

Thursday, May 7, 2020, 6:30 pm
Teleconference Meeting

AGENDA

Pursuant to the Governor's Executive Order N-29-20, members of the Cannabis Regulatory Commission as well as City staff will participate via phone/video conference and no physical teleconference locations are required.

PUBLIC PARTICIPATION INSTRUCTIONS

TO OBSERVE:

- To observe the meeting by video conference, please click the link below to join the webinar:
<https://us02web.zoom.us/j/82847688749>
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
For each number, please be patient and when requested, dial the following Webinar ID: 828 4768 8749

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled "Joining a Meeting By Phone."

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

- Comment in advance. To send your comment to staff 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 comment will be provided to the Cannabis Regulatory Commission prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled "Raise Hand In Webinar."
- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing STAR-NINE ("*9") to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting.

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.

Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail Greg Minor, at gminor@oaklandca.gov.

Cannabis Regulatory Commission

Regular Meeting

Thursday, May 7, 2020, 6:30 pm
Teleconference Meeting

AGENDA

Members:

Lanese Martin	District 1	Frank Tucker	District 7
Chang Yi	District 2	Vacant	At Large
Vacant	District 3	Stephanie Floyd-Johnson	Mayor
Debby Goldsberry	District 4	TiYanna Long	City Auditor
Claudia Mercado	District 5	Greg Minor	City Administrator
Joshua Chase	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. Open Forum / Public Comment
- C. Review of the Pending List and Additions to Next Month’s Agenda
 - *Cannabis Regulatory Commission 2019 Annual Report (since February 2020)*
 - *Agencies listed on City of Oakland cannabis permit inspection card (since February 2020)*
 - *Shared drive regarding cannabis robberies and burglaries (since February 2020)*
- D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meeting of March 2020.
- E. Reports for Discussion and Possible Action
 1. Training on Parliamentary Procedures
 2. Introduction to Workforce Development Board
 3. Impact of Covid-19 on the Cannabis Industry
 4. Use of Governor’s Office of Business and Economic Development (GO-Biz) \$6.5 million Grant Award to City of Oakland
 5. Updated Equity Program Assessment
 6. Electing New Vice-Chair
- F. Announcements
 1. Update re Request for Proposals (RFP) responses for Shared Manufacturing Facility and Event Organizer for Equity Applicants
 2. Public Drawing for 2019-2020 Equity Dispensary Permit Applicants Will Be Held In May; Details TBD and Will Be Posted on City Website.

3. Two Current Vacancies on the Cannabis Regulatory Commission
4. Update on Cannabis Permitting Process

G. Adjournment

Cannabis Regulatory Commission

Regular Meeting

Thursday, March 5, 2020, 6:30 pm
Council Chambers, City Hall, One Frank H. Ogawa Plaza

MINUTES

Members:

Lanese Martin	District 1	Frank Tucker	District 7
Chang Yi	District 2	Vacant	At Large
Zachary Knox	District 3	Stephanie Floyd-Johnson	Mayor
Debby Goldsberry	District 4	Tiyanna Long	City Auditor
Claudia Mercado	District 5	Greg Minor	City Administrator
Joshua Chase	District 6		

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

MEETING AGENDA

A. Roll Call and Determination of Quorum

Present: Knox, Goldsberry, Chase, Tucker, Floyd-Johnson, Long, Minor.

Absent: Martin, Yi, Mercado

B. Open Forum / Public Comment

There were no speakers during open forum.

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

- *Cannabis Regulatory Commission 2019 Annual Report (since February 2020)*
- *Introduction to Workforce Development Board (since February 2020)*
- *Training on Parliamentary Procedures (since February 2020)*
- *Agencies listed on City of Oakland cannabis permit inspection card (since February 2020)*
- *Shared drive regarding cannabis robberies and burglaries (since February 2020)*

Member Minor mentioned that WDB staff were not available in March but should be available next month. Member Tucker moved to add the WDB introduction to next month's agenda. Member Long seconded this motion and it passed by consensus.

Member Goldsberry moved to request staff to provide a report regarding the five-ten biggest hurdles cannabis applicants are facing. Member Long seconded this motion and it passed by consensus.

D. Approval of the Draft Minutes from the CRC meeting of December 2019.

Member Tucker moved to approve the Draft Minutes. Member Floyd-Johnson seconded the motion and it

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.

passed by consensus.

