



By-Laws, City of Oakland, Bicyclist & Pedestrian Advisory Commission

Adopted at December 18, 2014 Commission meeting; revised at the February 18, 2016 meeting

1. GENERAL PRINCIPLES AND PURPOSE

The BPAC is governed by the purpose and principles in *Oakland Ordinance 13125 C.M.S* and the *Oakland Handbook for Board and Commission Members*. The Ordinance and Handbook will prevail in the event of conflict with these bylaws. References here are to the 2013 version of the handbook, but the most current version of the Handbook shall always prevail.

2. OFFICERS, MEMBERSHIP, AND ATTENDANCE

- The BPAC will have two officers: the Chair and the Vice Chair. The duties of the Chair are to set agenda with staff, lead meetings, represent the BPAC to the City, and write correspondence on behalf of the group. The Vice Chair will act as Chair in the absence or at the request of the chair.
- The Chair and Vice Chair shall act as liaison to the Oakland Public Works committee on matters concerning the BPAC. This role can be delegated by the Chair or Vice Chair to other commissioners as necessary.
- The Chair and Vice Chair (or designee) are responsible for tracking and sharing the ongoing creation, work, and dissolution of Committees (#3 below).
- Officers are nominated and elected by commissioners for one-year terms at the January BPAC meeting. The nominations and election for the chair will be held first, followed by the nominations and election of the Vice Chair. In the event that no candidate receives a majority, a second round will be held immediately between the top two vote getters. Commissioners do not need to be present to be elected.
- If the commissioner appointment of an officer ends, an officer resigns, or an officer leaves the BPAC prior to the January elections, the BPAC shall elect interim officers until new officers are elected.
- BPAC members are appointed following the procedures in *Ordinance 13125* and can resign or be removed following the guidelines in the *Oakland Handbook for Board and Commission Members*. For an absence to be excused, commissioners must provide 48 hour notice to the Chair or city staff.

3. COMMITTEES

- Committees can be formed by an action of the BPAC selecting two to four commissioners to serve on the committee. The selected commissioners can select up to three additional non-commissioners as members of the committee.
- The action forming the committee shall allow for a means by which members of the public to provide input on the business of the committee. The action shall also provide a charge and a time span for the committee, who will provide a report to the Commission at the end of the time span.

4. MEETING TIME AND PLACE

- The BPAC shall hold regular meetings on the third Thursday of each month at 6:00 PM at the Oakland City Hall or, upon proper notice, another location that meets the “No Barriers to Attendance” guidelines in the *Oakland Handbook for Board and Commission Members*.
- A special meeting may be called by the Chair or the Vice Chair or by a majority of the BPAC at a date, time, or place that deviates from the regular meeting schedule. Special meetings will follow the guidelines set forth in the *Oakland Handbook for Board and Commission Members* and do not count for purposes of attendance, as noted in the Ordinance.

5. PROCEDURES

- BPAC meetings will follow accepted rules of parliamentary procedure; Robert’s Rules of Order will be consulted in the event of a question or dispute on process.
- Quorum is defined by Ordinance: “Five commissioners shall constitute a quorum and votes shall carry by a majority of the nine commissioners.”
- “Open Forum” public comment on non-agenda items will be scheduled for ten minutes at the beginning of every regular and special meeting.
- The Chair will determine the time allotted for public comment at the outset of each agenda item. Speakers will be acknowledged by the Chair. These procedures on public comment can be revised by a majority vote of the Commission. As stated in the *Oakland Handbook for Board and Commission Members (2013)*, “Any constraints that are imposed on public testimony must be adopted at the outset and uniformly applied.”

6. AGENDA AND MINUTES

- City staff will create the monthly agenda in coordination with the Chair and Vice-Chair.
- Suggestions for agenda items may be submitted to staff no later than two weeks prior to the meeting.
- Staff will post the agenda at least 72 hours prior to the meeting (no later than 5:30pm on the Monday prior to the meeting day) on the City of Oakland website.
- The agenda shall include a section where future agenda items may be suggested, and items tentatively scheduled for the subsequent meeting be reviewed.
- Minutes will be handled by City Staff.

APPENDICES

1. BPAC Ordinance
2. *Oakland Handbook for Board and Commission Members*

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APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

J. Patricia Tenny

City Attorney
for

OAKLAND CITY COUNCIL
ORDINANCE NO. 18815 C.M.S.

Ordinance Creating the Bicyclist and Pedestrian Advisory Commission and Specifying the Terms and Responsibilities of its Commissioners

WHEREAS, Metropolitan Transportation Commission Resolution 4108 requires each jurisdiction to have a City Council-appointed Bicycle and Pedestrian Advisory Committee as a prerequisite to receiving funds from Transportation Development Act Article 3, and

WHEREAS, Transportation Development Act Article 3 is a portion of state sales tax revenues dedicated to bicyclist and pedestrian projects and awarded to jurisdictions for eligible projects based on review and prioritization by a Bicycle and Pedestrian Advisory Committee, and

WHEREAS, the City seeks to receive Transportation Development Act Article 3 funds as a means for implementing the City's Bicycle Master Plan and Pedestrian Master Plan, both part of the Land Use and Transportation Element of the Oakland General Plan; and

WHEREAS, the City supports bicycling and walking to achieve policy goals on transportation, sustainability, public health, equity, and quality of life, and

WHEREAS, the City's Bicycle and Pedestrian Advisory Committee was formed in 1994 as an informal advisory body to the Public Works Agency and the committee has met monthly since 1995, and

WHEREAS, a City Council-appointed Bicyclist and Pedestrian Advisory Commission will satisfy these requirements, improve the City's competitiveness for discretionary grants, and promote bicycling and walking in Oakland; and

WHEREAS, Section 601 of the City Charter reserves to the City Council the authority to create boards and commissions by ordinance, and to prescribe their function, duties, powers, jurisdiction and the number of board and commission members, their terms, compensation and reimbursement for expenses, if any, now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1 The City Council hereby creates the Bicyclist and Pedestrian Advisory Commission.

