

Thursday November 7, 2024 6:30 pm

1 Frank Ogawa Plaza, City Hall, 3rd Floor City Council Chambers
Oakland, CA 94612

AGENDA

Reminder: This meeting will take place in person. Members of the public can observe and participate remotely via zoom as well.

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:
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or +1 301 715 8592

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TO PROVIDE PUBLIC COMMENT: There are two ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Attend in person; or
- Comment in advance. To send your comment before the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to Greg Minor at gminor@oaklandca.gov. All submitted public comments will be provided to the Cannabis Regulatory Commission prior to the meeting.
- Comment virtually. When public speakers are called for an item please raise your hand in zoom and unmute yourself. If you have dialed in, please press “9” to raise your hand and “*6” to unmute.

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Persons may speak on any item appearing on the agenda; however, a Speaker Card must be filled out and given to a representative of the Cannabis Regulatory Commission. Multiple agenda items cannot be listed on one speaker card. If a speaker signs up to speak on multiple items listed on the agenda, the Chairperson may rule that the speaker be given an appropriate allocation of time to address all issues at one time (cumulative) before the items are called. All speakers will be allotted 3 minutes or less – unless the Chairperson allots additional time.

♿ 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:

Samantha Sage	District 1	Hellen Harvey	District 7
M. Chaz Walker	District 2	Chaney Turner	At Large
Zachary Gayner	District 3	Yulie Padmore	Mayor
Tariq Ikharo	District 4	TiYanna L. Smith	City Auditor
Linda Grant	District 5	Vacant	City Administrator
Vacant	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 October 3, 2024
- C. Reports for Discussion and Possible Action
 - 1. Training on Open Meeting Laws and Parliamentary Procedures
 - 2. General Plan Update
 - 3. Community Meetings for Cannabis Applications within 300 Feet of Residential Zones
 - 4. 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)*
 - *CRC Attendance Policy (since November 2023)*
 - *Contracting Hazardous Materials Inspections (since November 2023)*
 - *Enforcement of CUP beautification requirements (since January 2024)*
- E. Open Forum / Public Comment
- F. Announcements
 - 1. Update on Cannabis Permitting Process
 - 2. Apply to serve on CRC here:
<https://oakland.granicus.com/boards/w/8552f8c4c0e15460/boards/6697>
- G. Adjournment

Cannabis Regulatory Commission

Special Meeting

Thursday October 3, 2024 6:30 pm

MINUTES

1 Frank Ogawa Plaza, City Hall, 3rd Floor City Council Chambers
Oakland, CA 94612

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Vacant	District 6		

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MEETING AGENDA

A. Roll Call and Determination of Quorum

Present: Sage, Walker, Gayner, Grant, Harvey, Turner, Padmore, Smith, and Minor
Absent: Ikharo

B. Approval of the Draft Minutes from the CRC Meeting on June 6, 2024

Chair Turner moved to approve the minutes as drafted and Vice-Chair Smith seconded the motion. The motion passed with members Gayner, Padmore and Sage abstaining.

C. Reports for Discussion and Possible Action

1. Annual Report on Cannabis Business Taxes from the Revenue Management Bureau

Member Minor summarized the report from the Finance Department, noting key trends of continuing decline in the total gross receipts of cannabis operators, albeit with a total greater than before the COVID-19 pandemic. Member Gayner asked how “employees” are defined in the report and Member Minor offered to consult with the Finance Department for clarity. Member Ikharo asked why overall revenues are declining; Member Minor noted the City needs to finish exit surveys for cannabis operators to answer that question beyond anecdotal information. Member Walker noted that Oakland is the hub of the regulated cannabis industry and Oakland needs to lean into tourism and onsite consumption to support its cannabis industry.

2. Onsite Consumption Proposal

Michael Alvarenga with Councilmember Kaplan’s office and Nara Dahlbacka with the Milo Group presented a proposal to authorize smoking of cannabis at dispensaries and other forms of cannabis consumption to provide additional revenue opportunities for the cannabis industry. Ms. Dahlbacka noted that they modeled the proposal after San Francisco’s approach to onsite consumption.

