

ORIGINAL VERSION APPROVED 12.27.17

AMENDED 2.24.18

AMENDED 8.23.18

AMENDED 5.19.19

**CITY OF OAKLAND
POLICE COMMISSION**

Resolution adopting Rules of Order for the Oakland Police Commission

**Introduced by Oakland Police Commission Vice Chair Ginale Harris and
Oakland Police Commissioner Edwin Prather**

WHEREAS, the Police Commission of the City of Oakland hereby declares that the business before it is to be conducted in an orderly and efficient manner to facilitate sound Commission and public deliberation and decision making; and

WHEREAS, the following Rules of Order seek to provide for: (1) reasonable time for public input and comment on agenda items at Commission meetings; (2) thorough consideration of policy proposals, for problem-solving opportunities among staff, Commissioners and the public; and (3) an agenda that is managed more efficiently and effectively and for predictable discussion times for debate regarding agenda items in order to avoid long waits by the public as the Commission considers procedural, ceremonial and consent items; and

WHEREAS, in recognition of these goals, the Commission desires to establish Rules of Order for the conduct of Commission meetings; and

WHEREAS, the Brown Act (Government Code Section 54950, et seq.) authorizes the Commission to prescribe reasonable rules and regulations for conducting its meetings; now therefore be it

RESOLVED: That the Commission hereby adopts these Rules of Order in their entirety; and be it

FURTHER RESOLVED: That in accordance with the Oakland City Charter and the Oakland Municipal Code, the following are established as the Rules of Order for the conduct of Oakland Police Commission meetings:

Chapter 1 – Definition of Terms

Rule 1 Definition of Terms. The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Police Commission of the City of Oakland to be effective;
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Police Commission of the City of Oakland;
- C. "Agenda" means the agenda of the Police Commission of the City of Oakland;
- D. "Chair" shall mean the Chairperson of the Police Commission of the City of Oakland;
- E. "Charter" shall mean the Charter of the City of Oakland;
- F. "Commission" shall mean the Police Commission of the City of Oakland;
- G. "Committee" shall mean a Committee of the Commission;
- H. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item;
- I. "Informational Item" shall mean an item of the agenda consisting only of informational report that does not require or permit Commission action.
- J. "Municipal Code" shall mean the Oakland Municipal Code;
- K. "Open Meeting Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance");
- L. "Rules" shall mean the Rules of Order of the Commission; and
- M. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.

Chapter 2 – Organization and Meetings

Rule 2.1 Adoption of Rules of Order. The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2 Amendment to Rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

Rule 2.3 Election of Officers. At the first regular meeting of the Commission held in the month of February of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning

on the date of the first regular meeting held in the month of February, and ending one year thereafter or until the election of a new Chair or Vice Chair.

Rule 2.4 Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Thursdays of each month in in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which shall be seconded and passed by a majority vote. The Chair shall set the order of business for Commission meetings.

Rule 2.5 Parliamentary Procedure. The rules of parliamentary procedure as set forth in Robert's Rules of Order shall govern all meetings of the Commission unless otherwise provided herein.

Rule 2.6 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 another Commissioner.

Rule 2.7 Speaking. Time Limits for Commissioners. No Commissioner shall speak for more than ten (10) minutes on any matter without the consent of the Chair or a majority of the sitting Commissioners in attendance.

Rule 2.8 Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

Rule 2.9 Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance may call a special meeting of the Commission, separate from the Commission's regular meetings.

Rule 2.10 Quorum. Five (5) Commissioners shall constitute a quorum. If a quorum is not established by the sitting Commissioners in attendance, the Chair may designate one or more alternate members to establish a quorum and cast votes.

Rule 2.11 Voting. Every official act of the Commission shall be adopted by majority vote. A majority vote shall mean a majority of sitting Commissioners or Commissioner

Alternates in attendance and constituting a quorum. Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting.

Rule 2.12 Rights of Commissioners Less Than Quorum. In the absence of a quorum no information may be presented and no official action shall be taken by the Commissioners present expect to order a call of the Commission, to reschedule the meeting, to recess or to adjourn.

Rule 2.13 Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. Consistent with Oakland Municipal Code Chapter 2.45, the Chair may create such committees to perform such advisory functions as he or she shall determine, and may appoint and remove such members from such committees.

Rule 2.14 Commission Vice Chair. In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

Rule 2.15 Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any Sitting Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General, CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by someone other than a Commissioner or Alternate Commissioner must be pre-approved by a Commissioner. Submissions must be made on the form provided by the Commission and submitted to the Commission Chair or the Executive Assistant of the Commission. Forms shall be available at each Commission meeting, on the Commission's website, or at the offices of the CPRA.

Each month, the Executive Assistant or other individual designated by the Commission Chair shall enumerate suggested agenda matters received on the Commission's forms on an "Agenda Matter Suggestions List." The Agenda Matter Suggestions List shall be submitted to Sitting Commissioners as a properly-noticed agenda item. At the first Commission meeting each month, Sitting Commissioners shall decide whether any matters suggested for future agendas shall become matters to be reviewed, researched, discussed and considered by the Commission as agenda items. The process of moving matters from the Agenda Matter Suggestions List to a "Pending Agenda Matters List," shall be by majority vote of the Commission.

The Pending Agenda Matters List shall also include the duties or deliverables which are required to be performed or provided by the Commission pursuant to Measure LL

and/or the Police Commission Enabling Ordinance. Any duty or deliverable required to be performed or provided by the Commission listed shall include the due date, or estimated due date, for each task or deliverable.

A Sitting Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The process of a matter on the Pending Agenda Matters List being made a "Priority Item" and put directly on an agenda of a specific future Commission meeting shall be by majority vote of the Commission.

