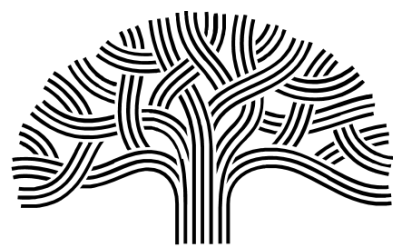


Proposed Amendments to Council Rules of Procedure

Council President Nikki Fortunato Bas, District 2
Councilmember Rebecca Kaplan, At-Large
Councilmember Janani Ramachandran, District 4
Councilmember Treva Reid, District 7

Rules & Legislation Committee
December 14, 2023



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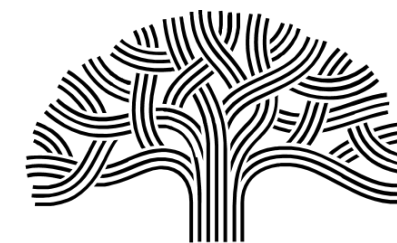


Council Rules of Procedure

City Charter Section 210 mandates Council establish Rules of Procedure for conduct of meetings and order of business. The Rules were last updated in February 2023.

These amendments seek to ensure:

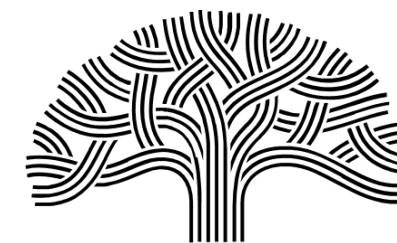
- reasonable time for public input and comment on agenda items at the Committee and City Council meetings; and



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Council Rules of Procedure

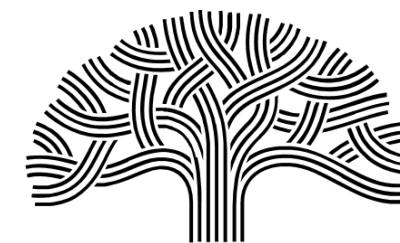
- an agenda that is managed more efficiently and effectively and for more predictable discussion times for debate regarding agenda items in order to (a) avoid long waits by the public and (b) provide opportunity for all members of the public to engage in the deliberation of the Council's most important business.



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Appreciations

- Since returning to in-person Council meetings in March, we have noted ways to make our meetings more orderly and efficient with input from Council, Staff and the Public.
- Appreciations to:
 - City Clerk Asha Reed and Assistant City Clerk Britney Davis
 - Chief Assistant City Attorney Ryan Richardson and Senior Deputy City Attorney Amber Macaulay
 - City Administrator's Office: Tonya Gilmore, Winnie Woo, Candice Parker.



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Summary of Proposed Changes

Changes since the November 2, 2023 Rules & Legislation Committee meeting are highlighted in yellow.

Start and End Time

- These amendments propose that Council meetings **start at 3:30 p.m. and conclude no later than 9:30 p.m.**,
- except that the Council **may extend the time for the meeting in one-hour increments** by an affirmative vote of five (5) Councilmembers up to **11:30 p.m.**, and by an affirmative vote of six (6) councilmembers beyond **11:30 p.m.**
- If a motion to extend the meeting fails, the Council shall move immediately to open forum and then adjourn the meeting.



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Rule 7 – Order of Business at Council meetings

1. Call to Order by Council President (3:30pm)
2. Roll Call
3. Action on Special Orders / Presentations of the Day / Ceremonials* (limited to approximately 20 minutes total)
4. Modifications to the Agenda and Procedural Items
5. Consent Calendar

For Regular Meetings, action on Non-Consent Items will commence at 5:00 p.m., or as soon thereafter as reasonably practicable.

All speakers cards due 90 minutes after the start of the meeting.

6. Consideration of items with statutory Public Hearing Requirements
7. Action on Other Non-Consent Items
8. Council Acknowledgements / Announcements
9. Open Forum
10. Adjournment (9:30pm)



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Rule 7 – Order of Business at Council meetings (continued)

* **Ceremonials:** Each meeting would have no more than two (2) Ceremonials, which would be no more than approximately 10 minutes each, unless consent is given by the Council President (such as for the Mayor's State of the City Address).