Section 2. The purpose of the Bicyclist and Pedestrian Advisory Commission is to advise City Council and staff on bicyclist- and pedestrian-specific policies, projects, and programs, and on the accommodation of bicyclists and pedestrians in all transportation plans, policies, projects and programs. The Commission shall serve as a resource to City staff and a forum for the public's participation in and review of the City's efforts to improve the safety and access of walking and bicycling in Oakland. The duties and functions of the Commission are as follows:

- a Review and advise on proposed projects for Transportation Development Act Article 3 funding,
- b Provide input to staff on the expenditure of Measure B Bicycle & Pedestrian Pass-through funds
- c Provide input to staff in implementation of the Bicycle Master Plan, the Pedestrian Master Plan, and other related Plans
- d Identify projects and plans that are pertinent to the Commission's purpose and prioritize those projects and plans for design review by the Commission

Section 3. The Commission shall consist of nine commissioners appointed by the Mayor and confirmed by the City Council. Five commissioners shall constitute a quorum and votes shall carry by a majority of the nine commissioners.

Section 4. The minimum qualifications for membership are that an individual must live in Oakland and have a demonstrated history of professional and/or community involvement with bicyclist and/or pedestrian issues. In selecting commissioners, the Mayor will strive for geographic representation of Oakland's neighborhoods.

Section 5. Commissioners shall be appointed to three year terms that begin on January 1. Commissioners shall serve no more than six consecutive years. Individuals who serve for six consecutive years may be reappointed to the Commission after one year of not serving as a commissioner. The terms shall be staggered such that three of the commissioners' terms will conclude on December 31 of the first year, three will conclude on December 31 of the second year, and three will conclude on December 31 of the third year. If a commissioner does not complete her or his term, a new commissioner shall be appointed for the duration of that term.

Section 6. The inaugural commissioners shall be appointed as follows. Subject to confirmation by the City Council, the Mayor will appoint commissioners with the following terms: three

commissioners with a term ending December 31, 2014, three commissioners with terms ending December 31, 2015, and three commissioners with terms ending December 31, 2016

Section 7. In the event an appointment to fill a vacancy has not occurred by the conclusion of a commissioner's term, that commissioner may continue to serve on the Commission during the following term in a holdover capacity for a period not to exceed one year to allow for the appointment of a commissioner to serve the remainder of said following term. However, commissioners shall serve no more than six consecutive years.

Section 8. A commissioner may be removed for failing to meet attendance standards. The standards are based on a monthly meeting schedule and apply to regular meetings only, and not to special meetings of the Commission. A commissioner may be removed by a majority vote of the commissioners if in a calendar year that commissioner has four or more excused absences; or three or more unexcused absences, or three or more consecutive absences.

Section 9. The Chair of the Public Works Committee of the City Council shall serve as a liaison between the Bicyclist and Pedestrian Advisory Commission and the City Council. The Commission shall provide annual reports to the Public Works Committee of the City Council to summarize the Commission's work over the course of the year and to identify key policy issues affecting the safety of and access for bicyclists and pedestrians in Oakland.

Section 10. The Commission shall establish additional rules of operation and procedures for conducting its business by a majority vote of the commissioners.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB - 4 2014

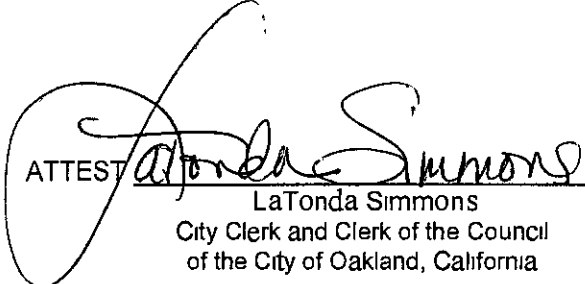
PASSED BY THE FOLLOWING VOTE.

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date
JAN 21 2014

DATE OF ATTESTATION 2/5/2014

2014 JAN 27 PM 4: 25

NOTICE AND DIGEST

Ordinance Creating the Bicyclist and Pedestrian Advisory Commission and Specifying the Terms and Responsibilities of its Commissioners

An Ordinance has been prepared that will create a Bicyclist and Pedestrian Advisory Commission in compliance with Metropolitan Transportation Commission Resolution 4108 regarding the required review of bicyclist and pedestrian projects funded by Transportation Development Act Article 3

The purpose of the Bicyclist and Pedestrian Advisory Commission is to advise City Council and staff on bicyclist- and pedestrian-specific plans, policies, projects, and programs, and on the accommodation of bicyclists and pedestrians in all transportation plans, policies, projects and programs. The Commission will serve as a resource to City staff and a forum for the public's participation in the review of the City's efforts to improve the safety of and access to walking and bicycling in Oakland.