At the first Commission meeting each month, the Sitting Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from "Priority Items" ready for presentation and discussion, other matters from the Pending Agenda Matters List or from any other matters deemed appropriate. Additional matters may arise between the time that an agenda is created and when an agenda must be finalized and disseminated. The Chair, and two other rotating Sitting Commissioners, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints and otherwise advancing the best interests of the Commission.

For added transparency, the Executive Assistant shall maintain a running list of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission's website and distributed concurrently with any Agenda Matters Suggestions List prior to any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The Executive Assistant shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at the meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.16 Consent Calendar. The Consent Calendar shall include those matters that have been the subject of a public hearing conducted by a standing committee of the Commission or a matter previously considered in closed session by the Commission. There will be no separate discussion of those items unless a member of the Commission so requests, in which event the Commission shall remove that item from the Consent Calendar and consider those items separately.

Rule 2.17 Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all sitting Commissioners and Commissioner Alternates.

Rule 2.18 Commissioner Alternates. Commissioner Alternates shall be allowed to attend meetings in open session, shall be accommodated the same seating as sitting Commissioners and shall be allowed to participate in open session discussions including the asking of questions of any presenters or Commission staff members. Commissioner Alternates do not vote unless designated by the Chair, in the Chair's sole discretion, to establish a quorum, in which case, a Commissioner Alternate may temporarily cast a vote.

Rule 2.19 Chief of Police For Cause Assessment. While Section 604(b)(10) of the City Charter and Subdivision 2.45.070(E) of the Municipal Code, authorizes the Commission to remove the Chief of Police for cause, the Commission will consider issues of performance in closed session. The Commission may, by majority vote of no less than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by 2.45.070(E) of the Municipal Code. The Chair, or his/her designee, will determine if the assessment shall be conducted formally or informally. The Chair, or his/her designee, will also decide whether the assessment will be conducted by the Chair or another individual such as an outside investigator. The Chair shall provide any report of the assessment to the Commission in closed session. As part of the assessment, the Chief of Police shall be provided an opportunity to respond to issues of concern.

In closed session, after an assessment has been received and considered, the Commission may vote to remove the Chief of Police for cause. No less than five (5) Commissioners must vote in the affirmative to remove the Chief of Police for cause.

An unsuccessful vote to initiate an assessment or to remove the Chief of Police shall not preclude a subsequent vote on the same action at a later time or otherwise preclude any other action.

Chapter 3 – Rules of Conduct

Rule 3.1 Public Comment. Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item. Persons wishing to speak must complete a speaker card for each agenda item he/she wishes to speak on. Multiple agenda items cannot be listed on one speaker card.

Additionally, the agenda shall provide an opportunity for members of the public to address the Commission on items of interest to the public which are under the jurisdiction of the Commission and have not been the subject of public comment on

other items on the agenda. The Chair will set a reasonable time limit for each speaker, which will typically be two (2) minutes, depending on the complexity of the item, the length of the agenda and the number of persons present to speak on the item. The Chair in his/her discretion may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the time allocated or anticipated for the meeting, the number and complexity of agenda items and the number of persons wishing to address the Commission and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two (2) minutes to speak.

Rule 3.2 Addressing the Commission. Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling and/or screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussion with speakers during public comment.

Rule 3.3 Audience Conduct. The public has the right to criticize policies, procedures, programs, services, actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. However, persons should not vocally oppose statements made by anyone, including, but limited to members of the public or Oakland Police Department personnel, while they speak. Members of 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. Cameras and tape recording devices may be brought into the Commission meeting; however, persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 3.4 Permission to Remove Disruptive Persons. The Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- 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 Rules governing meetings;
- 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 be not limited to, an order to be seated.

Rule 3.5 Commissioner Conduct. Sitting Commissioners and Alternate Commissioners are public officials and have a responsibility to conduct themselves with the highest

integrity and leadership. Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group. They must act in the public interest, not their private interests or any special interests. They must strictly adhere to all legal and ethical requirements and avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. In both public and private interactions, Sitting Commissioners and Alternate Commissioners must follow carefully the Commissions' Code of Conduct. Each Sitting Commissioner and Alternate Commissioner must review the Code of Conduct, sign the document acknowledging their understanding and compliance and provide the signed copy to the Secretary.

Rule 4 - Proclamations

Rule 4.1 Proclamations. Individual sitting Commissioners may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation, however, Commission approval is not required for the issuance of a Commissioner Proclamation.

ORIGINAL VERSION APPROVED 12.27.17

AMENDED 2.24.18

AMENDED 8.23.18

AMENDED 5.19.19

AMENDED 2.__.21

**CITY OF OAKLAND
POLICE COMMISSION**

**Resolution Adopting Amended Rules of Order
for the Oakland Police Commission**

**Introduced by Oakland Police Commission Ad Hoc Rules Committee
(Members: Commission Vice Chair Henry Gage, Co-Chair, Commissioner
Brenda Harbin-Forte, Co-Chair, and Commissioner Sergio Garcia**

WHEREAS, the Police Commission of the City of Oakland hereby declares that the business before it is to be conducted in an orderly, efficient and collaborative manner to facilitate sound Commission and public deliberation and decision making; and

WHEREAS, the following Rules of Order seek to provide for: (1) reasonable time for public input and comment on agenda items at Commission meetings; (2) thorough consideration of policy proposals; (3) problem-solving opportunities among staff, Commissioners and the public; and (4) an agenda that is managed more efficiently and effectively; and (5) predictable discussion times for debate regarding agenda items in order to avoid long waits by the public for the Commission to conclude its meetings; and

WHEREAS, in recognition of these goals, the Commission desires to establish these Amended Rules of Order for the conduct of Commission operations and meetings; and