Attorney Gina Austin called in to recommend clarifying that outdoor space would not have to be designated as a smoking room and that neither alcohol nor tobacco should be allowed. Marty Higgins spoke in favor of the proposal, noting his experience operating a smoking lounge in San Francisco that promotes community and that patrons prefer. Amber Senter also spoke in support, while encouraging the City to ensure equity retailers can comply with HVAC requirements for smoking rooms.

Member Walker expressed support for the proposal as consumption lounges are beneficial for veteran's community and tourism, though the City should prioritize equity operators. Member Sage echoed concerns regarding equity operators' ability to comply with HVAC requirements. Chair Turner said it is the right time to pursue this proposal and support cannabis retailers.

Member Gayner asked what protections will be in place for employees exposed to secondhand smoke and Chair Turner asked if this proposal had been presented to the building and fire departments. Member Sage also stated that section D in the proposal was too vague. Member Sage then made a motion for the proponents of the onsite consumption proposal to draft clearer language in Section D. Member Walker seconded the motion and it passed by consensus.

3. Updating CRC Bylaws to Clarify the CRC's Purpose, Allow for Remote Public Comment, Establishing Meeting Cadence, Add Conflict of Interest Policy and Establish Procedures for Agenda Items

Member Minor provided background on past efforts to update the CRC's bylaws and the proposed updates, which include a recommendation to meet quarterly instead of monthly. Vice-Chair Smith expressed openness to meeting less frequently, Member Walker encouraged continuing to meet monthly for now based on the passion of the CRC's current membership. Chair Turner emphasized the importance of consistency, whether the CRC meets monthly or less frequently. Member Harvey expressed support for meeting monthly to ensure the CRC is able to get through an entire agenda.

Chair Turner then made a motion to accept the bylaws as drafted except to continue meeting monthly and to establish two minutes as the maximum time period per speaker for public comment. Member Gayner seconded the motion and it passed by consensus.

4. Potential Change to Proposition 64 Health and Safety Grant Cohort Two Security Funds

Member Minor summarized the current challenges with respect to this grant and the alternative approach to focus all security funding on grants for the cost of security guards. Member Walker encouraged using this grant to gather data on what makes a cannabis business secure and how much security measures cost.

Vice-Chair Smith made a motion to recommend consolidating the security grant categories and asking operators what their monthly security costs are. Chair Turner seconded the motion and it passed by consensus.

5. Community Meetings for Cannabis Applications within 300 Feet of Residential Zones

Member Minor noted this item was not time sensitive and could be continued to the next meeting.

6. Implementation Update on State Grants

Member Minor provided a status update.

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

- *Building and Fire Baseline Permitting Timelines (since January 2022)*
- *Planning Department Discussion re Zones Eligible for Cannabis Businesses (since October 2022)*
- *CRC Attendance Policy (since November 2023)*
- *Contracting Hazardous Materials Inspections (since November 2023)*
- *Enforcement of CUP beautification requirements (since January 2024)*

E. Open Forum / Public Comment

Janae Miller encouraged the CRC to continue meeting monthly.

F. Announcements

1. Update on Cannabis Permitting Process
2. Apply to serve on CRC here:

<https://oakland.granicus.com/boards/w/8552f8c4c0e15460/boards/6697>

Member Minor announced that he is departing the City of Oakland for a position with the City of San Rafael. CRC members then expressed hope that the next staff person have familiarity with cannabis and an understanding of equity.

G. Adjournment



Cannabis Regulatory Commission

TO: Cannabis Regulatory Commission

FROM: Kat Torio
Economic and Workforce
Development Department

SUBJECT: November 2024 Agenda Items

DATE: November 4, 2024

ITEM C (1) Training on Open Meeting Laws and Parliamentary Procedures

To assist CRC members and the public alike, the City Attorney’s Office will provide a “Brown Act Training” on open meeting laws and parliamentary procedures.

