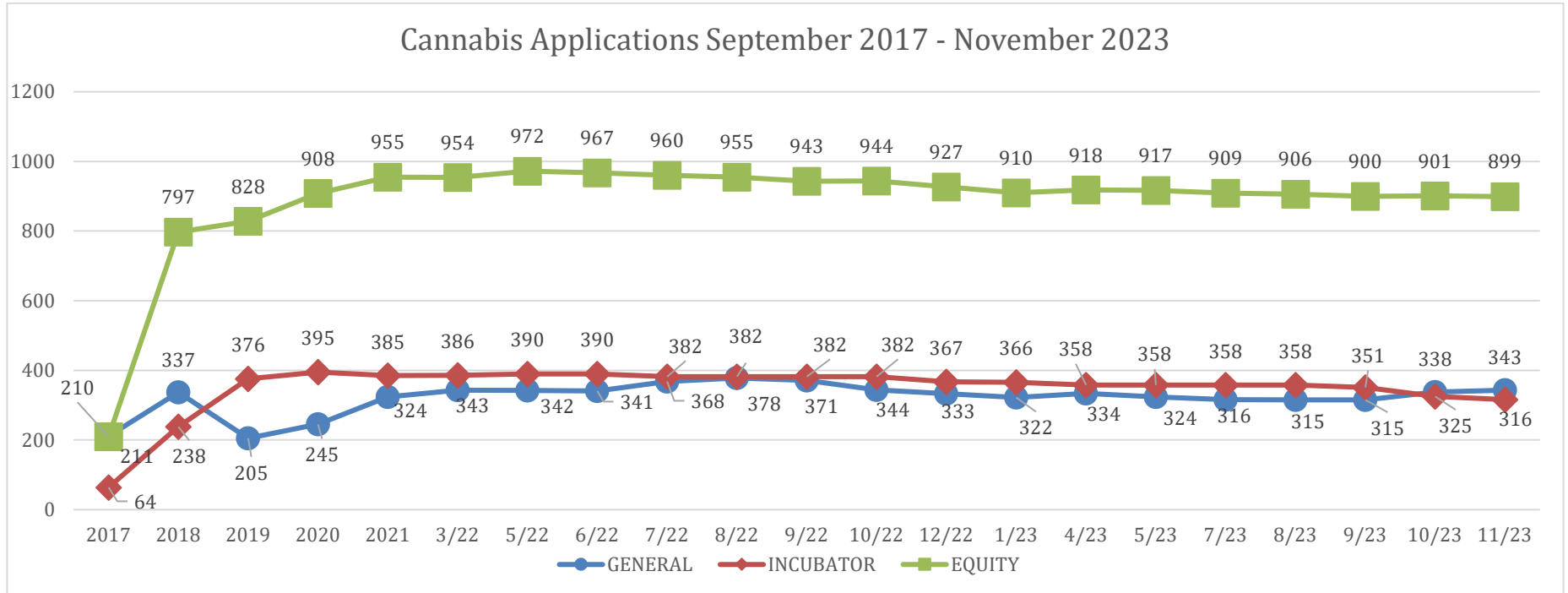
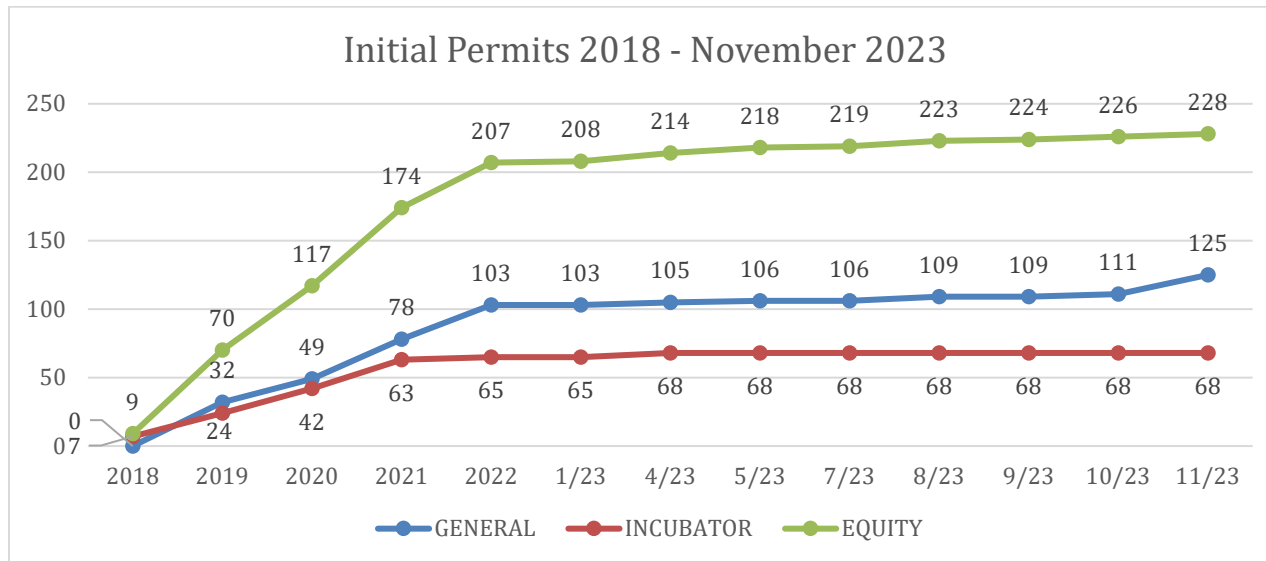