City of Oakland

HANDBOOK FOR BOARD & COMMISSION MEMBERS



Your guide to conflicts of interest,
public meetings, public service ethics,
and other City government information



Public Ethics Commission
1 Frank H. Ogawa Plaza, 11th Floor
Oakland, CA 94612
Phone: (510) 238-3593
Fax: (510) 238-3315
ethicscommission@oaklandnet.com
Web: www.oaklandnet.com/pec



Handbook for Members of Boards and Commissions

WELCOME TO OAKLAND CITY GOVERNMENT!

Congratulations on your appointment to one of Oakland’s boards, commissions, or committees. All of these entities are referred to generally in this handbook as “boards.” Oakland relies on its many boards to provide critical guidance in City decisions and to serve as important forums for public participation. With this privilege comes your responsibility to comply with governmental integrity laws and to uphold the public’s trust. This **Handbook for Members of Boards and Commissions** is intended to help you understand this new responsibility and to help guide you in your role as a board member for the City of Oakland. It includes the following information:

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Please note that you are responsible for filing a **Form 700 – Statement of Economic Interests** within one month of assuming office. You may file electronically through the City Clerk’s office (Elections web-page) or our Public Ethics Commission web-page for Board and Commission Members, accessible through our home page at www.oaklandnet.com/pec. Alternatively, you may file a hard copy that can be printed from either web site and filed with the City Clerk, located on the first floor of City Hall.

For more information about your responsibilities as a board member, please contact the City staff person supporting your board, or contact our Public Ethics Commission at (510) 238-3593 or ethicscommission@oaklandnet.com.

CONFLICTS OF INTEREST AND ETHICAL CONSIDERATIONS

The California Political Reform Act

The laws pertaining to conflicts of interest are too broad and complex to permit a detailed discussion in this Handbook. However it is important for people participating in City government to have a basic understanding of conflict laws so they know how to spot a potential conflict situation should one arise.

Most financial conflict of interest laws are contained in the California Political Reform Act of 1974 ("PRA"). Basically, the PRA states that a financial conflict of interest may exist when a person **influences a decision** that will materially affect an **economic interest** connected to you or your immediate family. Let's take a look at these highlighted terms:

"Influences a Decision" -- A person "influences" a government decision when he or she makes or participates in making it; or when he or she attempts to use his or her official position to affect the outcome of the decision. ***It is often not enough just to refrain from voting on a matter that may involve a conflict of interest -- the law requires that you completely refrain from all participation or attempts to influence the outcome!***

"Economic Interest" -- The law identifies six basic kinds of economic interests:

- **business entities** in which you, your spouse or your dependent children have an investment;
- **real property** in which you, your spouse or your dependent children have an investment;
- **sources of income** paid to you or your spouse 12 months before the governmental decision was made;
- **business entities** in which you hold a position of management, employment or executive responsibility;
- persons who have given or promised you **gifts** totaling \$420 or more within 12 months before the time you make a governmental decision; and
- the **personal finances** of you and your immediate family.

If a decision before your board or commission may have an effect on any of the above economic interests which you or your immediate family may have, contact the Office of the City Attorney before you participate in any way. The City Attorney can perform a legal analysis to determine if you do indeed have a conflict of interest.

Remember: The basic rule is to avoid participating in any decision that could affect any of the above financial interests held by you or your immediate family!

A Special Note on Gifts and Travel

One of the most common issues which people encounter is whether it is permissible to accept gifts or travel expenses while serving on a board or commission. The basic rule is that if you are a member of a board or commission whose members are required to file a Form 700 (see below), ***you may not accept gifts from any single source totaling more than \$420 in a calendar year.*** There are exceptions to this rule which include:

- Gifts not used and returned or donated to charity or the City without being claimed as a tax deduction within 30 days of acceptance.
- Tickets to a fundraising event for a non-profit organization that is tax exempt under IRC Section 501(c)(3), or to a political fundraising event.
- Gifts from family members (spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother or sister-in-law, nephew, niece, aunt, uncle, first cousin, or the spouse of any of these persons) as long as they are not acting as intermediaries for restricted sources.
- Gifts to you or an immediate family member in connection with a non-recurring ceremonial event (e.g., bar mitzvah) valued at no more than \$100.
- Informational material such as books, reports, pamphlets, calendars, seminars, or informational conferences exclusively for official or office use and valued at less than \$250. (Note: travel is never informational material.)
- Personalized plaques and trophies valued at less than \$250.
- Meals and lodging offered in an individual's home.
- Meals provided at an event at which you speak, participate in a seminar, or provide a similar service.
- Meals paid for by a governmental agency.
- Inheritances and bequests. (An inherited investment or interest in real property, however, may be required by state law to be disclosed on your statement of economic interests.)

Travel expenses are also occasionally offered to board or commission members. Basically, travel payments are permissible for travel *within California* when the payments are made directly in connection with the event at which you give a speech or participate in a panel or seminar. Other travel payment may also be permitted but might have to be reported. Other types of free travel may be prohibited.

If you have any doubt about whether a gift falls into one of these exceptions, call the Fair Political Practices Commission (FPPC) or the Office of the City Attorney.

Filing Statements of Economic Interest (Form 700)

The PRA requires every city in California to adopt a conflict of interest code. The underlying principle behind this code is to ensure that decisions are made by public officials openly, honestly, and free from the motivation of personal gain. Most members of Oakland's boards and commissions have been identified as decision-makers subject to its conflict of interest code. A list of these boards and commissions can be found in Appendix C.

If you are a member of one of the public bodies listed on Appendix C, you are required to file periodic "Statements of Economic Interests," (otherwise known as a "Form 700"). A Form 700 must be completed and filed with the Office of the City Clerk at the following times:

- Within 30 days after assuming office.
- Annually on April 1 of each year.
- Within 30 days of leaving office.