ITEM C (2) General Plan Update

The Oakland General Plan Update (GPU) is an exciting chance for everyone in Oakland to help plan the city's future. Through the General Plan, we aim to create livable and connected neighborhoods where people have access to everything they need, such as grocery stores, entertainment, stores, libraries, parks, and safe transportation.

ITEM C (3) Community Meetings for Cannabis Applications within 300 Feet of Residential Zones

In 2018 the City Council added community meetings as a requirement for any cannabis use that is within 300 feet of a residential zone. Previously, the City only required cannabis businesses that were open to the public (dispensaries) to undergo a public meeting prior to receiving a cannabis permit. In 2018 the City expanded the public meeting requirement to any cannabis use near residential zones to provide an opportunity for cannabis operators to present their proposed use to nearby residents and to hear any concerns or suggestions neighbors

have, with the ultimate goal of clarifying any misconceptions and addressing neighborhood specific issues before a cannabis operation is approved.

As currently written, this requirement appears to require any new cannabis permit application within 300 feet of a residential zone to undergo a community meeting, regardless of whether a prior applicant underwent a community meeting for the same location or an applicant underwent a community meeting for another unit on the same property. Staff is highlighting this issue for the CRC to consider whether to clarify that this is a one-time requirement per property or unit or rather a requirement for any new application.

ITEM C (4) 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.

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

State Funding Agency	Fiscal Year (FY)	Amount of Funding Received	Oakland's Ranking Among Local Jurisdictions	Total Amount of Funding Available Statewide
BCC ¹	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
Go-Biz	FY 2023-2024	\$3,000,000.00	1st	\$15 million

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

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. Unfortunately, the DCC has denied the City's request to repurpose unspent funding on City staff towards grants to operators to bring their buildings into compliance, which makes it unlikely the City will disburse all funding.

Finally, in 2021 and 2023 the City received grants from the Board of State and Community Corrections (BSCC) to address the impacts of cannabis legalization. **Figures 1-4** provide status updates on these various state grants.

Figure 1- Local Jurisdiction Assistance Grant (2022-2025)

USES	COST IN ONE YEAR	COST OVER THREE YEARS	DISBURSED	BALANCE
Grants to Provisionally Licensed Equity Applicants	\$547,218.50	\$1,722,655.50	1,625,000.00	\$97,655.50
Special Activity Permit Technician	\$166,810.00	\$500,430.00	\$53,836.64	\$446,593.36
Planning CEQA Review	\$9,237.00	\$27,710.00	0.00	\$27,710.00
Program Analyst for Processing Grants	\$198,640.00	\$595,920.00	\$346,483.79	\$249,436.21
Process Coordinator II in Building Bureau	0.00	0.00	0.00	0.00
Overtime for Civil Engineers to Review Plans	\$147,587.08	\$442,761.25	\$38,964.92	\$403,796.33
Overtime for Code Enforcement	\$147,587.08	\$442,761.25	\$35,946.10	\$406,815.15
Hazardous Materials Inspector II		0.00	0.00	0.00
Overtime for Fire Plan Engineers to Review Plans	\$147,587.08	\$442,761.25	0.00	\$442,761.25
Overtime for Fire Code Enforcement	\$147,587.08	\$442,761.25	\$10,638.87	\$432,122.38
Overtime for Municipal Code Enforcement Officers for Security Inspections	\$50,000.00	\$150,000.00	\$79,944.49	\$70,055.51
Annual CPTED Training for Municipal Code Enforcement Officers	\$1,200.00	\$3,600.00	921.00	\$2,679.00
Establishing/Maintaining Accela Module for Cannabis Permit Tracking	\$66,666.67	\$200,000.00	\$68,935.25	\$131,064.75
Grants to Meet Security Requirements	\$574,218.50	\$1,722,655.50	\$1,457,737.39	\$264,918.11
Consultant (4Front Partners) to Administer Loan/Grant Programs	\$160,000.00	\$480,000.00	\$479,999.39	\$0.61
Consultant (Knox & Ross) to Provide Legal Assistance to Equity Applicants	\$125,000.00	\$375,000.00	\$296,750.00	\$78,250.00
Consultant (Oaksterdam) to Provide Technical Assistance to Equity Applicants	\$125,000.00	\$375,000.00	\$281,494.00	\$93,506.00
TOTALS	\$2,641,338.67	\$7,924,016.00	4,776,651.84	\$3,147,364.16