Figure F-8: Graph of Cannabis Permits Issued since 2018



# **BROWN ACT AND OAKLAND SUNSHINE ORDINANCE OVERVIEW**

3320582

December 2023

# **Brown Act & Sunshine provide:**

**“In enacting [the Brown Act], the legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”**

**(Ralph M. Brown Act – Gov. Code § 54950)**

**“[The Sunshine Ordinance] is intended in part to clarify and supplement the . . . Brown Act . . . to assure that the people of the City of Oakland can be fully informed and thereby retain control over the instruments of local government in their city.”**

**(Sunshine – Oakland Muni. Code § 2.20.010)**

# Rules of Procedures of CRC

**“The CRC, in consultation with the City Administrator, shall establish rules and procedure for the conduct of its business by a majority vote of the members present; provided that a quorum for the conduct of business is six members. Voting shall be required for the adoption of any motion or resolution. The business of the Commission shall be conducted, in so far as practicable, in accordance with the parliamentary rules contained in *Robert’s Rules of Order Newly Revised*, as it may be amended from time to time, except as modified by these bylaws and in compliance with the state open meeting laws (Brown Act, Government Code section 54950 et. seq.) and local Sunshine Ordinance (Oakland Municipal Code Chapter 2.20).”**

**(Article VII, Bylaws of the Community Oversight Committee)**

# Open & Public Meetings

- **All meetings of a body subject to the Brown Act must be open to the public.**
- **The public must have sufficient notice of the meeting.**
- **All persons must be permitted to attend meetings and speak at public forum and on items.**
- **Voting by secret ballot or proxy voting is prohibited.**
- **The body must report all actions taken and the vote or abstention of each member present for the action.**

(Gov. Code § 54953)



# **The following communications are prohibited:**

- **Congregation of a quorum of the Commission in a place that is not noticed and open to the public, such as:**
  - **Face to face meetings,**
  - **Teleconference discussions,**
  - **meal gatherings (often before, during or after a meeting).**
- **Serial communications that involve a quorum of the Commission.**
  - **Serial communication = a series of communications/meetings between a quorum of the Commission .**
  - **Example: Member A calls member B who then calls member C and so on until a quorum of the Commission has reached a collective decision on a matter.**
- **Use of intermediaries to discuss, deliberate, take action or develop a consensus among a quorum of the Commission.**

