

Oakland Commission on Homelessness Bylaws and Rules of Procedure

This document shall serve as the bylaws and rules of procedures for the Commission on Homelessness. Sections of these bylaws in relevant part are established by City Council Ordinance 13584 C.M.S., and, other sections subject to the authority of the Commission on Homelessness.

DEFINITION OF TERMS

The following terms, whenever used or referred to herein, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- a) **Agenda** shall mean the agenda for the Commission on Homelessness.
- b) **Meeting** shall mean any gathering of a quorum of members of the commission or committee to hear or discuss any item of business or potential commission business.
- c) **Chair** shall mean the chairperson of the Commission on Homelessness.
- d) **Vice Chair** shall mean the vice chairperson of the Commission on Homelessness.
- e) **Charter** shall mean the Charter of the City Oakland.
- f) **Commission** shall mean the Commission on Homelessness.
- g) **Commissioner** shall mean a voting member of the Commission on Homelessness.
- h) **Committee** shall mean a sub-group, working group, or ad hoc committee of the Commission not comprising of a quorum of members.
- i) **Homelessness Administrator** shall mean the representative of the City Administrator's office that leads the operations of encampment response in accordance with provisions of Resolution 88341 C.M.S., the adopted encampment management policy, and all applicable encampment management policies and legal requirements.
- j) **Municipal Code** shall mean the Oakland Municipal Code.
- k) **Quorum** shall mean the precise number the commission members permitted to undertake the business as the Commission on Homelessness.
- l) **Sunshine Ordinance** shall mean Oakland Municipal Code Chapter 2.20.
- m) **Brown Act** shall mean the State of California's open meeting laws (Government Code sections 54950 *et seq.*)

ARTICLE I: Establishment and Governing Law

1) Authority, Statutory Requirements: and Other Laws and Polices

November 6, 2018, 70.04 percent of Oakland voters approved Measure W, a vacant parcel tax, which also established a nine person Commission on Homelessness to provide citizen oversight of tax revenues collected and allocated to homeless programs and services provided by the City.

On February 18, 2020, the City Council adopted Ordinance Number 13584 C.M.S. to expand the scope and responsibility of the Commission on Homelessness to include oversight of the 2020 Measure Q Parcel Tax; and to make recommendations to the City Council for strategies to remedy homelessness.

The Commission shall comply with all applicable laws, including, but not limited to, the City of Oakland Charter, the Establishing Ordinance, the Oakland Sunshine Ordinance (Ordinance 11957 C.M.S., adopted January 14, 1997), the Ralph M. Brown Act (Government Code sections 54950 et seq.), the Political Reform Act of 1974 (Government Code sections 81000 et. seq.), the Public Records Act (Government Code sections 6250 et seq.), and the Oakland Conflict of Interest Code (Ordinance 11979 C.M.S., as amended). If any conflict exists between any of the foregoing laws and these bylaws, the applicable law shall control over the bylaws.

ARTICLE II: Commission Duties, Appointment, Commencement of Duties, and Function

1) Duties of the Commission on Homelessness

The Commission on Homelessness shall fulfill duties as set forth in Ordinance 13584 C.M.S., which are as follows:

It shall be the duty of the Commission on Homelessness to:

- a. Review relevant financial and operational reports related to the expenditure of the homeless services fund(s).
- b. Publish reports concerning:
 1. Recommendations from the commission on how to prioritize the allocation of funds in accordance with chapter 4.56.060 of the O.M.C., including for: services and programs for homeless people, reduction, of homelessness, and supporting the provisions of affordable housing to households qualifying as at least low-income households (those at 55% of AMI or below);
 2. Information, if available, concerning the impacts of programs funding by the Vacant Property Tax (2018 Measure W and 2020 Measure Q homelessness funds subject to commission oversight on the occurrence of homelessness and

illegal dumping in the City:

3. Recommendations to the Mayor and the City Council on the Biennial Fiscal Year Budget, in accordance with the City Council's Consolidated Fiscal Policy at the time that ensures that the Commission Chair communicates homelessness priorities to the Mayor and Council; and
4. Review and respond annually to the City's Encampment Management Policy and the Permanent Access to Housing (PATH) Plan which shall be presented to the Commission, as well as hear reports on the housing, programs, and services for persons experiencing homelessness in the City including but not limited to street outreach, homeless shelters, transitional housing, housing exists, and permanent support housing, as needed.
5. Publish an annual report regarding how and to what extent the City Council and Mayor have implemented Oakland Municipal Code Chapter 4.56.060.