Figure 2- Original and Current Uses of Proposition 64 Cohort Two Grant (2021-2024)

	BUDGETED	DISBURSED	BALANCE
CONSULTANTS			
<i>Preventative and Intervention Activities for Youth (\$280,000)</i>			
<i>Develop and Support Youth Awareness Campaign (\$163,306)</i>			
Public Health Institute (PHI)	\$443,306.00	\$443,306.00	\$0
<i>Public Outreach Campaign to Adults</i>			
Make Green Go (MGG)	\$75,000.00	\$75,000.00	\$0
<i>Evaluator</i>			
LMB CREATIVE (LMB)	\$80,000.00	\$72,000.00	\$8,000.00
SALARIES			
Officer John Romero	\$112,329.00	\$67,854.12	\$44,474.88
Petural Shelton (PJ)	\$231,000.00	\$230,999.99	\$.01
MISC.			
Indirect Costs and Overhead	\$27,000.00		\$27,000.00
Meeting Supplies and Notifications	\$29,059.00	\$2,474.20	\$26,584.80
TOTAL	\$997,694.00	\$891,634.31	\$106,059.69

Figure 3: 2023-2024 Go-Biz (GO-Biz 4) Grant Funds

	CATEGORY ALLOCATED	DISBURSED	BALANCE
Grants/Loans			
Grants	\$1,796,838.75	\$1,796,837.75	\$1.00
Loans	\$0.00		
Consultant-4Front	\$123,979.75	\$123,979.63	\$.13
Salary	\$75,669.00	\$75,669.82	\$-.82
TOTAL:	\$1,996,487.50	\$1,966,487.20	.31

Figure 4: 2024-2025 Go-Biz (GO-Biz 5) Grant Funds

	CATEGORY ALLOCATED	DISBURSED	BALANCE
Grants	\$3,000,000	\$750,000	\$2,250,000

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

APPLICATIONS	TOTALS	PENDING
Total Complete & Incomplete Applications	1415	142
Total Complete Applications	1415	
Complete General Applications	501	
Equity Applications based on residency	342	
Equity Applications based on conviction	40	
Incubators	243	
Interested in Incubating	0	
Complete Application with property	883	
Complete Application without property (Equity)	382	
Complete Applicants without property (General)	501	

Figure F-2: Permit Applications by Category

COMPLETED APPLICATIONS BY BUSINESS TYPE	GENERAL	INCUBATOR*	INTERESTED IN INCUBATING*	EQUITY
Delivery	105	48	3	114
Cultivator (Indoor)	181	88	10	43
Cultivator (Outdoor)	3	3	0	8
Distributor	108	68	4	120
Mfg. Volatile	37	34	0	8
Mfg. Non-Volatile	60	43	2	82
Transporter	6	3	0	6
Lab Testing	1	1	0	1
GRAND TOTALS	501	288	19	382