WHEREAS, the Brown Act (Government Code Section 54950, et seq.) and Oakland's Sunshine Ordinance (Oakland Municipal Code Section 2.45.040) authorize the Commission to prescribe reasonable rules and regulations for conducting its meetings; and

WHEREAS, in December 2017, August 2018, September 2018, and May 2019, the Commission properly adopted various rules of procedure, and now desires to amend those rules; now therefore be it

RESOLVED: That the Commission hereby adopts these Amended Rules of Order in their entirety; and be it

FURTHER RESOLVED: That in accordance with the Oakland City Charter and the Oakland Municipal Code, the following are established as the Amended Rules of Order for the conduct of Oakland Police Commission operations and meetings:

Chapter 1 – Definition of Terms

Rule 1 Definition of Terms. The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Oakland Police Commission to be effective.
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Oakland Police Commission.
- C. "Agenda" means the agenda of the Oakland Police Commission.
- D. "Chair" shall mean the Chairperson of the Oakland Police Commission.
- E. "Vice Chair" shall mean the Vice Chairperson of the Police Commission of the City of Oakland.
- F. "Charter" shall mean the Charter of the City of Oakland.
- G. "Commission" shall mean the Oakland Police Commission.
- H. "Committee" shall mean a sub-group of Commission members not comprised of a quorum of Commissioners; Committee of the Commission.
- I. "Ad Hoc Committee" shall have the same meaning as in Section 2.45.010 of the Enabling Ordinance: "a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue."
- J. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item.
- K. "Informational Item" shall mean an item of the agenda consisting only of an informational report that does not require or permit Commission action.
- L. "Municipal Code" shall mean the Oakland Municipal Code.
- M. "Open Meetings Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance").
- N. "Rules" shall mean the Rules of Order of the Commission;
- O. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.
- P. "Sunshine Ordinance" shall mean Oakland Municipal Code Chapter 2.20.
- Q. "CPRA" shall mean the Community Police Review Agency of the City of Oakland.
- R. "Department" shall mean the Oakland Police Department.
- S. "Police Chief" shall mean the Chief of Police of the Oakland Police Department.
- T. "Sitting Commissioner" shall mean one of the seven (7) regular commissioners currently serving a term on the Commission.
- U. "Alternate Commissioner" shall mean one of the two (2) alternate commissioners currently serving on the Commission.

Chapter 2 – Organization and Meetings

Rule 2.1. Adoption of Rules of Order. The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission. When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2. Amendment to Rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

Rule 2.3. Election of Officers. At the first regular meeting of the Commission held in the month of February of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning on the date of the first regular meeting held in the month of February, on the date of the first regular meeting held in the month of February of the following year, or until the election of a new Chair or Vice Chair, whichever occurs later.

Rule 2.4. Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Thursdays of each month in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which shall be seconded and passed by a majority vote. The Chair shall set the order of business for Commission meetings.

Rule 2.5. Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

Rule 2.6. Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance, may call a special meeting of the Commission, separate from the Commission's regular meetings. In addition, as required by Section 2.45.090(B) of the Enabling Ordinance, at least twice each year, the Commission shall hold one of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings, and they shall comply with all requirements of Section 2.45.090, including having an agenda

item titled "Community Roundtable" or something similar.

Rule 2.7. Parliamentary Procedure and Parliamentarian. The rules of parliamentary procedure as set forth in Robert's Rules of Order Newly Revised for Small Boards shall govern all meetings of the Commission unless otherwise provided herein. The Commission's Legal Counsel, or such other person as may be designated by the presiding officer upon approval of the Commission, shall serve as the official parliamentarian for meetings of the Commission.

Rule 2.8. 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 another Commissioner.

Rule 2.9. Speaking. Time Limits for Commissioners. The Chair shall recognize a Commissioner before the Commissioner may speak. No Commissioner shall speak for more than five (5) minutes on any matter without the consent of the Chair or a majority of the sitting Commissioners in attendance.

Rule 2.10. Number of Sitting Commissioners and Alternate Commissioners. Pursuant to Section 604(c) of the City Charter, the Commission consists of seven (7) Sitting Commissioners and two (2) Alternate Commissioners.

Rule 2.10. Quorum. Pursuant to Section 604(d)(3) of the City Charter, five (5) Commissioners shall constitute a quorum. If a quorum is not established by the Sitting Commissioners in attendance, the Chair may designate one or more Alternate Commissioners to establish a quorum and cast votes.

Rule 2.12. Voting. Every official act of the Commission shall be adopted by majority vote of the Commissioners present at the meeting and eligible to vote. The Commissioners shall vote in alphabetical order according to their surnames, with the Chair or other presiding officer of the Commission voting last. Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting.

Rule 2.13. Rights of Commissioners When Less Than Quorum. In the absence of a quorum no information may be presented to and no official action shall be taken by the Commissioners present except to order a call of the Commission, to reschedule the meeting, to recess the meeting, or to adjourn the meeting.

Rule 2.14. Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. The Chair shall represent the Commission in meetings or communications with public officials and the public. Consistent with Oakland Municipal Code Chapter 2.45, the Chair may create such ad hoc committees to perform such advisory functions as the Chair shall determine, and may appoint and remove such members from such committees. The Chair shall have the authority to exercise discretion to

appoint a former Commissioner to an ad hoc committee as an ex officio non-voting member of the ad hoc committee, if such former commissioner has subject matter expertise or other relevant knowledge or expertise that would assist the ad hoc committee in its work. The ex officio member of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Sitting Commissioner or Alternate Commissioner. The Chair shall also have authority to exercise discretion to appoint as non-voting members of an ad hoc committee such members of the public as the Chair deems fit and proper. Such public members of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Sitting Commissioner or Alternate Commissioner.