Within 15 days of the Commissions filing of the reports with the City Administrator, the City Administrator shall cause the reports to be published on the City of Oakland's Internet website and be transmitted to the City Council.

- c. Meet at least four (4) times per fiscal year.
 - d. Undertake other duties that may be assigned to the Commission by ordinance adopted by the City Council.
 - e. As provided under the Brown Act and Sunshine Ordinance, conduct meetings and use other public forums to collect and receive public input on the subject matter content.
- 2) Commissioner Membership, Qualifications, Appointment, Terms of service, and Commencement of Duties

Commission on Homelessness shall membership and appointment shall be as follows:

- a. Residency Requirement
The Commission shall consist of nine (9) members who are Oakland residents.
- b. Membership Requirements
No less than half of the members must be residents of heavily impacted neighborhoods. No less than two (2) members must be currently homeless, formerly homeless or low-income, as the term "low income" is defined by the United States Department of Housing and Urban Development. No less than three (3) members must have professional expertise in, or be providers of homeless services or housing with priority given to individuals with background in affordable housing, shelter, management, or public health. No less than one (1) representative must have

financial expertise. Members may fulfill more than one (1) of these criteria for the purposes of meeting these requirements.

c. Appointment Recommendations

City Council members shall make recommendations for members to the Mayor. Members of the Commission shall be appointed by the Mayor and confirmed by the City Council in accordance with City Charter section 601.

d. Compensation

Members of the commission shall receive no salary for serving.

e. Terms of Service

Members shall serve three (3) year terms, as provided for in this subsection. No member shall serve more than two (2) consecutive three (3) years terms. Of the initial members of the Commission, three (3) appointments shall be for one-year terms, three (3) appointments shall serve for two-year terms, and three (3) shall be for three-year terms. Thereafter, all terms shall be for three (3) years. All terms of members shall begin as of the date that six (6) members have been appointed, which is when the Commission may begin its work. All future terms shall begin and end on that date.

g. Eligibility

In the event a Commissioner is no longer eligible in accordance with the membership criteria to serve on the Commission based on the criteria listed in Oakland Municipal Code Section 4.56.060, the Commissioner shall immediately submit written notice to the Chair and City staff of the effective date of their resignation.

h. Removal

Removal of a Commissioner shall follow the procedures listed in Oakland Municipal Code Section 4.56.060 and City Charter Section 601. Any cause for removal of a Commissioner shall be referred to the City Council.

i. Vacancy

A Commissioner voluntarily resigning from the Commission shall immediately submit written notice to the Chair and City staff of the effective date of their separation. City staff shall inform the appointing authority of the special vacancy to perform all tasks necessary to fill the vacancy.

3) Commencement of Duties

a. Oath of Public Office

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

b. Required Training

Members of the Commission shall be provided and shall attend training on the following:

- i. The City's homelessness policies and procedures;
- ii. Basic principles of Roberts Rules of Order and meeting procedures;
- iii. The legal requirements of California's Political Reform Act (Cal. Gov. Code section 81000, et seq.), Oakland's Conflict of Interest Code (Oakland Municipal Code, Ch. 3.16), Oakland's Government Ethics Act (Oakland Municipal Code Section Ch. 2.25), Brown Act, Oakland's Sunshine Ordinance, and California Public Records Act (Cal. Gov. Code section 6250, et seq.); and
- iv. Bias and equity from the Department of Race and Equity.

ARTICLE III: Officers

Officers shall be a Chairperson and Vice Chairperson chosen from members of the Commission on Homelessness.

1) Election of Officers

Election of Chair and Vice Chair: The Commission will place on the Agenda at its first meeting commencing the month of **xxxxxx** agenda items for nomination of the Chair and Vice Chair. The Officers shall be elected by a motion, with a second, and a majority vote of the members of the Commission at the Commission's first regular meeting after adoption of these bylaws, or as soon thereafter as possible.

2) Chair Duties

The Chairperson shall perform the following duties:

- a) Preside at all regular and special meetings of the Commission.
- b) The Chair may call a special meeting of the Commission.
- c) The Chair may create ad hoc committees to perform such advisory functions as they shall determine, and may appoint and remove Commissioners from such committees.
- d) Represent the Commission in meetings or communications with local officials and the public.