Instructions and the period covered by each type of statement are included with the forms used for filing.

Form 700's are kept available for public inspection by the Oakland City Clerk. State law permits a penalty of \$10 per day for late filings. Also remember that you must complete and return your forms even if you have "no reportable interests" to disclose.

For most people, filling out a Form 700 can usually be an easy experience provided you read the instructions carefully. However, questions are bound to arise, especially if you have financial interests in addition to the income from your job, a personal residence, or typical loan obligations. Again, board and commission members can contact the FPPC or the Office of the City Attorney for advice.

Restrictions on Receiving or Soliciting Campaign Contributions

California law disqualifies certain appointed board or commission members who are running, who have run, or who are fundraising for, elective office from participating in decisions affecting his or her campaign contributions. The law may require on-the-record disclosure of all contributions received. Even if you are not a candidate for public office, the state law also prohibits certain appointed board and commission members from soliciting, receiving or directing contributions in excess of \$250 on behalf of **another** candidate from any person having business pending before your board or commission (and for 90 days after the decision).

This law is generally limited to those boards and commissions, such as the Oakland Planning Commission or Port Commission, that make decisions involving business, professional, trade and land use licenses, certain contracts and all franchises. The law is fairly complex, so if you have any questions about its application to you or your board or commission, please contact the FPPC or Office of the City Attorney.

Other Ethics Laws

There are other conflict of interest laws which may apply to decisions you may make as a board or commission member. One law forbids you to have a financial interest in any contract made by you or a board or commission on which you serve as a member. This means generally that your board or commission cannot make or recommend a grant or a contract to a company or organization in which you or an immediate family member has an interest or serves as an officer or director.

Another law generally prohibits a public official (that's you again) from using his or her official position for personal benefit or gain. Still another forbids public officials from engaging in employment or activities that are incompatible with their public duties. Finally, some boards and commissions are governed by their own specific conflict of interest rules, such as those administered by the U.S. Department of Housing and Urban Development.

The main thing to keep in mind is that the position you hold is one of **public trust**. When in doubt, the better course of conduct often is to avoid even the **appearance** of a conflict and to recuse yourself from participation.

PUBLIC MEETINGS

Practically all of Oakland's boards and commissions are required to conduct their meetings in public. Most of the work and all of the decisions you will be making will take place at these public meetings. It is therefore important that you understand how "open meeting" laws work, and how to prepare for meetings so you may participate effectively.

There are two laws that help ensure that public meetings are properly announced and conducted. The Ralph M. Brown Act is a state law that applies to all public bodies in the State of California. The Oakland Sunshine Ordinance is a local law that supplements the Brown Act and provides even greater public access to the workings of Oakland government. Both laws address the important topics of: 1) What constitutes a public meeting; 2) What kinds of public meetings there are; 3) How meetings are announced (or "noticed") to the public; and, 4) How meetings are conducted.

What Constitutes a Public Meeting

Under the Oakland Sunshine Ordinance, a "meeting" for which public notice must first be given, is defined as "any congregation of a majority of the members of a local body at the same time and location. . . to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the local body."

A majority of the members of a local body are not permitted to use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the local body.

A "meal gathering" conducted before, during or after a public meeting is considered a part of the public meeting and must be properly noticed and made open to the public.

Under the above definition, a "meeting" can occur if a staff or member of a public body calls, faxes or e-mails other members to develop a consensus regarding an item of business, even if the members never communicate to each other directly.

It is very important that you restrict your communications with fellow commission members or City staff to avoid reaching a consensus outside of a noticed public meeting!

The Sunshine Ordinance does **not** include in its definition of a "meeting" individual conversations between members of a public body and a constituent; attending community meetings or conferences; or attending purely social, recreational, or ceremonial occasions (just so long as you do not discuss business items within the jurisdiction of your board or commission).

It is not uncommon for members of a public body to meet socially or as friends. Care must be taken whenever a majority of members gather to avoid discussing any specific item or topic that may be within the jurisdiction of the public board, commission, or committee.

The attendance of a majority of the members of a public body at one of its standing committee meetings could become an improper meeting if those members who are not on the committee speak, deliberate or vote at the committee meeting.

Kinds of Public Meetings

There are two types of public meetings you should be familiar with: **Regular Meetings** and **Special Meetings**. Each has its own unique notice requirements, which are discussed below:

Regular Meetings

All boards and commissions must take formal action (by a motion and vote) to establish a regular time and place for holding regular meetings. (For example: "7:00 p.m. on the first Monday of every month at City Hall") The Sunshine Ordinance states that "whenever possible" such regular meetings shall be conducted on weekday evenings.

Special Meetings

A special meeting may be called by the presiding officer or by a majority of the public body at a date, time, or place that deviates from the regular meeting schedule.

Besides the meeting date, location and time, the biggest difference between a regular meeting and a special meeting is the kind of business that can be conducted at each meeting. To know what can and cannot be considered at a regular meeting and a special meeting, you need to know something about meeting "agendas," the next topic below.

Providing Notice for a Public Meeting (Agendas)

Under the Sunshine Ordinance and Brown Act, a meeting agenda must be posted and distributed within certain time limits before a public meeting occurs. The amount of time depends on whether it is a regular meeting or a special meeting:

Notice for a Regular Meeting

The agenda for all regular meetings must be posted by City staff at least 72 hours before the meeting in a location that is freely accessible to the public 24 hours a day. The Sunshine Ordinance also requires that copies of the agenda and all agenda materials be filed with the City Clerk's office 72 hours before a regular meeting.