Rule 2.15. Commission Vice Chair. In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

Rule 2.16. Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any Sitting Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General, CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by anyone other than a Sitting Commissioner or Alternate Commissioner must be pre-approved by a Commissioner. Submissions must be made on the form provided by the Commission and submitted to the Commission Chair or the Executive Assistant of the Commission. Forms shall be available at each Commission meeting, on the Commission's website, or at the offices of the CPRA.

Rule 2.17. Agenda Matter Suggestions List. Each month, the Executive Assistant or other individual designated by the Commission Chair shall enumerate suggested agenda matters received on the Commission's forms on an "Agenda Matter Suggestions List." The Agenda Matter Suggestions List shall be submitted to Sitting Commissioners as a properly-noticed agenda item. At the first Commission meeting each month, Sitting Commissioners shall decide whether any matters suggested for future agendas shall become matters to be reviewed, researched, discussed and considered by the Commission as agenda items. A matter shall be moved from the Agenda Matter Suggestions List to a "Pending Agenda Matters List," by majority vote of the Commission.

Rule 2.18, Pending Agenda Matters List. The Pending Agenda Matters List shall include items moved from the Agenda Matters Suggestions List, and The Pending Agenda Matters List shall also include the duties or deliverables which are required to be performed or provided by the Commission pursuant to Measure LL and the Police Commission Enabling Ordinance. Any listed duty or deliverable required to be

performed or provided by the Commission shall include the due date, or estimated due date, for each task or deliverable.

Rule 2.19. Priority Items on Pending Agenda Matters List. A Sitting Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The matter shall be made a Priority Item by majority vote of the Commission.

Rule 2.20. Creation of Commission Meeting Agendas. At the first Commission meeting each month, the Sitting Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from "Priority Items" ready for presentation and discussion, other matters from the Pending Agenda Matters List or from any other matters deemed appropriate. Each agenda shall include status reports from the chairs of at least two ad hoc committees. Additional matters may arise between the time that an agenda is created and when an agenda must be finalized and disseminated. The Chair, and two other rotating Sitting Commissioners, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints and otherwise advancing the best interests of the Commission.

Rule 2.21. Public List of Pending Agenda Matters and Priority Items. For added transparency, the Executive Assistant, or other person designated by the Chair, shall maintain a running list of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission's website and distributed concurrently with any Agenda Matters Suggestions List prior to any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The Executive Assistant or other person designated by the Chair shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

Rule 2.22. Limitations on Action or Discussion of Items at Commission Meetings. Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at a Commission meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.22. Consent Calendar. The Consent Calendar shall include those matters that have been the subject of a public hearing conducted by a City-Council approved standing committee of the Commission or a matter previously considered in closed session by the Commission. There will be no separate discussion of those items unless a member of the Commission so requests, in which event the Commission shall remove that item from the Consent Calendar and consider those items separately.

Rule 2.23. Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all sitting Commissioners and Commissioner Alternates.

Rule 2.24. Alternate Commissioners. . Alternate Commissioners shall be allowed to attend meetings in open session, shall be accommodated the same seating as sitting Commissioners and shall be allowed to participate in open session discussions including the asking of questions of any presenters or Commission staff members. Alternate Commissioners do not vote unless designated by the Chair, in the Chair's sole discretion, to establish a quorum, in which case, an Alternate Commissioner may temporarily cast a vote.

CHAPTER 3. PROCLAMATIONS

Rule 3.1 Proclamations. Individual sitting Commissioners may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation. Any desired Proclamation shall be submitted to the Chair so the item may be placed on a Commission meeting agenda. However, Commission approval is not required for the issuance of a Commissioner Proclamation.

CHAPTER 4. CHIEF OF POLICE FOR CAUSE ASSESSMENT.AND REMOVAL

Rule 4.1. Initiating For Cause Assessment. Section 604(b)(10) of the City Charter authorizes the Commission to remove the Chief of Police only after adopting a finding or findings of cause, as defined by City ordinance. In exercising its removal authority, the Commission will follow the process for notification, substantiation and documentation as defined by ordinance, and will consider issues of performance in closed session. The Commission may, by majority vote of no fewer than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by ordinance. The Commission will follow the process for notification, substantiation and documentation as defined by ordinance.

Rule 4.2. Vote to Remove Chief of Police. In closed session, after an assessment has been received and considered, the Commission may remove the Chief of Police if the Commission makes a finding of just cause on an affirmative vote of no fewer than five (5) Commissioners.

Rule 4.3. Failed Vote to Assess or Remove Chief of Police. A failed vote to initiate an assessment or to remove the Chief of Police for just cause shall not preclude a subsequent motion on the same action at a later time.

CHAPTER 5. COMMISSION'S REMOVAL OF A COMMISSIONER

Rule 5.1 Bases for Removal. Pursuant to Section 604(c)(10) of the City Charter, any Commissioner may be removed by a majority vote of the Commission only for conviction of a felony, conviction of a misdemeanor involving moral turpitude, a material act of dishonesty, fraud or other act of moral turpitude, substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or absence from three consecutive regular Commission meetings or five regular meetings in a calendar year except on account of illness or when absent by permission.