**(Gov. Code § 54952.2; Oakland Muni. Code § 2.20.030)**

# **Examples of prohibited communications:**

- **Email communications among a quorum re Commission business.**
- **Conversations among a quorum at a dinner, conference, party or other social/public event re Commission business.**
- **Asking City staff about the positions of a quorum of members re Commission business.**

# Exceptions

- **Commission members may attend the following if a quorum does not discuss Commission business:**
  - **Conferences open to the public;**
  - **Open and public community meetings organized by persons or organizations other than the City;**
  - **Open and noticed meetings of another local body of the local agency;**
  - **Open and noticed meetings of the legislative body of another local agency;**
  - **Social or ceremonial events.**
- **Quorum of Members can discuss scheduling meeting dates.**

(Gov. Code § 54952.2; Oakland Muni. Code § 2.20.030)

# Meeting Location and Time

- **Commission must establish by formal action a regular meeting time and location for meetings.**
- **Meetings must be held within City of Oakland boundaries.**
- **Includes: workshops, training sessions, meal gatherings, etc.**

**Exceptions that might apply to the Commission:**

- **Participate in meetings or discussions of multi-agency significance outside Oakland;**
- **Meetings with federal or State of California officials when a local meeting is impractical, solely to discuss legislative or regulatory issues related to Commission business.**
- **Meetings should be held on weekday evenings whenever reasonably possible.**

**(Gov. Code § 54954; Oakland Muni. Code § 2.20.060)**

# Virtual/Remote Meetings

## General:

- Electronic meetings allowed (phone, Zoom, Teams)
- Must post contact information for public to participate on agenda or agenda-related posting
- Same notice, agenda and agenda materials requirements
- Same public testimony requirements
  - ❖ right to speak on items prior to action – i.e, before or during discussion
  - ❖ public forum

## Limited exceptions for “Good Cause” and “Emergency Circumstances:”

- “Good cause” = (A) Childcare/caregiving; (B) contagious disease; (C) need related to physical/mental disability; (D) travel while on official business of the legislative body or another state/local agency.
- “Emergency circumstances” = physical or family emergency preventing person from attending the meeting in person.
- Boards/Commissions that meet monthly may only use JC/EC 2 x per calendar year
- Members invoking GC/EC must: (1) use camera and audio; (2) before taking action, disclose if anyone 18 yo or older in room, general relationship of that person; (3) members of the public must be allowed to remotely hear and observe the meeting and address the body “live”
- Still requires a quorum of legislative body meeting in person from same location in the City open to the public

# AGENDA REQUIREMENTS

- Agenda description
  - Date, time and location of meeting.
  - brief, general description of items in clear and specific language sufficient “to alert a person of average intelligence and education whose interests are affected by the item that s/he may have reason to attend the meeting or seek more information.”
  - *Commission cannot discuss items not on the agenda, except:*
    - *to make brief announcements (e.g., a community event),*
    - *to schedule future meetings or items,*
    - *to provide brief answers to public speakers (e.g., a city email address where speaker can get more information).*

(Gov. Code § 54954.2; Oakland Muni. Code §§ 2.20.030, 2.20.040.A; 2.20.070, 2.20.080)

# AGENDA REQUIREMENTS

- Notice - Agenda & Materials (Boards/Commissions *not* covered by 10-day agenda)
  - Regular Meetings – 72 hours prior to meeting.
  - Special Meetings – 48 hours prior to meeting.
    - weekends or holidays DO NOT COUNT towards 48 hours.
    - Exceptions:
      - Special meeting held offsite - **10 days notice**.
      - Special meeting scheduled in place of a regular meeting that falls on holiday - **5 days notice**.
      - Agendas & materials for special meeting scheduled on Monday - posted **by noon, the prior Friday**.
  - “Agenda-related materials” must be posted with the agenda by the agenda posting deadline