*These numbers are part of the General Total

Figure F-3: Operators Issued Provisional and Annual Licenses

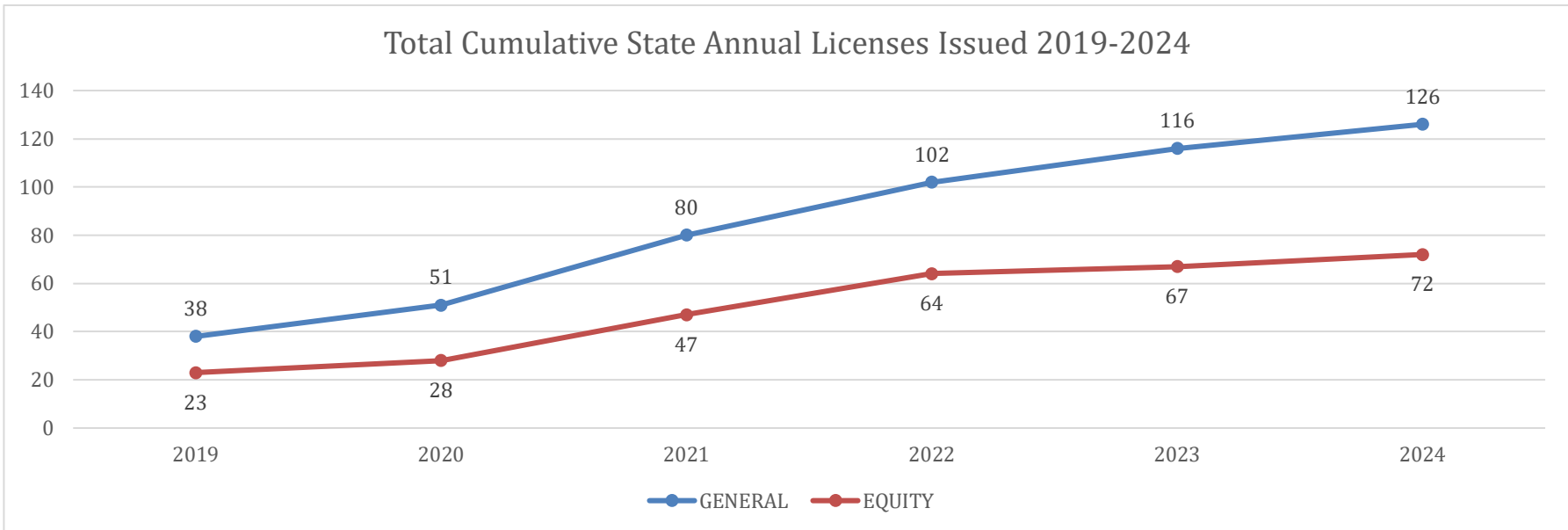
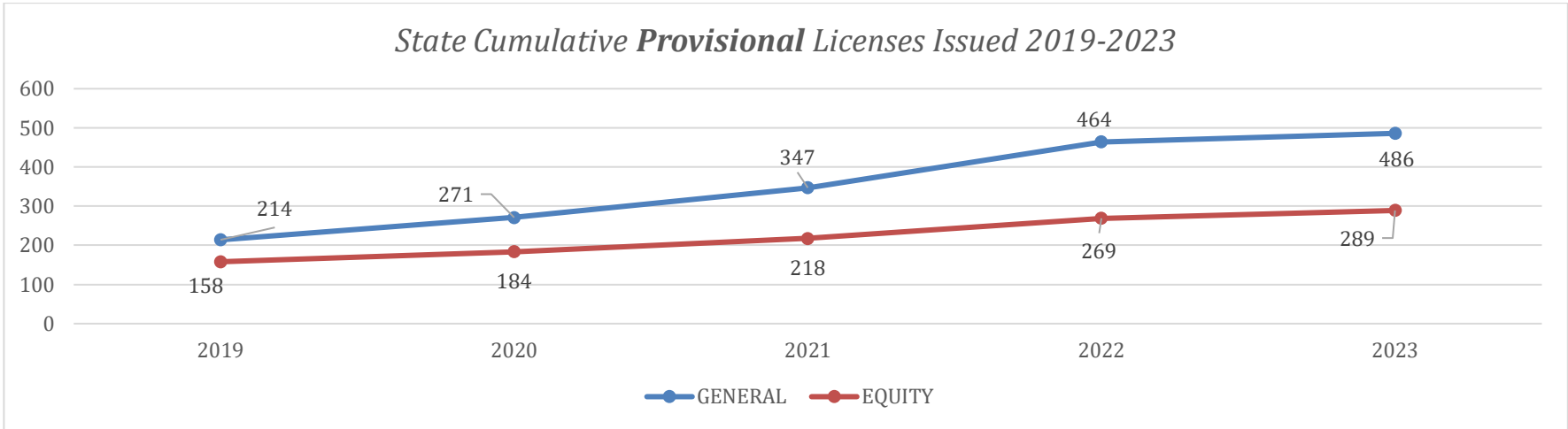