E. Reports for Discussion and Possible Action

1. Revenue Management Bureau Overview of 2020 Cannabis Business Tax Rates and Rebate Programs.

Huey Dang and Margaret O'Brien of the Revenue Management Bureau (RMB) summarized the current cannabis tax rates as provided in RMB's handout. Member Martin questioned the current tax rate for equity businesses and why it was not lower based on the motion passed by City Council in 2019. Mr. Dang and Ms. O'Brien explained that RMB is implementing the ordinance that City Council enacted.

Member Long moved for staff to inquire with the city attorney's office on whether the tax ordinance enacted was consistent with what the City Council approved in 2019. Member Floyd-Johnson seconded the motion and it passed by consensus.

2. Onsite Consumption Lounges.

Member Minor provided an overview of the City's current consumption permitting via events and dispensaries and interest in gathering feedback from the public on whether and how to approach additional consumption lounge scenarios keeping in mind that delivery operators can already deliver to private properties. Brett Bell also shared his draft consumption proposal.

Member Tucker suggested examining best practices in other jurisdictions. Member Goldsberry moved for staff to look at Colorado and Massachusetts for examples of consumption licenses not attached to dispensaries and also for staff to look at emulating the City's tobacco ordinances. Motion passed by consensus.

Members of the public supported moving this discussion forward and getting ahead of this issue.

F. Announcements

1. Requests for Proposals Available for Event Organizer(s) and A Shared-Use Manufacturing Facility for Cannabis Equity Applicants Here: <https://cao-94612.s3.amazonaws.com/documents/RFP-forequity-event-organizer-02.20.20.pdf> and Here: <https://cao94612.s3.amazonaws.com/documents/RFQ-for-equity-kitchen-updated-2.20.pdf>
2. March 20th Cannabis Permitting Workshop at City Hall, Council Chambers.
3. Update on Cannabis Permitting Process

Member Minor gave an update on the permitting process as well as the deadlines and events listed above.

G. Adjournment



Cannabis Regulatory Commission

TO: Cannabis Regulatory Commission

FROM: Greg Minor
Assistant to the City
Administrator

SUBJECT: May Agenda Items

ITEM E (4) Use of Governor's Office of Business and Economic Development (Go-Biz) Grant Award to City of Oakland

On April 21, 2020, the Governor's Office of Business and Economic Development (Go-Biz) approved the City of Oakland to receive funding in the amount of \$6,576,705.76 to support its Equity Program. This is an exciting development and a humbling recognition of the collective hard work and progress we have made over the first three years of the Equity Program.

Before drafting a Resolution for the City Council's consideration to accept and allocate this funding, the City Administrator's Office is seeking public input on the below Initial Staff Recommendations and Eligibility Considerations. Thank you in advance for your feedback.

Initial Staff Recommendations

1. Given the economic fallout from Covid-19 and the strong possibility of no additional state grants to support local equity programs in the coming years, staff recommends the majority of the Go-Biz grant go towards the following uses that will have an impact beyond the one year grant period:

- No-interest revolving loans as opposed to grants; this will provide equity applicants with available funding both over the next year and in subsequent years from new loans funded via loan repayments.
- Funding for the purchasing as opposed to the leasing of properties.
- Workforce Development Programs that create a pipeline for ongoing liveable wage opportunities.

2. Staff recommends the balance of Go-Biz funds go towards continuing the remaining components of the Equity Program for another year: technical assistance and legal assistance programs, small operator grants for all eligible expenses, shared manufacturing facilities, support for equity events (to the extent they are permitted by public health officials), and the administration of the equity program.

Eligibility Considerations

1. The City's Equity Program currently limits eligibility for the services provided in the Equity Assistance Program, such as free technical and legal assistance and no-interest loans, to equity applicants, which means only operators that are current Oakland residents who earn no more than 80 percent of the Average Median Income (AMI). This has the effect of assisting equity operators survive but not necessarily thrive and continue to grow their businesses, as equity operators who graduate from the City's income requirements no longer can receive City support.

- Should operators who originally qualified as an equity applicant but either no longer live in Oakland (via displacement) or exceed the 80 percent AMI still be eligible for Equity Assistance Program services?
- If so, to what extent? For example, if an operator now exceeds the income eligibility, should they be eligible for loans but not grants?
- Should there be an additional income cap at which point an operator is no longer eligible for Equity Program services of any amount or kind?

2. Funding the purchasing of properties that host equity businesses may require a considerable amount of funding. What criteria should the City use to determine how to allocate this funding?