Rule 5.2. The Removal Process. The Chair shall provide written notice to the Commissioner sought to be removed, stating all bases upon which removal appears to be warranted. If the proposed removal is based only on the ground of absences from Commission meetings, the Chair shall have sole authority to determine if removal is appropriate, but shall make that determination only after considering the Commissioner's written response to the removal notice. If the proposed removal is based on any ground other than absences from Commission meetings, the Chair shall advise the Commissioner in the removal notice that, pursuant to Section 604(c)(10) of the City Charter, the matter is being referred to the Public Ethics Commission to investigate all allegations which if true, could be cause for removal of the Commissioner under Section 601 of the Charter, and that the Public Ethics Commission can refer the findings to the City Council for the City Council to determine whether the Commissioner should be removed,

CHAPTER 6 RULES OF CONDUCT GOVERNING COMMISSION MEETINGS

Rule 6.1. Open Forum. Open Forum shall be listed at the end of the Agenda. The public shall be granted two (2) minutes to address the Commission on items that are not on the agenda, but that may be of interest to the public. The total time for Open Forum shall not exceed fifteen (15) minutes, unless the time is extended by the Chair. Comments made during Open Forum must be relevant, respectful, and not redundant. The subject matter of the comments must fall within the jurisdiction of the Commission, and the speaker must not have already made the desired comment during discussion of other items on the agenda. The Chair, in the Chair's discretion, may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting and the number of persons wishing to address the Commission in Open Forum.

Rule 6.2. Public Comment on Agenda Items. The Commission values and encourages public comment and participation. At the beginning of the meeting, members of the public are entitled to comment on any matter on the agenda, provided that the public comments are related to the subject matter of a specific agenda item. Public comments not related to a specific agenda item shall be made only during Open Forum. Persons wishing to speak must complete a speaker card for each agenda item the public member wishes to address. Multiple agenda items cannot be listed on one speaker card.

Rule 6.3 Time Allotted for Public Comment on Agenda Items. The Chair will set a reasonable time limit for each speaker, which will typically be two (2) minutes. The Chair in the Chair's discretion may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the time allocated or anticipated for the entire meeting, the number and complexity of agenda items, the number of persons wishing to address the Commission, and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two (2) minutes to speak.

Rule 6.4 Addressing the Commission and Commissioner Responses. Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling or screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussion with speakers during public comment.

Rule 6.5. Audience Conduct. The public has the right to criticize policies, procedures, programs, services, actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. In order to foster an atmosphere of collaboration, the Commission expects that such criticism will be delivered in a respectful fashion, and that such criticism be directed toward matters that are within the jurisdiction of the Commission. Members of 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. Cameras and tape recording devices may be brought into the Commission meeting; but persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 6.6. Power and Duty to Remove Disruptive Persons In order to assure efficient and collaborative meetings, the Chair shall possess the power and duty to

order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, being rude or disrespectful toward other participants in the meeting, or otherwise refusing to comply with these Rules of Conduct Governing Commission Meetings;
- 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.

CHAPTER 7 COMMISSIONER CONDUCT

Rule 7.1 Commissioner Conduct. Sitting Commissioners and Alternate Commissioners are public officials and have a responsibility to conduct themselves with the highest integrity and leadership. Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group. They must act in the public interest, not their private interests or any special interests. They must strictly adhere to all legal and ethical requirements and avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. In both public and private interactions, Sitting Commissioners and Alternate Commissioners must follow carefully the Commissions' Code of Conduct. Each Sitting Commissioner and Alternate Commissioner must review the Code of Conduct, sign the document acknowledging their understanding and compliance and provide the signed copy to the Secretary.

ORIGINAL VERSION APPROVED 12.27.17

AMENDED 2.24.18

AMENDED 8.23.18

AMENDED 5.19.19

AMENDED 2. .21

CITY OF OAKLAND
POLICE COMMISSION

Resolution Aadopting Amended Rules of Order
for the Oakland Police Commission

Introduced by Oakland Police Commission Ad Hoc Rules Committee
(Members: Commission Vice Chair Henry Gage, Co-Chair, Commissioner
Brenda Harbin-Forte, Co-Chair, and Commissioner Sergio Garcia
~~Introduced by Oakland Police Commission Vice Chair Ginale Harris and~~
~~Oakland Police Commissioner Edwin Prather~~

WHEREAS, the Police Commission of the City of Oakland hereby declares that the business before it is to be conducted in an orderly, ~~and efficient~~ and collaborative manner to facilitate sound Commission and public deliberation and decision making; and

WHEREAS, the following Rules of Order seek to provide for: (1) reasonable time for public input and comment on agenda items at Commission meetings; (2) thorough consideration of policy proposals; ~~(3)for~~ (3) problem-solving opportunities among staff, Commissioners and the public; and ~~(34)~~ (34) an agenda that is managed more efficiently and effectively; and ~~(5)for~~ (5) predictable discussion times for debate regarding agenda items in order to avoid long waits by the public ~~for as the Commission~~ to conclude its meetings; considers procedural, ceremonial and consent items; and

WHEREAS, in recognition of these goals, the Commission desires to establish these Amended Rules of Order for the conduct of Commission operations and meetings; and

WHEREAS, the Brown Act (Government Code Section 54950, et seq.) and Oakland's Sunshine Ordinance (Oakland Municipal Code Section 2.45.040) ~~authorizes~~ the Commission to prescribe reasonable rules and regulations for conducting its meetings; ~~and now therefore be it~~

WHEREAS, in December 2017, August 2018, September 2018, and May 2019,
the Commission properly adopted various rules of procedure, and now desires to
amend those rules; now therefore be it

RESOLVED: That the Commission hereby adopts these Amended Rules of Order in their entirety; and be it

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FURTHER RESOLVED: That in accordance with the Oakland City Charter and the Oakland Municipal Code, the following are established as the Amended Rules of Order for the conduct of Oakland Police Commission operations and meetings:

Chapter 1 – Definition of Terms

Rule 1 Definition of Terms. The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Oakland Police Commission to be effective.
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Oakland Police Commission.
- C. "Agenda" means the agenda of the Oakland Police Commission.
- D. "Chair" shall mean the Chairperson of the Oakland Police Commission.
- E. "Vice Chair" shall mean the Vice Chairperson of the Police Commission of the City of Oakland.
- F. "Charter" shall mean the Charter of the City of Oakland.
- G. "Commission" shall mean the Oakland Police Commission.
- H. "Committee" shall mean a sub-group of Commission members not comprised of a quorum of Commissioners; Committee of the Commission.
- I. "Ad Hoc Committee" shall have the same meaning as in Section 2.45.010 of the Enabling Ordinance: "a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue."
- J. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item.
- K. "Informational Item" shall mean an item of the agenda consisting only of an informational report that does not require or permit Commission action.
- L. "Municipal Code" shall mean the Oakland Municipal Code.
- M. "Open Meetings Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance").
- N. "Rules" shall mean the Rules of Order of the Commission;
- O. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.
- P. "Sunshine Ordinance" shall mean Oakland Municipal Code Chapter 2.20.
- Q. "CPRA" shall mean the Community Police Review Agency of the City of Oakland.
- R. "Department" shall mean the Oakland Police Department.
- S. "Police Chief" shall mean the Chief of Police of the Oakland Police Department.
- T. "Sitting Commissioner" shall mean one of the seven (7) regular commissioners currently serving a term on the Commission.

- U. "Alternate Commissioner" shall mean one of the two (2) alternate commissioners currently serving on the Commission.
- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Police Commission of the City of Oakland to be effective;
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Police Commission of the City of Oakland;
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- G. "Committee" shall mean a Committee of the Commission;
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- L. "Rules" shall mean the Rules of Order of the Commission; and
- M. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.

Chapter 2 – Organization and Meetings

Rule 2.1. Adoption of Rules of Order. The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2. Amendment to Rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

Rule 2.3. Election of Officers. At the first regular meeting of the Commission held in the month of February of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning

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on the date of the first regular meeting held in the month of February, on the date of the first regular meeting held in the month of February of the following year, or until the election of a new Chair or Vice Chair, whichever occurs later.
~~and ending one year thereafter or until the election of a new Chair or Vice Chair.~~

Rule 2.4. Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Thursdays of each month in ~~in~~ the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which shall be seconded and passed by a majority vote. The Chair shall set the order of business for Commission meetings.

Rule 2.5. Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

Rule 2.6. Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance, may call a special meeting of the Commission, separate from the Commission's regular meetings. In addition, as required by Section 2.45.090(B) of the Enabling Ordinance, at least twice each year, the Commission shall hold one of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings, and they shall comply with all requirements of Section 2.45.090, including having an agenda item titled "Community Roundtable" or something similar.

Rule 2.7.5 Parliamentary Procedure and Parliamentarian. The rules of parliamentary procedure as set forth in Robert's Rules of Order (Newly Revised) for Small Boards shall govern all meetings of the Commission unless otherwise provided herein. The Commission's Legal Counsel, or such other person as may be designated by the presiding officer upon approval of the Commission, shall serve as the official parliamentarian for meetings of the Commission.

Rule 2.86. 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 another Commissioner.

Rule 2.97. Speaking. Time Limits for Commissioners. The Chair shall recognize a

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Commissioner before the Commissioner may speak. No Commissioner shall speak for more than ~~five (5)~~~~ten (10)~~ minutes on any matter without the consent of the Chair or a majority of the sitting Commissioners in attendance.

~~Rule 2.8 Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.~~

~~Rule 2.9 Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance may call a special meeting of the Commission, separate from the Commission's regular meetings.~~

Rule 2.10. Number of Sitting Commissioners and Alternate Commissioners. Pursuant to Section 604(c) of the City Charter, the Commission consists of seven ~~(7)~~ Sitting Commissioners and two ~~(2)~~ Alternate Commissioners.

Rule 2.10. Quorum. Pursuant to Section 604(d)(3) of the City Charter, ~~five~~ Five (5) Commissioners shall constitute a quorum. If a quorum is not established by the ~~Sitting~~ Commissioners in attendance, the Chair may designate one or more ~~Alternate Commissioners~~ members to establish a quorum and cast votes.

Rule 2.12.11 Voting. Every official act of the Commission shall be adopted by majority vote ~~of the Commissioners present at the meeting and eligible to vote.~~ The Commissioners shall vote in alphabetical order according to their surnames, with the Chair or other presiding officer of the Commission voting last. A majority vote shall mean a majority of sitting Commissioners or Commissioner ~~Alternates in attendance and constituting a quorum.~~ Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting.

Rule 2.13.2. Rights of Commissioners When Less Than Quorum. In the absence of a quorum no information may be presented ~~to~~ and no official action shall be taken by the Commissioners present ~~except~~expect to order a call of the Commission, to reschedule the meeting, to recess ~~the meeting,~~ or to adjourn ~~the meeting.~~

Rule 2.14.3 Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. The Chair shall represent the Commission in meetings or communications with public officials and the public. Consistent with Oakland Municipal Code Chapter 2.45, the Chair may create such ad hoc committees to perform such advisory functions as ~~the Chair~~he or she shall determine, and may appoint and remove such members from such committees. The Chair shall have the authority to exercise

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discretion to appoint a former Commissioner to an ad hoc committee as an ex officio non-voting member of the ad hoc committee, if such former commissioner has subject matter expertise or other relevant knowledge or expertise that would assist the ad hoc committee in its work. The ex officio member of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Sitting Commissioner or Alternate Commissioner. The Chair shall also have authority to exercise discretion to appoint as non-voting members of an ad hoc committee such members of the public as the Chair deems fit and proper. Such public members of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Sitting Commissioner or Alternate Commissioner.

Rule 2.154. Commission Vice Chair. In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

Rule 2.16.5 Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any Sitting Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General, CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by anyonesomeone other than a Sitting Commissioner or Alternate Commissioner must be pre-approved by a Commissioner.

Submissions must be made on the form provided by the Commission and submitted to the Commission Chair or the Executive Assistant of the Commission. Forms shall be available at each Commission meeting, on the Commission's website, or at the offices of the CPRA.