Notice for a Special Meeting

Under the Sunshine Ordinance, agendas for a special meeting must be delivered by City staff to each member of the public body, news media, and any person who has previously requested notice in writing at least 48 hours (excluding weekends and holidays) before the time of such meeting.

If the special meeting is held in a location other than the regular meeting place, then the agenda must be posted and filed with the City Clerk at least ten (10) days prior to the meeting date.

Special meetings are subject to more extensive noticing requirements than regular meetings because of the short amount of time involved in providing public notice and the fact that the meeting may entail a change in the meeting time or location.

Agenda Requirements

Meeting agendas serve as the official “guide” for every public meeting. They must specify the date, time, and location of the meeting and give a brief general description of each item of business to be transacted or discussed. Usually, City staff works with the Chairperson and members of a public body to determine what items will be placed on future meeting agendas.

If an item is not on the agenda for a **regular** meeting, there may be no action or discussion about it at the meeting unless two-thirds of the members present at the meeting (or if less than two-thirds of the members are present, then **all** of the members) vote that there is a need to take immediate action which came to the attention of the local body after the agenda was posted; and the action

1. is required to avoid a substantial adverse impact if the meeting were continued;
2. relates to federal or state legislation; or,
3. relates to a purely ceremonial or commendatory action.

If an item is not on the agenda for a **special** meeting, there may be no action or discussion on the item, period.

Conduct of a Public Meeting

The Brown Act and Sunshine Ordinance do not expressly provide how a public meeting must be conducted. There are many issues that can arise before or during a public meeting that you are likely to encounter. The following is a brief summary of those issues:

Agenda Packages

An agenda or “meeting” package is usually assembled by City staff and sent to all board and commission members before the meeting. It typically contains the agenda, reports, and any other material which provides background information or recommendations concerning the subject matter of any item on the agenda. The agenda package may also include any other material that is forwarded to the local body before the posting of the meeting agenda.

Perhaps the most important thing to know about agenda packages is to **read them before the meeting**. Board and commission members are encouraged to contact City staff prior to the meeting if you have questions or need clarification about any item.

Presence of a Quorum

Unless otherwise provided in the city ordinance or resolution creating the public body, a majority of the members typically constitutes the quorum. A quorum is necessary before a local body can take any formal action; a majority of a quorum is required to take action on behalf of the local body.

Any member who recuses himself or herself due to a conflict of interest on an item should not be counted in establishing a quorum. For example, on a seven member commission or task force in which two members are absent and two other members recuse themselves on a vote because of a conflict, the item cannot be acted upon due to lack of a quorum.

No Barriers to Attendance

No local body shall conduct a meeting, conference, or other function in any facility that is inaccessible to persons with physical disabilities or where members of the public must pay or purchase something to gain entrance.

Meetings Must Be Tape Recorded

All local bodies in Oakland must tape record their regular and special meetings. All tape or video recordings are public records that must be available for inspection during regular business hours. Any person may tape record, photograph, or videotape any meeting as long as such recording does not disrupt the proceedings.

Right to Public Comment at a Meeting

Every regular or special meeting *at which action is proposed to be taken* shall provide an opportunity for members of the public to directly address the public body *before* action is taken.

Every regular and special meeting agenda must also provide an opportunity for members of the public to directly comment on an item of interest to the public that is within the body's subject matter jurisdiction. This is usually accomplished by providing an "Open Forum" as a standing item on every regular and special meeting agenda.

During open forum, member of a public body may ask a question for clarification, make a brief report or announcement, refer a matter to City staff, or direct City staff to place on a future agenda any item or matter brought up during a meeting that is not listed on the agenda.

While the local body may adopt reasonable rules regulating the order and decorum of public testimony, the local body may not prohibit criticism of its policies, procedures, programs, or services, or of its acts or omissions. This generally applies to criticisms offered by a member of the local body as well. Any time constraints that are imposed on public testimony must be adopted at the outset and uniformly applied.

Cancellation or Continuation of an Agenda Item

An item on the agenda may be cancelled or continued by a vote of the local body at the meeting, or by issuing formal notice of the cancellation or continuance if known far enough in advance of the meeting. Any continued item must specify the time and place of the meeting at which the item will be heard, and should be placed on the next meeting agenda.

If there is any indication prior to the meeting that an item may be cancelled or continued (e.g., withdrawal of the item by the party seeking a hearing, illness of staff, absence of an essential party), good meeting practice suggests that as much prior notice as possible be given to members of the public. This should at least include an announcement and action at the beginning of the meeting to withdraw or continue those items that will not be heard.

Conditions on the Right to Attend or to Speak at a Public Meeting

A public body may request that members of the public wishing to speak provide their names on a speaker's card to facilitate staff responses or for inclusion in the minutes of the meeting. However, the public cannot be required to give names or sign a register as a condition to attend a public meeting.

Taking and Keeping Minutes

All local bodies must take and keep minutes of its meetings. Meeting minutes are essential for creating an "official" public record of the actions taken at a public meeting. Minutes should contain at least the following information:

- The time the meeting was called to order
- The names of the members attending the meeting
- A one sentence summary of the action taken on each item and the roll call vote (Note the names of each member who voted "Aye", "No," or "Abstained" if the vote is not unanimous.)
- The names of those people who spoke on each item
- The time the meeting was adjourned

A draft of the minutes of each meeting should be available for public inspection and copying no later than ten (10) business days after the meeting.