- Should this funding only be eligible for properties that serve multiple equity businesses or businesses of a certain type, such as microbusinesses, cultivation and manufacturing, the most capital-intensive uses?
- What sort of track record, if any, should the property purchasing applicant have? Can brand new applicants be eligible or only applicants that have already obtained a City permit and state license? Is it relevant if an applicant seeking funding for a property is delinquent on a City loan they have already received?

ITEM F (4) Update on Cannabis Permitting Process

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

Figure 1: Application Totals

APPLICATIONS	TOTALS	PENDING
Total Complete & Incomplete Applications	1436	108
Total Complete Applications	1436	
Complete General Applications	594	
Equity Applications based on residency	719	
Equity Applications based on conviction	123	
Incubators	384	
Interested in Incubating	21	
Complete Application with property	1050	
Complete Application without property (Equity)	327	
Complete Applicants without property (General)	59	

Figure 2: Permit Applications by Category

COMPLETED APPLICATIONS BY BUSINESS TYPE	GENERAL	INCUBATOR*	INTERESTED IN INCUBATING*	EQUITY
Delivery	138	65	4	224
Cultivator (Indoor)	143	93	13	132
Cultivator (Outdoor)	5	4	0	35
Distributor	138	102	3	207
Mfg. Volatile	62	50	0	41
Mfg. Non-Volatile	99	63	2	154
Transporter	6	4	0	39
Lab Testing	3	3	0	10
GRAND TOTALS	594	384	22	842
		*These numbers are part of the General Total		

Figure 3: Operators Locally Authorized for Provisional or Annual State License by Category

LOCALLY AUTHORIZED FOR STATE *ANNUAL/PROVISIONAL LICENSES*	GENERAL	INCUBATOR	EQUITY	
Delivery	28	45	111	
Cultivator	7	51	41	
Distributor	6	77	78	
Mfg. Volatile	5	29	6	
Mfg. Non-Volatile	20	54	47	
Transporter	1	2	4	
Lab Testing	0	1	2	
Retailers	1	2	4	
TOTALS:	68	261	293	622
*These figures represent those who have actually applied with the state for their provisional/annual license. There are additional applicants who are locally authorized, but who have not yet applied with the state.				

Figure 4: New Permits Issued to Cannabis Operators Since Spring of 2017 by Category

	GENERAL NOT INCUBATING	INCUBATOR	EQUITY	TOTAL
<i>NEW ANNUAL PERMITS BY BUSINESS TYPE</i>				
Dispensary	0	1	2	3
Delivery	39	10	52	101
Cultivator (Indoor)	0	3	2	5
Cultivator (Outdoor)	0	0	0	0
Distributor	5	14	22	41
Mfg. Volatile	0	1	0	1
Mfg. Non-Volatile	2	3	15	20
Transporter	1	0	4	5
Lab Testing	0	0	0	0
SUB TOTALS	47	31	95	173
GRAND TOTALS	47	32	97	176

Figure 5: Withdrawn Applications

WITHDRAWN APPLICATIONS	GENERAL	INCUBATOR	EQUITY	TOTALS
Delivery	9	15	26	50
Cultivator (Indoor)	3	12	32	47
Cultivator (Outdoor)	14	11	10	35
Distributor	2	21	30	53
Mfg. Volatile	2	11	17	30
Mfg. Non-Volatile	4	8	17	29
Transporter	3	1	12	15
Lab Testing		2	3	5
TOTALS	37	81	147	265

Figure 6: Revoked Local Authorization

REVOKED LOCAL AUTHORIZATION	GENERAL	INCUBATOR	EQUITY	TOTALS
Delivery	1	6	6	13
Cultivator (Indoor)	1	9	2	12
Cultivator (Outdoor)				0
Distributor	1	5	4	10
Mfg. Volatile		3		3
Mfg. Non-Volatile		3	1	4
Transporter		1		15
Lab Testing				0
TOTALS	3	27	13	43

