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CITY OF OAKLAND



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February 4, 2014

HONORABLE CITY COUNCIL
Oakland, California

Re: Life Enrichment Committee's Recommendations to Modify The Children's Fund Planning and Oversight Committee's ("POC") Strategy for Lesbian, Gay, Bisexual, Transgender and Questioning ("LGBTQ") Youth - Item 7.13 on the February 4, 2013 City Council Meeting Agenda

President Kernighan and Members of the City Council

Introduction

At its January 28, 2014 meeting, the Life Enrichment Committee passed a motion recommending that the Council make modifications to the Children's Fund Planning and Oversight Committee's ("POC") proposed amendment to the Fiscal Year ("FY") 2013-2016 Strategic Plan. The POC's proposed amendment (attached to the original agenda report) is an additional strategy to serve Lesbian, Gay, Bi-sexual, Trans-sexual and Questioning ("LGBTQ") youth. This item is scheduled for the consent portion of the February 4, 2014 City Council meeting.

Summary of the Issue

The City Charter grants the Council only the power to approve or to decline to approve the POC's proposed strategy. The Council does not have the power to direct that the POC include any specific elements in any strategy, nor does the Council have the power to direct the POC to award grant funds to any organization (City Charter section 1305 and the City Attorney's July 14, 1998 opinion which is being provided to the Council under separate cover). Accordingly, any modifications to the POC's proposed amendment and strategy will be effective only if the POC takes action to approve Council's modifications.

President Kernighan and Members of the City Council
February 4, 2014

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City Council's Options

The City Council has three legally permissible options

- (1) Pass a motion directing staff to submit the Life Enrichment Committee's proposed modifications to the POC's proposed strategy for the POC's approval. If the POC approves the modifications, the item will return to Council for the Council's approval of the modified strategy,
- (2) Pass a motion approving the Life Enrichment Committee's recommendations and/or any alternative recommendations, subject to the POC's approval. The Council's recommendations will take effect only if the POC approves them, or
- (3) Pass a motion approving the POC's strategy without any amendments. The POC's proposed amendments would be effective immediately.

Very truly yours,


BARBARA J PARKER
City Attorney

Attorney Assigned
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