The officially adopted minutes should be available for public inspection and copying no later than five (5) business days after the public meeting at which the minutes were adopted.

If your board or commission does not typically take or keep minutes, you should bring it to the attention of the Chairperson or City staff member.

ROLES AND RESPONSIBILITIES

While this handbook is intended to provide a basic overview of the operating guidelines and legal requirements that are common to all City boards and commissions, it is by no means an exhaustive guide to your participation in City government. Most of your actions will be guided by your own good judgment and common sense. The following is intended to serve as general guidelines when dealing with others who participate in City government.

Expression of Personal Opinion

Individual members of boards and commissions should not present their personal views or recommendations as representing the board or commission unless their respective board or commission has voted to approve such a position or action. Members expressing views not approved by the majority of a board or commission should clearly state that their opinions are being expressed "personally" or as a "private citizen".

Public statements should also not include promises that may be construed to be binding on the City. When making a public statement, members should indicate that board or commission actions might only constitute a recommendation, and that final action will be taken by the City Council.

It should be recognized that commission and board members' statements and actions may assume special significance, and if not responsibly discharged, could result in a situation detrimental to the City's best interests. If you have any questions in this regard, please contact the Office of the City Attorney.

Role of the City Council and Mayor's Office

Most of Oakland's boards and commissions were established to provide information and advice to the City Council or the Office of the Mayor. As the elected representatives of the people of Oakland, the City Council and Mayor have the ultimate responsibility for making decisions that affect the City. It is important to remember that not all of the recommendations from advisory bodies may be accepted by the City Council and Mayor in carrying out their respective duties. Often final decisions must take into account a broader range of issues than the sometimes limited jurisdiction of an advisory body. While disagreements can and do arise, it is important that the established laws and policies of the City be followed.

Role of City Staff

City staff serves in a support capacity to Oakland's boards and commissions. Staff is usually responsible for ensuring that meeting notices are properly and timely distributed, and provides Oakland's public bodies with the professional expertise for which they were hired. While highly dedicated to the boards and commissions they serve, City staff is ultimately responsible to the administrative departments of the City. Staff cannot and should not be directed to perform tasks that conflict with their established duties and work priorities. In no event may staff be directed to perform work for the personal advantage of board or commission members.

Frequently City staff provides recommendations to public bodies on a variety of issues. These recommendations are often based on the technical requirements of the law or established City policy.

While a board or commission is not always expected to adopt staff's recommendations, they should always be carefully considered before taking formal action.

Dealing with the Public

The earlier discussion in the section entitled "Public Meetings" highlighted specific requirements for keeping public meetings open and available to members of the public. But there is more to serving as a board or commission member than mere compliance with the law. Good public service demands that people be treated fairly, honestly and with the utmost of courtesy. It is crucial for you to keep an open mind in all your deliberations, and to consider all opinions expressed at a public meeting before making a decision. This not only encourages greater public participation, but rewards you with information and opinions you may not have previously considered.

Just as people have a right to expect the highest standards of decorum from their representatives, no one is expected to suffer from undue abuse or physical or verbal threats. California law permits the removal of any person who willfully engages in disorderly conduct and disrupts the peace and good order of a public meeting.

Attendance, Resignation and Removal

Oakland's boards and commissions simply cannot function without your attendance and active participation. If you are required to miss a meeting, please inform City staff and the chairperson with as much advance notice as possible. Some boards and commissions have specific requirements about missing more than a certain number of meetings without excuse or good reason. In some cases, failure to regularly attend meetings could result in your removal from the board or commission.

Occasionally people are required to resign their seats on a public body before the end of their appointed term. If this should occur, you should submit a letter stating your intention to resign and an effective date of your resignation to the Office of the City Clerk, the board and commission on which you serve, and a copy to City staff.

The Oakland City Charter provides that members of City boards and commissions may be "removed for cause" after a hearing and upon the affirmative vote of at least six City Councilmembers. While there is no definition of what specific conduct would lead to such an action, board and commission members should realize that certain conduct -- such as a constant failure to attend meetings without a legitimate excuse -- could result in removal from office.

CITY OF OAKLAND BACKGROUND

History of Oakland¹

Development as a commercial and transportation center began with the California Gold Rush of 1849, when Oakland became the mainland staging point for passengers and cargo traveling between the Bay and the Sierra foothills.

Oakland was chartered as a city in 1852, and construction of shipping wharfs began immediately. Ferry service between Oakland and San Francisco had existed for years, but by building large wharfs and dredging a shipping channel, Oakland became an independent destination.

Owners of the Central Pacific Railroad, the “Big Four” - Stanford, Crocker, Hopkins, and Huntington - saw the convenience of Oakland as a shipping center and chose it as the western terminus of the Transcontinental Railroad, which began service across America in 1869.

Oakland grew steadily through the 20th century. After the devastating earthquake in 1906, many people and businesses chose to relocate from San Francisco to less damaged Oakland. Oakland's population more than doubled between 1900 and 1910.

Oakland benefited from the general prosperity of the area through the 1920s. California farms expanded their markets contributing to canning, processing, and shipping companies based in Oakland. Auto makers and steel companies led the industrial expansion throughout the East Bay. Construction businesses had plenty of work as homes went up south and east of the inner city, and new highrise office buildings were built in downtown Oakland.

Post-War Expansion

World War II brought tremendous changes to Oakland. Huge numbers of workers moved to the Bay Area to work in local shipyards, and many of these people, as well as large numbers of military personnel who mustered out at Treasure Island and the Oakland Army Base, chose to remain in the Bay Area. The population grew by almost one third between 1940 and 1950.