Figure F-4: New Permits Issued to Cannabis Operators Since Spring of 2017 by Category²

	GENERAL	INCUBATOR	EQUITY	TOTAL
<i>NEW ANNUAL PERMITS BY BUSINESS TYPE</i>				
On-site Consumption	3		3	6
Dispensary	8	1	9	18
Delivery	68	18	88	174
Cultivator (Indoor)	7	6	19	32
Cultivator (Outdoor)	0	0	2	2
Distributor	27	27	59	113
Mfg. Volatile	3	5	1	9
Mfg. Non-Volatile	9	11	42	62
Transporter	2	0	5	7
Lab Testing	0	0	0	0
GRAND TOTALS	127	68	228	423

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

Figure F-5: Withdrawn Applications

WITHDRAWN APPLICATIONS	GENERAL	INCUBATOR	EQUITY	TOTALS
Delivery	48	43	109	200
Cultivator (Indoor)	28	26	76	130
Cultivator (Outdoor)	16	13	14	43
Distributor	22	64	87	173
Mfg. Volatile	7	21	28	56
Mfg. Non-Volatile	20	34	71	125
Transporter	7	1	20	28
Lab Testing		3	3	6
TOTALS	148	205	408	761

Figure F-6: Revoked Local Authorization

REVOKED LOCAL AUTHORIZATION	GENERAL	INCUBATOR	EQUITY	TOTALS
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
TOTALS	7	38	17	62