Figure 7: Cannabis Permit Applications Received Since 2017

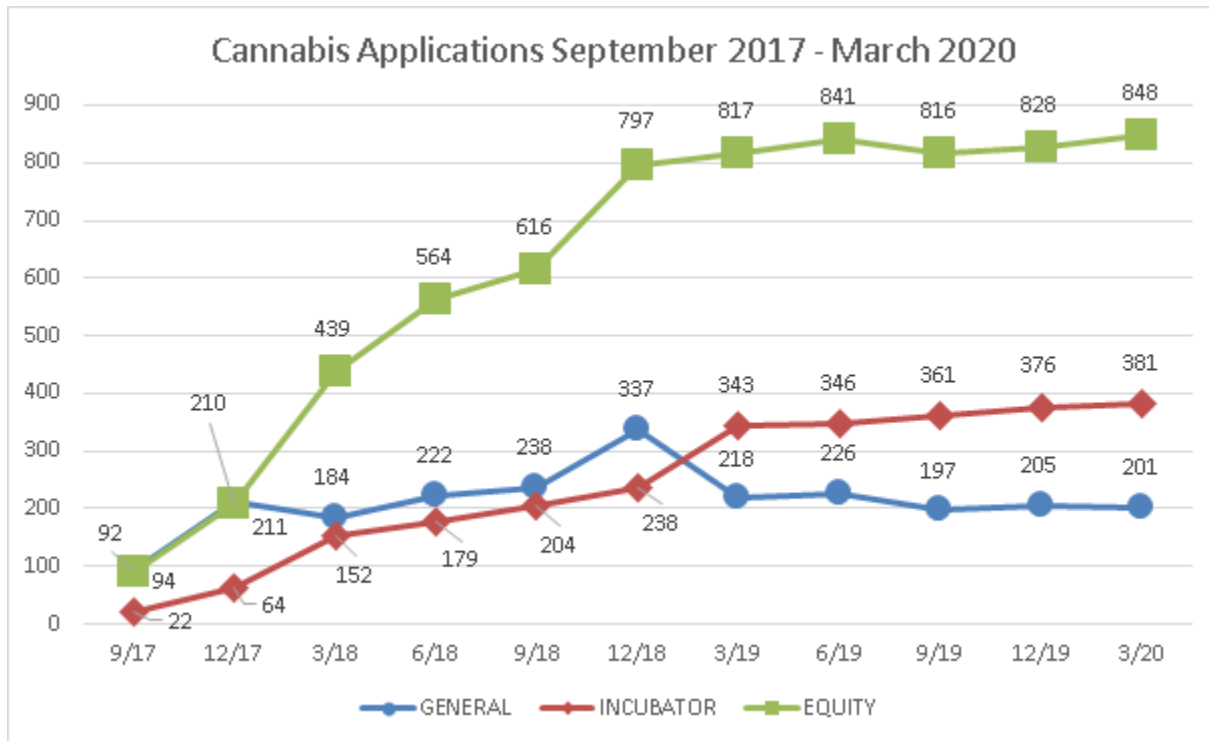
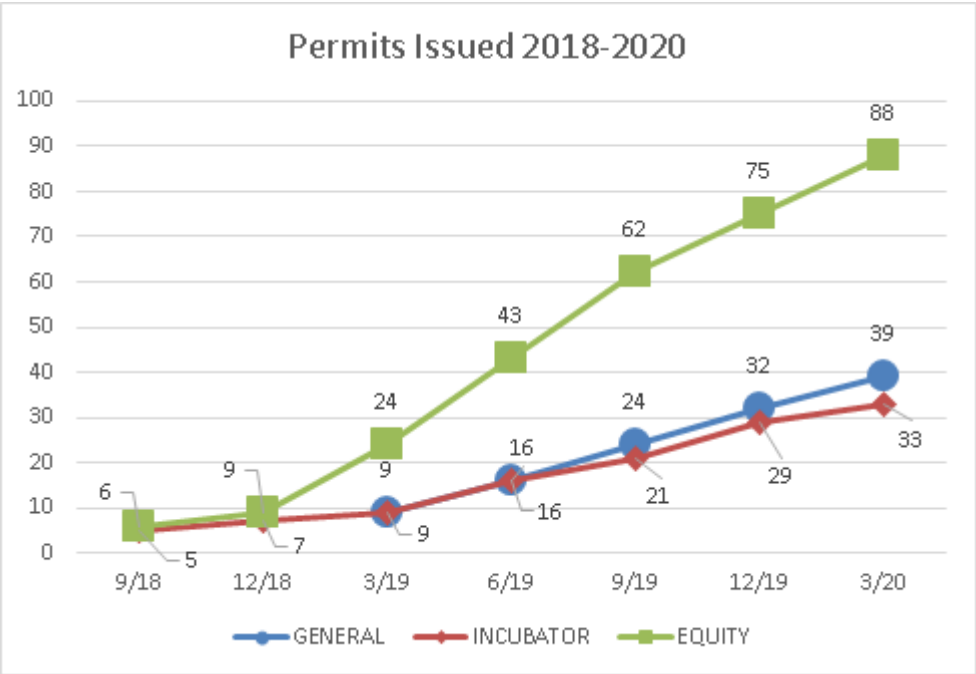