During the war, the military had made substantial improvements in Oakland's port facilities. The decision in the late 1950's to further modernize Oakland's docks and equip them with container-shipping facilities opened another chapter in Oakland's history.

Today, the Port of Oakland is a technically advanced facility and the fourth largest container shipping port in the United States. Oakland is the terminus of three shipping railroads, and is home to more than 1,000 trucking companies. Oakland is recognized as the center of commerce for the entire Bay Area, and the main sea terminal for cargo moving between the western United States and the Pacific Rim, Latin America, and Europe.

¹ Annalee Allen and Harry Hamilton, City of Oakland Cultural Arts and Marketing Office.

City Government Structure

Structural Overview

The City of Oakland has a Mayor/Council form of government. The Mayor is elected at-large for a four-year term, and can be re-elected only once. The Mayor is not a member of the City Council; however, he or she has a right to vote as one if the Council members are evenly divided on certain issues. The City Council is the legislative body of the City and is comprised of eight Council members. One Council member is elected “at large,” while the other seven Council members represent specific districts. All Council members are elected to serve four-year terms. Every two years, the City Council elects one member to serve as President of the Council, with another member selected annually to serve as Vice Mayor.

The City Administrator is appointed by the Mayor and is subject to confirmation by the City Council. The City Administrator is the Chief Administrative Officer of the City and is responsible for day-to-day administrative and fiscal operations of the City.

The Mayor

The Mayor is Oakland’s chief elected officer. He or she is specifically responsible for presenting a balanced budget to the City Council, recommending legislation and measures for consideration by the City Council, appointing the City Administrator (subject to City Council confirmation), and generally promoting programs for the social, physical, economic and cultural development of the City.

The City Council

The City Council is the legislative body of the City, vested with the regulatory and corporate powers of the municipal corporation. The City Council establishes local policy and, together with the Mayor, is ultimately responsible to the people for the actions of the City. The City Council establishes priorities and direction for the City through the legislative process, adopts and monitors the annual operating and capital improvement budgets, makes appointments to various advisory committees and commissions, and serves as the Redevelopment Agency Board of Directors.

The City Administrator

The City Administrator is responsible for the proper and efficient administration of City affairs. He or she directly manages several departments and divisions including the Budget Office, the Office of Information Technology, Office of Personnel, Citizens Police Review Board, ADA Programs, Contract Compliance, Intergovernmental Affairs, Risk Management, Oakland Sharing the Vision, Equal Access programs and communications including the City’s cable television station, KTOP. The City Administrator also provides support to City Council and Committee meetings by coordinating responses to City Council requests for information and action.

The City Attorney

The elected City Attorney provides legal services, advice and representation to the Mayor, City Council, City Administrator, City departments, and City boards and commissions, and serves as general counsel for the Oakland Redevelopment Agency and the Oakland Housing Authority and co-counsel to the Oakland-Alameda County Coliseum Authority. The legal services provided by the City Attorney's office include a wide variety of specialized legal and financial functions such as claims investigation, adjustment and negotiations, court appearances, calendaring, litigation and pre-trial discovery.

The City Auditor

The City Auditor is an elected officer of the City whose office performs audits and reviews of the records, procedures and activities of City departments. The City Auditor also prepares impartial financial analyses of selected proposed major expenditures, conducts surveys, reviews and performance audits deemed to be in the best public interest, and publicly reports to the City Council on the implementation of the City Auditor's recommendations. The City Auditor provides a professional service to City government to help ensure that City operations are effective and efficient, and to act as a deterrent to fraud, waste and mismanagement of City resources.

The City Clerk

The Office of the City Clerk provides a variety of essential services for the residents, businesses and municipal agencies of the City of Oakland. Those services include producing and distributing the weekly City Council meeting and committee agendas and maintaining the official minutes of the Oakland Redevelopment Agency (ORA), City Council and all City Council Committees. The City Clerk is responsible for administering municipal elections and assisting candidates in meeting their legal responsibilities before, during and after an election. As Oakland's filing officer for its local conflict of interest laws, the City Clerk's office ensures that statements of economic interest and campaign disclosure are distributed to and filed by candidates for public office, elected officials, members of various boards and commissions, and numerous City employees. Finally, the City Clerk's office oversees the preservation and protection of public records, such as the minutes, reports, ordinances and resolutions adopted by the City Council, and ensures that other municipal records are readily accessible to the public.

Oakland Boards, Commissions, Committees and Task Forces

The Office of the Mayor and the City Council are assisted by numerous boards, commissions, and committees. With the exception of the Planning Commission, which is required by state law, Oakland's advisory bodies are established by local law to provide citizen input and advice in specific areas. Occasionally, the City Council appoints ad hoc committees, as needed, to address a special issue. These ad hoc committees usually terminate when their specific task has been completed.

APPENDIX A

ROBERT'S RULES OF ORDER

Some public boards and commissions conduct their meetings according to a specific set of bylaws. Often those bylaws, or the board or commission's own rules of conduct or procedure, state that meetings shall be conducted under the Robert's Rules of Order. Most people have never thoroughly read Robert's Rules, and even fewer have received training in how to use and apply them. This appendix is intended to give you a summary of some of the most important Rules.

Making and Voting On Motions

The most common application of the Rules is in making and voting on motions. A motion is simply a proposal that is recognized by the presiding officer. It can be changed (amended) or withdrawn before it is finally voted upon. The following are the usual steps followed in making and voting on a motion.