(Gov. Code § 54954.2; Oakland Muni. Code §§ 2.20.030, 2.20.070, 2.20.080)

# PUBLIC TESTIMONY

- **Public Speaker time.**
  - **Two (2) Minutes Minimum should be allowed for public speakers.**
  - **Chair of the Commission may reduce time provided he or she states reasons on the record for the reduction.**
- **Speaker time limits:**
  - **Must be reasonable and applied uniformly.**
  - **What is a 'reasonable' depends on several factors, e.g.:**
    - **Time allocated for the meeting,**
    - **Number of agenda items,**
    - **Complexity of the items,**
    - **Number of persons that have submitted speaker cards**

**(Oakland Muni. Code § 2.20.150)**



# **PUBLIC TESTIMONY, cont'd**

- **Cannot prohibit speakers from expressing public criticism about City services, procedures, activities, etc.**
- **OPEN FORUM: Regular and special meetings must provide opportunity for public comment on non-agenda matters at the beginning or end of the meeting.**
- **Members of the public must be allowed to speak on all items appearing on the agenda, even if the Commission removes the item.**
- **People interested in speaking can be required to submit speaker cards by a deadline. (Deadline, if imposed, should be addressed in Commission's meeting rules.)**
- **Each member of the public that wishes to speak on an item must be allowed to speak prior to Commission's vote on the item.**

**(Gov. Code § § 54954.3, Oakland Muni. Code § 2.20.150)**

# RECORDING MEETINGS

- Each regular and special meeting of the Commission must be audio taped.
- Audio recordings of the meeting are a public record and subject to disclosure. The City will preserve them for at least four years.
- Meetings *may* be video recorded.
- Members of the public have the right to take photographs at the meeting and video record the meeting, provided they are not disruptive.

(Oakland Muni. Code § 2.20.160.B.)

# Enforcement & Penalties

## Public Ethics Commission (PEC)

- Complaint may be filed.
- May investigate and/or conduct public hearing following investigation.
- May issue a cure and correct demand to legislative body.

## Civil Actions

- Any interested party may file an action.
- Commission has opportunity to cure and correct.
- If judgment is rendered against the City, Commission action is void.
- Costs and attorneys fees may be awarded.

## Criminal Penalties

- Misdemeanor: attendance at a meeting of the body where action is taken in violation of the Brown Act.
- Meeting with “intent to deprive the public of information the members knows or has reason to know is public.
- “Action” = collective decision, commitment or promise reached by the body.

(Gov. Code § 54959, 54960, 54960.1; Oakland Muni. Code Chapter 2.20, Art. IV)

# Parliamentary Rules of Procedure

- **A motion is a formal proposal by a commission member to do something.**
- **A motion should focus the group on what is being decided.**
- **Generally, a motion should be phrased in a way to take an action or express an opinion.**

# Main motion

- **A motion that brings business before the body**
- **Debatable (subject to discussion)**
- **Amendable (the motion can be changed)**
- **Requires a majority vote**

# Amendment

- **Modifies the main motion**
- **Requires a second**
- **Debatable**
- **Amendable**
- **Requires a majority vote**
- **If passed, amendment becomes part of the main motion**

# Motion to substitute

- **Proposes an alternative motion to the original motion; i.e., replaces the main motion**
- **Requires a second**
- **Debatable**
- **Amendable**
- **Must vote on substitute motion first.**
- **If substitute motion passes, main motion becomes moot**

# Tabling a motion

- **Used to delay action on an item of the agenda until a later time**
- **Requires a second**
- **Not debatable**
- **Not amendable**
- **Requires a majority vote**



# Refer to a committee

- **Refer the matter to a sub-committee of the body to gain further information or make recommendation**
- **Requires a second**
- **Debatable**
- **Amendable**
- **Requires a majority vote**

# Questions