3) Vice Chair Duties

The Vice Chair shall assist the Chair as directed and shall assume all the obligations and authority of the Chair in the absence or recusal of the Chair.

4) Removal of Chair

Removal of the Chairperson shall be made by a motion, with a second, and an affirmative majority vote of the members of the Commission to remove the Chair person.

5) Officers' Terms of Office

The Officers shall hold office for one year. Their terms shall expire one year and one meeting after their election. No person shall be elected as an Officer for longer than their term of office.

6) Officer Vacancies

If the office of the Chairperson becomes vacant, the Vice Chair shall become Chairperson. If the office of the Vice Chair becomes vacant for any reason, the Commission shall vote to elect a successor from among the Commission members at the next regular meeting, and such office shall be held for the unexpired term of said office.

ARTICLE IV: Committees and Working Groups

The Commission may by majority vote to establish working groups and committees of its members. The Commission may delegate to the Chair the authority to designate and appoint the members of the committees and the chairs of such committees (which members shall total no more than three including the chair).

- a. Standing Committees:
 1. Governance
 2. Policy

Each committee shall be advisory to the Commission. It shall investigate and formulate recommendations as assigned by the Commission in accordance with these bylaws, Brown Act, Sunshine Ordinance, and/or rules applicable to the matter of study in relevant context. In the course of its investigation and formulation of recommendations to the Commission, each committee shall consult with the Oakland Homelessness Administrator and, to the extent necessary, relevant City Departments and the Office of the City Attorney.

Each committee shall meet bi-monthly, and additional other times as its responsibilities require and upon the call of the committee's chair. Each committee shall report to the Commission at a regular or special meeting a summary of all matters considered and its findings and recommendations thereon.

ARTICLE V: Meetings

Except as otherwise determined by the Commission, regular meetings shall be held at 6:00 p.m. on the fourth Wednesday of January, April, July, and October in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California 94612. Meetings shall conclude no later than 9:00 p.m., unless extended by majority vote of the Commissioners in attendance. Commission and committee meetings shall be held virtually while Shelter-In-Place orders are active. Special meetings may be scheduled at the discretion of the Chair or by majority vote of the Commissioners in attendance at a meeting.

1) Roberts Rules of Order

The business of the Commission shall be conducted, so far as it is practical, in accordance with parliamentary rules as contained in Roberts Rules of Order, except as modified by these rules and in accordance with the Brown Act and Sunshine Ordinance. The Homelessness Administrator, or such other person as designated by the presiding officer with the affirmative vote of a majority of the Commissioners present, shall serve as the official parliamentarian for meetings of the Commission.

3) Quorum

A quorum of the Commission is a majority of those appointed and never less than (3). A quorum shall be noted prior to the conduct of any official business at the meeting. In the event that a quorum is not established within thirty (30) minutes of the noticed start time of the meeting, the Chairperson, in her or his discretion, shall cancel the meeting without any official action being taken at the meeting without a quorum.

4) Rights of Commissioners less than a Quorum

In the absence of a quorum, no information may be presented, and no discussion of Agenda items or any official action may be taken by the Commissioners.

5) Motions

If any Commissioner makes a motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by a Commissioner.

6) Commissioner Comments

The Chair shall recognize a Commissioner before the commissioner addresses the body. No Commissioner shall speak for more than ten (10) minutes on any matter without the consent of the Chair or a majority of the Commissioners in attendance.

7) Voting

Each member of the Commission shall have one vote. Consistent with Article II, Section 5, a motion shall be passed or defeated by a simple majority of those members present and voting at a meeting where a quorum has been established.

8) Speaking Time during Open Forum

Speaking time shall be consistently and uniformly applied consistent with the requirements of the Brown Act (Gov't. Code §§ 54950 *et seq.*). Open Forum shall be listed at the end of the Agenda. The public shall be provided 2 minutes to address the Commission under Open Forum. The Chair or presiding officer may adjust the speaking time for Open Forum; however, the public shall be provided at minimum one (1) minute to address the Commission.

9) Speaking Time Limits on Agenda Items

The public shall be provided 2 minutes to address the Commission on each Agenda item. The Chair or presiding officer may adjust the speaking time for Agenda Items; however, the public shall be provided at minimum one (1) minute to address the Commission.

10) Speaker Cards

Persons wishing to address the Commission must complete a speaker card for each agenda item they wish to speak on. Speaker cards shall not be required for teleconference meetings.