1. A member is recognized and states his or her motion;
2. Another member seconds the motion;
3. The members debate the motion;
4. The chair or presiding officer calls for a vote; and,
5. The chair or presiding officer announces the result of the vote and/or that the motion has carried or failed.

After a motion has been made but before it is voted upon, any member may move to amend a pending motion. The important thing to remember is that a pending motion may only be amended by adding or deleting words or phrases; you cannot use the amendment procedure to substitute a new or different motion in its place. Once an amendment is proposed or seconded, a vote is taken on whether to accept the amendment before voting on the underlying motion.

Many boards and commissions have bylaws or informal agreements that determine how voting occurs. Several of the most common ways are:

1. **By Voice** -- The Chairperson asks those in favor to say, "aye" and those opposed to say "no." Any member may move for an exact count.
2. **By Roll Call or Ballot** -- Each member responds "yes" or "no" as the vote is taken. These methods are used when a record of each person's vote is desired or required.
3. **By Unanimous Consent** -- When a motion is not likely to be opposed, the Chairperson says, "If there is no objection ..." The membership shows agreement by its silence, however if any member objects, then the item must be put to a vote.

The Chairperson may properly seek unanimous consent ("If there is no objection...") on relatively non-controversial matters as an alternative to the formal motion process. Typically this process is used to

adopt minutes, adjourn, extend a speaker's time, and other similar matters. It can be very effective in helping to move quickly through parts of an agenda.

Common Misapplications of the Rules

Anyone who has attended public meetings for very long will eventually encounter various motions or actions that are technically not appropriate under the Roberts Rules of Order. Here are some of the most common:

1. **"I so move."** This motion sometimes comes after a long discussion or speech. The problem is that the discussion or speech may not precisely set forth what the board or commission is being asked to consider. It is always better to make a clear and accurate motion.
2. **"Call The Question."** Most people intend this motion as a request (and sometimes as a demand) to automatically end debate and put the item to an immediate vote. The problem is that it takes a two-thirds vote to terminate a discussion. Furthermore, state and local laws require members of the public to have an opportunity to address a public body before voting occurs. The better course of action is to permit everyone to discuss a motion or item before the vote is taken. (If there are too many speakers, consider limiting the time each speaker may have *before* the discussion begins.)
3. **"I Move To Table."** A "motion to table" or "lay on the table" is permitted only to temporarily interrupt an agenda to consider another matter (usually an emergency) out of turn. It is *not* the appropriate motion to use to kill or defeat a motion that is under consideration.
4. **"Point Of Personal Privilege!"** This exclamation is sometimes used to interrupt a speaker whenever another member's name is mentioned in a context the other member doesn't like or agree with. Actually, a motion for privilege can pertain to the rights of the board or commission as a whole as well as an individual (for example: "Point of privilege, Madam Chair: Can we turn down the heat in this room?"), but it should only be used sparingly when a speaker's remarks refer to another member. Absent a grievous attack on your character, simply seek recognition from the Chairperson and wait your turn to speak or respond.

APPENDIX B

USEFUL TELEPHONE NUMBERS

Mayor's Office	238-3141
City Council	238-3266
City Manager	238-3301
City Clerk	238-3612
City Attorney	238-3601
City Auditor	238-3378
Office of Information Technology	238-2274
Office of Personnel	238-3307
Police Department	238-3366
Financial Services Agency	238-2220
Fire Services Agency	238-3856
Life Enrichment Agency	238-4920
Public Ethics Commission	238-3593
Public Works Agency	238-3961
Community & Economic Development Agency	238-3344
Oaklanders Assistance Center	238-7366
City Hall Security	238-3995

APPENDIX C**BOARDS REQUIRED TO FILE FORM 700s**

Broadway/MacArthur/San Pablo Redevelopment Project Area Committee
 Business Tax Board of Review
 Central City East Redevelopment Area Project Area Committee
 Central Oakland Community Development District Board
 Children's Fairyland Board of Trustees
 Citizen's Police Review Board
 Citizens Advisory Board
 Civil Service Board
 Commission on Aging
 Commission on Disabled Persons
 Community Action Agency Administrating Board
 Community Policing Advisory Board
 Community Reinvestment Commission
 Cultural Affairs Commission
 Downtown Oakland Senior Center Advisory Council
 Earthquake Damage Abatement Board
 East Oakland Multipurpose Senior Center Advisory Council
 Eastlake/San Antonio/Chinatown Community Development District Board
 Elmhurst Community Development District Board and Citizens Advisory Board
 Fruitvale/San Antonio Community Development District Board
 Head Start Advisory Panel
 Health and Human Services Commission
 Housing and Residential Rent and Relocation Board
 Kids First! Children's Fund Planning and Oversight Committee
 Landmarks Preservation Advisory Board
 Loan Review Committee
 Medical Hill Parking Commission
 North Oakland Community Development District Board
 North Oakland Senior Center Advisory Commission
 Oakland Base Reuse Authority
 Oakland Fund for Children and Youth Planning and Oversight Committee
 Oakland Housing Authority Board of Commissioners
 Oakland Municipal Employees Retirement System
 Parks and Recreation Advisory Commission
 Police and Fire Retirement System Board
 Planning Commission*
 Public Ethics Commission
 West Oakland Redevelopment Area Project Area Committee
 West Oakland Senior Center Advisory Council
 Western Oakland Community Development District Board
 Workforce Investment Board

* Based on Government Code §87200