Figure 8: New Cannabis Permits Issued From 2017 through First Quarter of 2020



UPDATED ASSESSMENT OF CANNABIS EQUITY PROGRAM OUTLINE

Last Updated May 1, 2020

1. INTRODUCTION

- A. Purpose of Updated Assessment: to evaluate the success of the City of Oakland's equity program thus far and make recommendations for the City of Oakland on how to support equity operators and the industry overall going forward.
- B. Clarify time-period of analysis, spring 2017-present

2. BACKGROUND ON EQUITY PROGRAM

- A. Goal of equity program
 - i. Promoting equitable ownership and employment opportunities in the cannabis industry can decrease disparities in life outcomes for marginalized communities of color and address disproportionate impacts of the war on drugs in those communities.
- B. Description of its Components and Timeline:
 - i. Equity applicants exempt from city application and permitting fees; eligible for free technical assistance and no-interest loans. During the Initial Permitting phase half of all permits must go to equity applicants and general applicants that incubate receive permitting priority over other general applicants.
 - ii. 2017 - Equity program adopted by City Council in March. Non-dispensary permit applications made available in May. Technical Assistance Program launched in late summer. Dispensary permit applications made available in fall.
 - iii. 2018 - Eight new dispensary operators selected in February. Loan program launched November 1st.
 - iv. 2019 - Tax reduction and rebate program adopted in December.
 - v. 2020 - City receives \$1.65 million grant In April from BCC to support equity events, operator grant program, shared kitchen, and workforce development.

3. ANALYSIS OF CITY OF OAKLAND'S EQUITY PROGRAM

- A. Quantitative Data from Equity and General Applicants broken down by business type
 - i. Permitting Status
 - ii. Operating Status
 - 1. Yes/No; If yes, for how long
 - 2. State Regulatory Status/utilizing METRC
 - iii. Success Status
 - 1. Gross revenue, profit,
 - 2. Employee Information (number of employees, salary range, has staff grown or reduced in last year)
 - 3. Security issues (number of robberies/burglaries)
 - 4. Future Outlook
 - iv. Demographics of biz owners and employees
- B. Qualitative Data
 - i. Interviews with equity operators

4. ANALYSIS OF CANNABIS INDUSTRY OVERALL

- A. Across CA
 - i. Quantitative Data
 - ii. Permitting Status
 - iii. Operating Status

1. Yes/No; If yes, for how long
 2. State Regulatory Status/utilizing METRC
 - iv. Success Status
 - v. Qualitative Data
 1. Interviews with operators/regulators in other jurisdictions
 - B. In other states that have legalized recreational use
 - C. In other states that have legalized recreational use & an equity program
- 5. TRENDS/LESSONS LEARNED FROM ANALOGOUS INDUSTRIES**
 - A. Alcohol
 - B. Agriculture
 - C. Manufacturing (automation)
 - D. Amazon/On Demand Delivery
- 6. MOVING FORWARD**
 - A. Conclusions
 - B. Recommendations

DRAFT

BROWN ACT AND OAKLAND SUNSHINE ORDINANCE OVERVIEW

293088v1

May 2020

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 re Commission business.**
- **Discussion among a quorum regarding scheduling a meeting date.**

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.**

(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)

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, 2.20.070, 2.20.080)

AGENDA REQUIREMENTS

- Notice - Agenda & Materials

- 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.**

(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

- **Used to modify the main motion**
- **Requires a second**
- **Debatable**
- **Amendable**
- **Requires a majority vote**
- **Once an amendment passes, it becomes part of the main motion**



Motion to substitute

- **Is a form of an amendment**
- **Used to propose an alternative motion to the original motion**
- **Requires a second**
- **Debatable**
- **Amendable**
- **Vote taken on whether to put the substitute in place of the original motion**
- **If the substitute amendment passes, the main motion as amended still needs to be voted on**



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 issue to a committee to gain further information or take action**
- **Requires a second**
- **Debatable**
- **Amendable**
- **Requires a majority vote**



Questions