Larger ceremonials will be celebrated at separate public events, including those where each elected official honors someone. These Ceremonials would simply have the resolution introduced at the Council meeting by the Council author(s) and there would be a separate public ceremony at another time. The Council author(s) would be responsible for scheduling and organizing the public event for annual ceremonials such as the ones below and any others they wish to schedule.

- February - Black History And Heritage Month
- May - Asian American And Pacific Islander Heritage Month
- September - Oakland LGBTQ Pride
- October - National Hispanic/Latinx Heritage Month
- November - Native American Heritage Month

The **Consent calendar** would continue to be heard and voted upon prior to the Non-Consent Calendar.



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Rule 7 – Order of Business at Council meetings (continued)

We add the following Whereas clauses in the legislation:

WHEREAS, the City will expand community engagement and education about how to participate in our Committee and Council meetings and share public comment; and

WHEREAS, the City will work to maximize the number of Council items reviewed by the relevant subject matter Committee prior to Council consideration in an effort to encourage robust Council and public discussion of items at Committee, which in turn will streamline the discussion at City Council meetings and expand the time for public participation on non-consent items. In March 2024, the Council will consider shifting to a Consent Calendar without public comment because items will have been discussed and debated by Committees; such Consent Calendars are utilized by other jurisdictions including San Francisco; and



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Rule 8 — Action and Procedures at Council Meetings

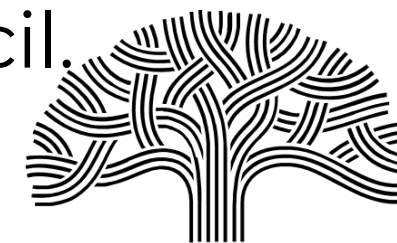
- A motion to move the second reading of an ordinance from the Consent Calendar to the Non-Consent Calendar must be approved by a majority of the Councilmembers present and voting.

Rule 9 — Protocol at Council Meetings

- Presenters shall limit their presentations to no more than seven (7) minutes, absent the consent of the presiding officer.

Rule 11 — Speaking Time Limits for Councilmembers

- For ceremonials, the presiding officer may determine allotted speaking time for Councilmembers and honorees. (This will typically be 10 minutes total per item.)
- Total speaking time of Councilmembers shall be limited to **8 minutes on Non-Consent Items & 2 minutes on the Consent Calendar**, without consent of presiding officer or a majority of the members of the Council.



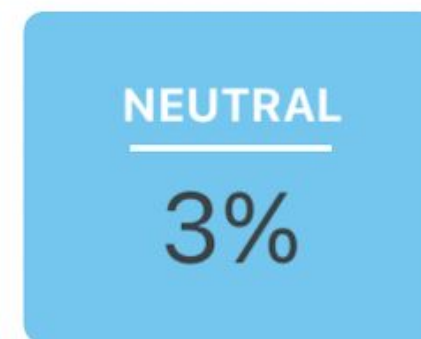
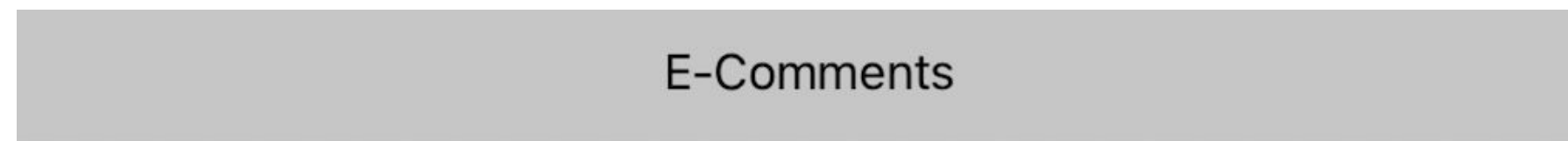
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Rule 12 – Speaker Cards and EComments

EComments:

To encourage more public engagement, “The City Clerk shall state the number of eComments and the percentage of supporting, opposing, and neutral eComments during each Non-Consent item.”