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

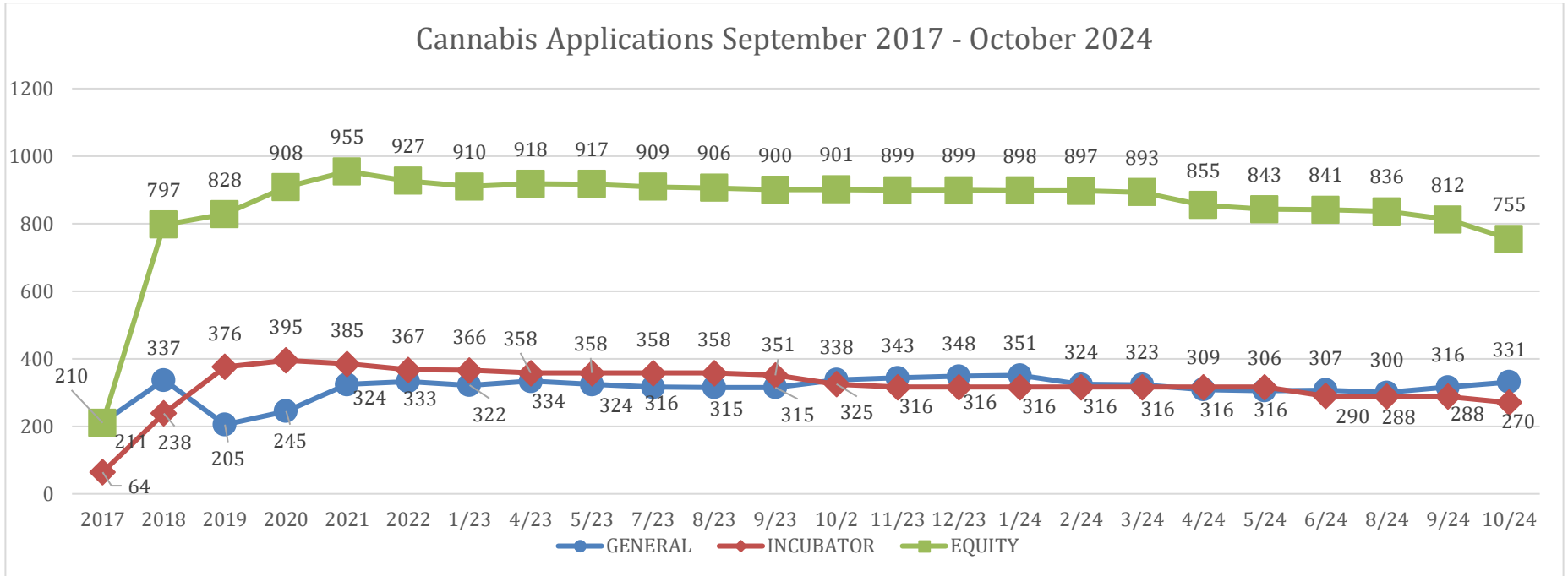
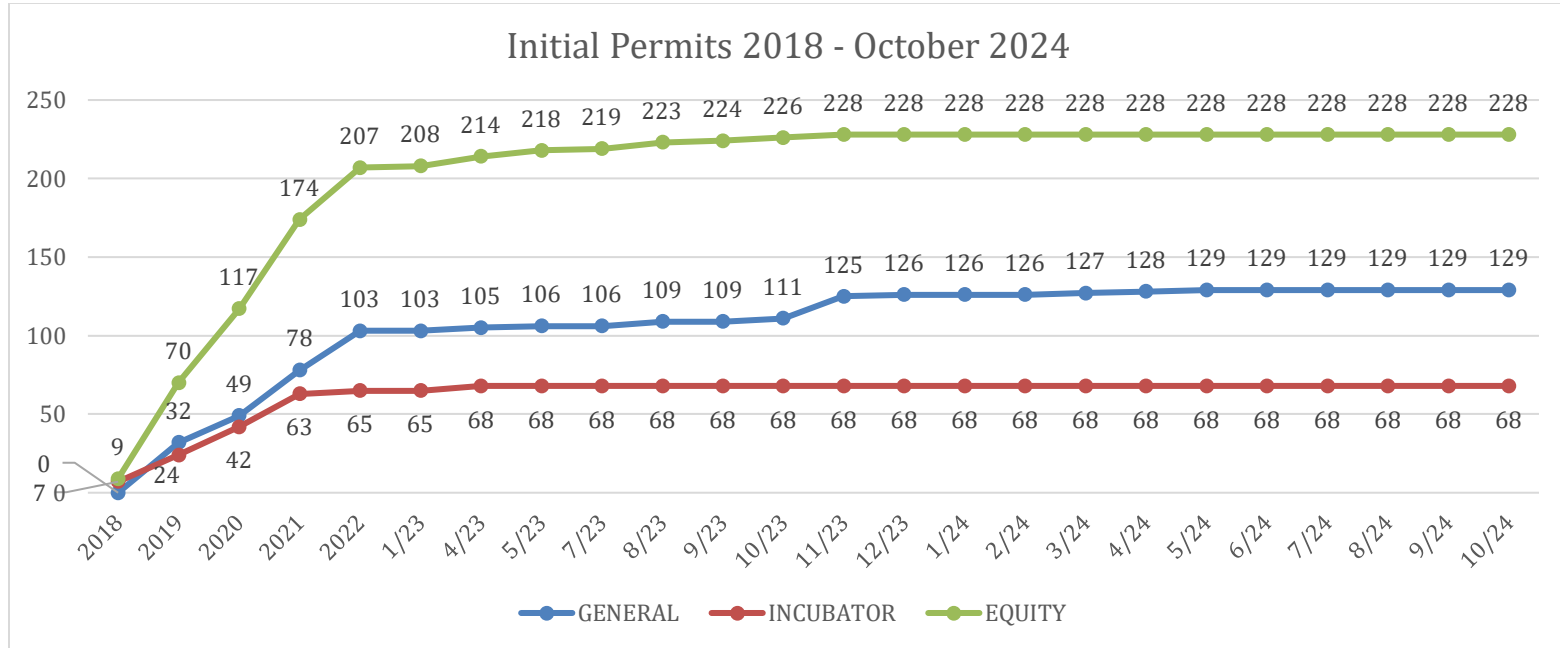


Figure F-8: Graph of Cannabis Permits Issued since 2018



BROWN ACT AND OAKLAND SUNSHINE ORDINANCE OVERVIEW

3383415

November, 2024

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