

Resolution B

RESOLUTION TO DETERMINE THAT JUNE 30, 2023 MEETING IS NOT NECESSARY AS A REGULAR SECOND MEETING TO ADDRESS COMMISSION BUSINESS

WHEREAS, the Oakland Police Commission is required to conduct its meetings in accordance with California’s Brown Act and the City’s Sunshine Ordinance, and a quorum of Commissioners is required to conduct Commission regular and special meetings and enable the Commission to discuss, deliberate, and vote on agenda items. California Government Code 54950 et seq., and Oakland Municipal Code 2.20.010 et seq.

WHEREAS, a quorum constitutes at least five members of the Commission; and when there is not a quorum of Regular Commissioners attending, the Chair may designate one or both Alternate Commissioners to establish quorum. Oakland Municipal Code 604(D)(3)

WHEREAS, prior to the posting of the June 8 Commission meeting, it was determined that there was not a quorum of Regular Commissioners and Alternate Commissioners able to attend. To comply with the Brown Act and the City’s Sunshine Ordinance, in addition to not wasting public funds to conduct a meeting to determine that a meeting cannot legally be conducted, the June 8 Commission meeting was cancelled and noticed was sent to all individuals and entities that would have received the posted agenda.

WHEREAS, Oakland City Charter Section 604(d)(1) states that the Police Commission shall meet at least twice each month and Oakland Municipal Code Section 2.45.090 states that “[i]f the Commission determines, by a majority vote of those present at a regular meeting, that a second regular meeting in that month is not necessary, it shall provide public notice of the meeting cancellation as required by all applicable State and local laws.”

WHEREAS, city laws do not provide direct guidance as to how the Commission could comply with Municipal Code Section 2.45.090 when quorum cannot be established to vote on a cancellation, without violating the City’s own Sunshine Ordinance and the Brown Act.

BE IT RESOLVED that the Oakland Police Commission nevertheless wishes to comply with the city law of having two regular meetings unless the Commission determines that “that a second regular meeting in that month is not necessary.”

BE IT FURTHER RESOLVED that the Oakland Police Commission designates Thursday, June 30, 2023 as its second regular meeting for the month of June but determines that such *a second regular meeting is not necessary*.

ON JUNE 22, 2023, AT A MEETING OF THE OAKLAND POLICE
COMMISSION IN OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES – JORDAN, PETERSON, HARBIN-FORTE, HOWELL, HSIEH, JACKSON,
MILELE

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NOES –

ABSENT –

ABSTENTION –

ATTEST: 

Kelly Yun, Chief of Staff
Oakland Police Commission
City of Oakland, California