Rule 2.17. Agenda Matter Suggestions List. Each month, the Executive Assistant or other individual designated by the Commission Chair shall enumerate suggested agenda matters received on the Commission's forms on an "Agenda Matter Suggestions List." The Agenda Matter Suggestions List shall be submitted to Sitting Commissioners as a properly-noticed agenda item. At the first Commission meeting each month, Sitting Commissioners shall decide whether any matters suggested for future agendas shall become matters to be reviewed, researched, discussed and considered by the Commission as agenda items. A matter shall be moved The process of moving matters from the Agenda Matter Suggestions List to a "Pending Agenda Matters List," ~~shall be~~ by majority vote of the Commission.

Rule 2.18. Pending Agenda Matters List. The Pending Agenda Matters List shall include items moved from the Agenda Matters Suggestions List, and The Pending Agenda Matters List shall also include the duties or deliverables which are required to

Police Commission Rules. Redlined Proposed Amended Jan 27 2021. BHF

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be performed or provided by the Commission pursuant to Measure LL and/or the Police Commission Enabling Ordinance. Any listed duty or deliverable required to be performed or provided by the Commission ~~listed~~ shall include the due date, or estimated due date, for each task or deliverable.

Rule 2.19. Priority Items on Pending Agenda Matters List. A Sitting Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The matter shall be made a Priority Item ~~process of a matter on the Pending Agenda Matters List being made a "Priority Item" and put directly on an agenda of a specific future Commission meeting shall be~~ by majority vote of the Commission.

Rule 2.20. Creation of Commission Meeting Agendas. At the first Commission meeting each month, the Sitting Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from "Priority Items" ready for presentation and discussion, other matters from the Pending Agenda Matters List or from any other matters deemed appropriate. Each agenda shall include status reports from the chairs of at least two ad hoc committees. Additional matters may arise between the time that an agenda is created and when an agenda must be finalized and disseminated. The Chair, and two other rotating Sitting Commissioners, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints and otherwise advancing the best interests of the Commission.

Rule 2.21. Public List of Pending Agenda Matters and Priority Items. For added transparency, the Executive Assistant, or other person designated by the Chair, shall maintain a running list of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission's website and distributed concurrently with any Agenda Matters Suggestions List prior to any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The Executive Assistant or other person designated by the Chair shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

Rule 2.22. Limitations on Action or Discussion of Items at Commission Meetings. Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at ~~the a~~ a Commission meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.22.46 .Consent Calendar. The Consent Calendar shall include those matters that have been the subject of a public hearing conducted by a City-Council approved standing committee of the Commission or a matter previously considered in closed

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session by the Commission. There will be no separate discussion of those items unless a member of the Commission so requests, in which event the Commission shall remove that item from the Consent Calendar and consider those items separately

Rule 2.23.47 Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all sitting Commissioners and Commissioner Alternates.

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Rule 2.2418, Alternate Commissioners, Alternates. ~~Commissioner~~ Alternate ~~Commissioners~~ shall be allowed to attend meetings in open session, shall be accommodated the same seating as sitting Commissioners and shall be allowed to participate in open session discussions including the asking of questions of any presenters or Commission staff members. ~~Alternate~~ Commissioners ~~Alternates~~ do not vote unless designated by the Chair, in the Chair's sole discretion, to establish a quorum, in which case, an ~~Alternate~~ Commissioner ~~Alternate~~ may temporarily cast a vote.

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CHAPTER 3. PROCLAMATIONS

Rule 3.1 Proclamations. Individual sitting Commissioners may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation. Any desired Proclamation shall be submitted to the Chair so the item may be placed on a Commission meeting agenda. However, Commission approval is not required for the issuance of a Commissioner Proclamation.

~~Rule 2.19 Chief of Police For Cause Assessment. While Section 604(b)(10) of the City Charter and Subdivision 2.45.070(E) of the Municipal Code, authorizes the Commission to remove the Chief of Police for cause, the Commission will consider issues of performance in closed session. The Commission may, by majority vote of no less than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by 2.45.070(E) of the Municipal Code. The Chair, or his/her designee, will determine if the assessment shall be conducted formally or informally. The Chair, or his/her designee, will also decide whether the assessment will be conducted by the Chair or another individual such as an outside investigator. The Chair shall provide any report of the assessment to the Commission in closed session. As part of the assessment, the Chief of Police shall be~~

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~~provided an opportunity to respond to issues of concern.~~

~~In closed session, after an assessment has been received and considered, the Commission may vote to remove the Chief of Police for cause. No less than five (5) Commissioners must vote in the affirmative to remove the Chief of Police for cause.~~

~~An unsuccessful vote to initiate an assessment or to remove the Chief of Police shall not preclude a subsequent vote on the same action at a later time or otherwise preclude any other action.~~

CHAPTER 4. CHIEF OF POLICE FOR CAUSE ASSESSMENT.AND REMOVAL

Rule 4.1. Initiating For Cause Assessment. Section 604(b)(10) of the City Charter authorizes the Commission to remove the Chief of Police only after adopting a finding or findings of cause, as defined by City ordinance. In exercising its removal authority, the Commission will follow the process for notification, substantiation and documentation as defined by ordinance, and will consider issues of performance in closed session. The Commission may, by majority vote of no fewer than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by ordinance. The Commission will follow the process for notification, substantiation and documentation as defined by ordinance.

Rule 4.2. Vote to Remove Chief of Police. In closed session, after an assessment has been received and considered, the Commission may remove the Chief of Police if the Commission makes a finding of just cause on an affirmative vote of no fewer than five (5) Commissioners.