[For an example of eComments, see the 51 comments on the FY 2023-2025 Proposed Budget.](#) Note that the total below does not equal 100% because some people declined to state whether they support, oppose or were neutral. **Based on public feedback, the Clerk is looking into adding an additional category of “Support with Amendments.”**



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Rule 12 – Speaker Cards and EComments (cont’d)

Speaker Cards:

In order for the City Clerk and presiding officer to assess the number of public speakers, implement time limits, and facilitate meetings generally, the time for submitting speaker cards after a meeting has begun would be as follows:

City Council meetings:

- For Ceremonials, before the City Clerk begins reading the item into the record;
- For Consent, before the City Clerk begins reading the first Consent item;
- For all other items (including Non-Consent and Open Forum), within the first hour and a half after the meeting is called to order or before the Clerk begins the reading of the first Non-Consent item into the record, whichever occurs earlier.

Committee meetings:

- Within the first ten minutes after the meeting is called to order or before the City Clerk begins reading the item into the record, whichever occurs first, unless consent to speak is given by the presiding officer.



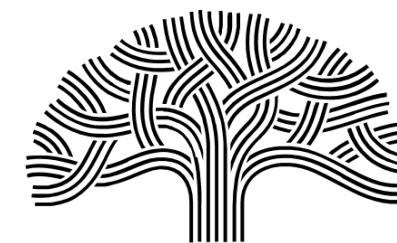
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Rule 13 – Open Forum

- Allotted speaking time shall be one (1) minute each to speak. The presiding officer has discretion to increase the allotted time for each open forum speaker a maximum of two (2) minutes.

Rule 14 – Time limits for public speakers

- To ensure that all public speakers are treated equitably, limitations on speaking time include all time a speaker spends commenting and/or posing questions, including procedural questions.



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Rule 14 – Time limits for public speakers (cont'd)

At Committee meetings, a speaker who submits their name to speak on three (3) or more items (other than open forum) may be instructed to address all items concurrently and shall be allocated two (2) minutes per item up to a maximum of eight (8) minutes if the presiding officer states all reasons justifying the instruction, which reasons shall be based at a minimum 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 local body.

If the presiding officer reduces speaker time to one (1) minute per item, the maximum time to speak on all items shall be reduced to four (4) minutes.

Ceding time to other speakers is not permitted when speaking on multiple items.



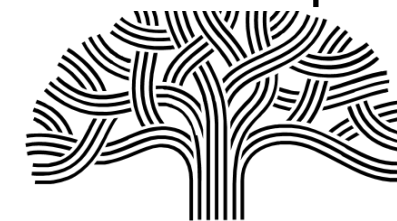
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Rule 14 – Time limits for public speakers (cont’d)

At Council meetings, speakers who submit their name to speak on three (3) or more “Other Non-Consent Items” (i.e., Non-Consent Items that do not require a public hearing) may be instructed to address all items concurrently. Speakers who are instructed to address all items concurrently shall be allotted two (2) minutes per item up to a total of eight (8) minutes if the presiding officer states all reasons justifying the instruction, which reasons shall be based at a minimum 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 local body.

If the presiding officer reduces speaker time to one (1) minute per item, the maximum time to speak on all items shall be reduced to four (4) minutes.

Ceding time to other speakers is not permitted when speaking on multiple items.

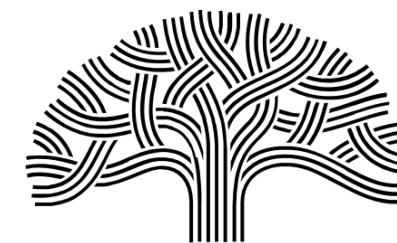


**CITY OF
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Rule 14 – Time limits for public speakers (cont’d)

At Council meetings, public speakers who sign up for Consent Items will be instructed to speak on all items at once and be given one (1) minute to speak on each item up to a maximum of three (3) minutes.

At Rules & Legislation Committee meetings, public speakers who sign up to speak on the Scheduling Item will have one minute per scheduling request up to a maximum of three (3) minutes, provided that a public speaker’s total time for all items on the Rules and Legislation Committee agenda (excluding open forum) may be limited to eight (8) minutes.



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Rule 15 – Presiding Officer’s Role In Maintaining Order

The presiding officer shall maintain order in the chamber. ~~., have authority to refuse the floor to any person.~~ The presiding officer may rule a member of the public ~~speaker~~ out of order if:

- a. ~~the person engages in Disruptive Behavior, as defined below~~ ~~the speaker is speaking beyond the allocated time limit;~~ or
- b. the ~~speaker’s~~ person’s public remarks are not related to the agenda item or, in the case of open forum, are not related to any matter within the jurisdiction of the Council; ~~or~~
- c. ~~the manner, tone and content of the speaker’s remarks are disruptive (disturb the peace and good order of the meeting), are abusive (e.g. vulgar or obscene language), or constitute hate speech.~~

Remarks that express nothing more than hate for a person or group of people based on race, nationality, ethnicity, religion, gender, gender expression, sexual orientation, or similar grounds are inherently unrelated to any matter within the jurisdiction of the Council and are therefore out of order.