11) Ceding Time

Subject to the discretion of the presiding officer, a speaker may be allowed to extend their speaking time on Agenda items if other speakers who have submitted their names to speak agree to cede their time to the recipient speaker. The recipient speaker will receive one (1) minute speaking time from each ceding speaker, up to a maximum of five (5) minutes. At the Chair or presiding officer's discretion, a speaker may be allotted more than five (5) minutes based on ceded time. The recipient speaker must submit the ceding speakers' speaking cards, and the ceding speakers must be present at the time the recipient speaker speaks. Ceding time shall not be awarded for teleconference meetings.

12) Addressing the Commission

Speakers shall not use profanity or hate speech of any kind. Commissioners of the public should address their questions or remarks to the Chair or presiding officer. Other members and City staff will respond to questions only when requested to do so by the Chair. Commissioners and City staff shall refrain from entering into any debates or discussion with speakers during public comment.

13) Audience Conduct

The public has the right to criticize policies, procedures, actions or omissions of the Commission or City staff. The public should not vocally oppose statements made by anyone while they speak. The public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants.

14) Removal of a Disruptive Person

The Chair or presiding officer may remove any person who commits the following acts after being warned of the following unacceptable actions;

- a) Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, or otherwise refusing to comply with the Commission's Rules of Procedures;
- b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
- c) Disobedience of any lawful order of the Chair, which shall include, but not be limited to, an order to be seated.

15) Disclosure Requirements by Commissioners

Under a "standing" Agenda item, Commissioners shall verbally report any contacts they have had since the previous meeting with persons seeking to influence the decision-making authority of the Commission. Contacts shall include, but is not limited to, verbal or written communications with a partisan lobbyist.

16) Commissioner Absences

If any Commissioner cannot attend a meeting, the Commissioner shall notify the Chair and City staff of their absence prior to the start of the meeting. Commissioners submitting adequate prior notice (at least 1 hour) as determined by the Chair or presiding officer shall be noted as an excused absence for purposes of the meeting minutes. Commissioners that do not submit prior notice will be noted as absent for purposes of the meeting minutes.

Commissioners recording three (3) consecutive absences or four (4) non-consecutive absences in a calendar year may be subject to removal as stipulated in Oakland Municipal Code 4.56.060. The Chair will facilitate the process of removal subject to the Municipal Code and City Charter Section 601.

ARTICLE VI: Agenda Requirements

1) Agenda Preparation

The agenda is prepared through the joint effort of the Chairperson and staff, with appropriate legal review. At the outset of a meeting, the Commission may remove items from the posted agenda, but may not add items to the posted agenda or otherwise modify it. Nothing in this Article VII shall change the requirements for agenda noticing and modification to the agenda as required by the Brown Act, Sunshine Ordinance or other applicable law.

2) Notice and Conduct of Meetings

Agendas of all meetings requiring public notice shall be posted in the City Clerk's Office and on an exterior bulletin board accessible 24 hours a day. Notice of regular meetings shall be posted at least seventy-two hours before the meeting. Notice for Special Meetings shall be posted at least 48 hours before the meeting. Action may only be taken on items for which notice was provided in compliance with the Sunshine Ordinance and the Brown Act.

ARTICLE VII: Planning and Oversight Staff

1) City Administrator

The City Administrator or designee shall provide clerical assistance and administrative support and technical assistance to the Commission, and the City Administrator or designee shall be present at the Commission meeting, as set forth in enabling legislation providing for the operations of the Commission.

2) Custodian of Records

Pursuant to section 2.20.240 of the Sunshine Ordinance, the Commission shall maintain a public records file that is accessible to the public during normal business hours. The City Clerk shall maintain the repository and serve as the official custodian public records, which shall be maintained in the manner consistent with records kept by the City Clerk on behalf of all other standing Commissions. City staff designated as the liaison of the Commission on Homelessness shall act as Secretary to the Commission. The Secretary shall prepare and issue meeting notices, post and distribute meeting agendas and materials, facilitate public access to the meetings, prepare the records of the

Commission, record all votes, prepare minutes and file records of the meetings with the City Clerk.

ARTICLE VIII: Amendment of Bylaws

The Commission may adopt bylaws amendments at any regular meeting of the Commission by vote of two-thirds of the members present at which a quorum exists; provided such proposed amendments are circulated in writing to all Commission members at least ten (10) calendar days prior to such meeting, and three (3) calendar days' public notice shall be posted.

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