Rule 4.3. Failed Vote to Assess or Remove Chief of Police. A failed vote to initiate an assessment or to remove the Chief of Police for just cause shall not preclude a subsequent motion on the same action at a later time.

CHAPTER 5. COMMISSION'S REMOVAL OF A COMMISSIONER

Rule 5.1 Bases for Removal. Pursuant to Section 604(c)(10) of the City Charter, any Commissioner may be removed by a majority vote of the Commission only for conviction of a felony, conviction of a misdemeanor involving moral turpitude, a material act of dishonesty, fraud or other act of moral turpitude, substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or absence from three consecutive regular Commission meetings or five regular meetings in a calendar year except on account of illness or when absent by permission.

Rule 5.2. The Removal Process. The Chair shall provide written notice to the Commissioner sought to be removed, stating all bases upon which removal appears to be warranted. If the proposed removal is based only on the ground of absences from

Commission meetings, the Chair shall have sole authority to determine if removal is appropriate, but shall make that determination only after considering the Commissioner's written response to the removal notice. If the proposed removal is based on any ground other than absences from Commission meetings, the Chair shall advise the Commissioner in the removal notice that, pursuant to Section 604(c)(10) of the City Charter, the matter is being referred to the Public Ethics Commission to investigate all allegations which if true, could be cause for removal of the Commissioner under Section 601 of the Charter, and that the Public Ethics Commission can refer the findings to the City Council for the City Council to determine whether the Commissioner should be removed.

CHAPTER 6 RULES OF CONDUCT GOVERNING COMMISSION MEETINGS

Chapter 3 – Rules of Conduct

Rule 6.1. Open Forum. Open Forum shall be listed at the end of the Agenda. The public shall be granted two (2) minutes to address the Commission on items that are not on the agenda, but that may be of interest to the public. The total time for Open Forum shall not exceed fifteen (15) minutes, unless the time is extended by the Chair. Comments made during Open Forum must be relevant, respectful, and not redundant. The subject matter of the comments must fall within the jurisdiction of the Commission, and the speaker must not have already made the desired comment during discussion of other items on the agenda. The Chair, in the Chair's discretion, may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting and the number of persons wishing to address the Commission in Open Forum.

Rule 6.2. Public Comment on Agenda Items. The Commission values and encourages public comment and participation. At the beginning of the meeting, members of the public are entitled to comment on any matter on the agenda, provided that the public comments are related to the subject matter of a specific agenda item. Public comments not related to a specific agenda item shall be made only during Open Forum. Persons wishing to speak must complete a speaker card for each agenda item the public member wishes to address. Multiple agenda items cannot be listed on one speaker card.

Rule 6.3 Time Allotted for Public Comment on Agenda Items. The Chair will set a reasonable time limit for each speaker, which will typically be two (2) minutes. The Chair in the Chair's discretion may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the time allocated or anticipated for the entire meeting, the number and complexity of agenda items, the number of persons wishing to address the Commission, and whether there will be sufficient time available during the meeting to consider all agenda items if

all speakers are allowed two (2) minutes to speak

~~Rule 3.1 Public Comment. Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item. Persons wishing to speak must complete a speaker card for each agenda item he/she wishes to speak on. Multiple agenda items cannot be listed on one speaker card.~~

~~Additionally, the agenda shall provide an opportunity for members of the public to address the Commission on items of interest to the public which are under the jurisdiction of the Commission and have not been the subject of public comment on other items on the agenda. The Chair will set a reasonable time limit for each speaker, which will typically be two (2) minutes, depending on the complexity of the item, the length of the agenda and the number of persons present to speak on the item. The Chair in his/her discretion may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the time allocated or anticipated for the meeting, the number and complexity of agenda items and the number of persons wishing to address the Commission and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two (2) minutes to speak.~~

Rule 6.4 Addressing the Commission and Commissioner Responses. ~~Rule 3.2 Addressing the Commission.~~ Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling ~~and/or~~ screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussion with speakers during public comment.

Rule 6.5. Audience Conduct ~~Rule 3.3 Audience Conduct.~~ The public has the right to criticize policies, procedures, programs, services, actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. In order to foster an atmosphere of collaboration, the Commission expects that such criticism will be delivered in a respectful fashion, and that such criticism be directed toward matters that are within the jurisdiction of the Commission. ~~However, persons should not vocally oppose statements made by anyone, including, but limited to members of the public or Oakland Police Department personnel, while they speak.~~ Members of 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. Cameras and tape recording devices may be brought into the Commission meeting; ~~but~~ however, persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

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Rule 6.6. Power and Duty to Remove Disruptive Persons~~Rule 3.4 Permission to Remove Disruptive Persons.~~ In order to assure efficient and collaborative meetings, ~~the~~The Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, being rude or disrespectful toward other participants in the meeting, or otherwise refusing to comply with ~~the these~~ Rules of Conduct Governing Commission Meetings~~Commission Rules governing meetings~~;
- 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 ~~be~~ not be limited to, an order to be seated.

CHAPTER 7 COMMISSIONER CONDUCT

Rule 7.13.5 Commissioner Conduct.

Sitting Commissioners and Alternate Commissioners are public officials and have a responsibility to conduct themselves with the highest integrity and leadership. Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group. They must act in the public interest, not their private interests or any special interests. They must strictly adhere to all legal and ethical requirements and avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. In both public and private interactions, Sitting Commissioners and Alternate Commissioners must follow carefully the Commissions' Code of Conduct. Each Sitting Commissioner and Alternate Commissioner must review the Code of Conduct, sign the document acknowledging their understanding and compliance and provide the signed copy to the Secretary.

Rule 4 – Proclamations

~~Rule 4.1 Proclamations. Individual sitting Commissioners may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation, however, Commission approval is not required for the issuance of a Commissioner Proclamation.~~

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