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Rule 15 – Presiding Officer’s Role In Maintaining Order (cont’d)

“Disruptive Behavior” is behavior that impedes the orderly progress of a meeting by denying, delaying, or interrupting other people’s rightful turn to speak. Disruptive Behavior includes, but is not limited to: 1) speaking beyond the time the speaker has been allotted and failing to yield; 2) speaking, yelling, or otherwise making noises impedes another person’s right to speak or be heard; and 3) actions that physically impede another person’s right to speak or be heard.

The public has the right to criticize policies, procedures, programs or services of the City or of the actions or omissions of the legislative body or staff. But members of the public do not have the right to prevent or delay the orderly progress of meetings or the conduct of City business. Each member of the public must respect other people’s rights to speak, including other members of public, members of staff, presenters, and members of the body.



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Rule 15 – Presiding Officer’s Role In Maintaining Order (cont’d)

If a member of the public engages in Disruptive Behavior, the presiding officer may rule them out of order. Furthermore, a person who engages in Disruptive Behavior may be removed from a meeting at the direction of the presiding officer. Before being removed, the person must be warned: (1) that their behavior is disrupting the meeting, and (2) that continued disruption may result in their removal. The person may be so warned by the presiding officer, a member of City staff, a security guard, and/or a peace officer.

Any person who engages in dangerous activity during a meeting, including using force or making a credible threat to use force, may be removed without any direction from the presiding officer and without any warning.

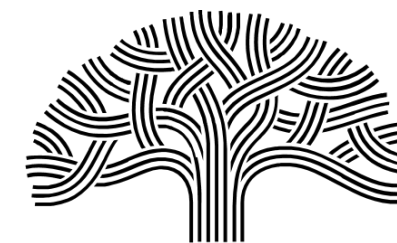


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Rule 15 – Presiding Officer’s Role In Maintaining Order (cont’d)

We also add this clause in the legislation:

FURTHER RESOLVED: Because these Rules are intended to encourage public participation and use City resources efficiently during Council and committee meetings, the Council fully uplifts and supports efforts by presiding officers and the City Administrator to maintain order in the chamber and to enforce these Rules, up to and including causing the Oakland Police Department to remove any person who, despite being warned, decides to deny, delay, or interrupt another person’s rightful turn to speak at a meeting;

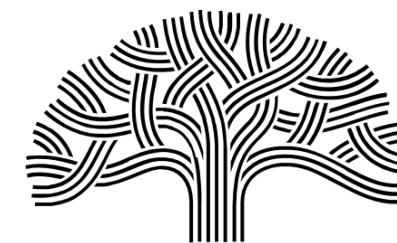


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Rule 24 — Rules and Legislation Committee’s Powers re Agenda Items

We add “member of the public” to the list of individuals that can submit a scheduling request in the first paragraph of Rule 24 and then add 24(4) as follows:

4. The Rules and Legislation Committee shall not schedule any item proposed by a member of the public unless the member of the public submits documentation with the scheduling request demonstrating that they contacted each councilmember to request a council sponsor for their scheduling item and were refused or received no response within 48 hours.



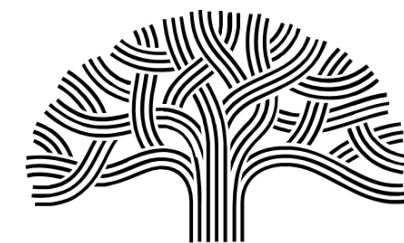
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Rule 27 — Quorum for Standing Committees

- In the event that a quorum is never established or is lost at any point during a meeting, discussion of the items noticed on the agenda may continue but no action can be taken other than adjournment.

Rule 28 – Procedure to Add, Remove Agenda Items

- Rule 28 requests may be approved until 1:30 p.m. the day before the agenda publication deadline.



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Council Rules of Procedure

- Discussion
- Q&A



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