

CITY OF OAKLAND



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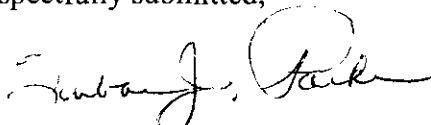
HONORABLE RULES & LEGISLATION COMMITTEE
Oakland, California

**Subject: Informational Report: City Boards and Commissions Brown Act,
Sunshine Ordinance, and Maddy Act Chart**

President Ignacio De La Fuente and Members of the Committee:

Councilmember Quan requested that the City Attorney's Office review various City boards and commissions and report to the City Council the Brown Act, Sunshine Ordinance, and Maddy Act responsibilities of each. The item is set for the May 10th Rules & Legislation Committee. A chart summarizing the information is attached.

Respectfully submitted,

for 
JOHN A. RUSSO
City Attorney

Attorney Assigned:
Mark T. Morodomi

CITY BOARDS, COMMISSIONS, AND OTHER ORGANIZATIONS

Name	Type of Organization	Subject to Brown Act	Subject to the City's Sunshine Open Meetings Ordinance	Notice of Regular Meetings	Subject to Maddy Act
Blue Ribbon Commission (Housing)	Created by City Council motion October 17, 2006	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Mayoral appointments only
Budget Advisory Committee	Established by Resolution No. 74826	Cal. Govt. Code §54952(b) applies since this body was created by resolution of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by resolution of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Only appointments by the Mayor and Chairpersons of Finance and CED committees
Business Tax Board of Review	Created by Ordinance No. 9177 C.M.S.	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Mayoral and City Council appointments only
Chabot Observatory and Science Center Board of Directors	Joint Powers Authority that includes the City, East Bay Regional Park District and the Oakland Unified School District are members.	Cal. Govt. Code §54952(c)(1)(A) applies since this body was created by more than one legislative body to exercise delegated authority.	The City is a member of the JPA and therefore, has transferred authority to this organization. This agreement was amended on 1/20/00 to include applicability of OMC § 2.20.040A.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	City Council appointments only

CITY BOARDS, COMMISSIONS, AND OTHER ORGANIZATIONS

Name	Type of Organization	Subject to Brown Act	Subject to the City's Sunshine Open Meetings Ordinance	Notice of Regular Meetings	Subject to Maddy Act
Children's Fairyland Board	Non-profit entity that manages City property.	No – this board was not created by a statute or legislative body and <i>does not include a full voting member of a legislative body.</i>	Limited application. OMC § 2.20.040B applies.	Subject to limited open meeting requirements (OMC §2.20.040 B 1).	Mayoral appointments only.
Citizens' Police Review Board	Created by Ordinance No. 12454 C.M.S.	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	OMC §2.20.030 E 2 applies since this body was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes
City Planning Commission	Created by Ordinance No. 192 C.M.S.; OMC § 173.03.010	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	OMC §2.20.030 E 2 applies since this body was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes
Civil Service Board	Created by Ordinance No. 8979 C.M.S.; OMC § 2.08.030	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes

CITY BOARDS, COMMISSIONS, AND OTHER ORGANIZATIONS

Name	Type of Organization	Subject to Brown Act	Subject to the City's Sunshine Open Meetings Ordinance	Notice of Regular Meetings	Subject to Maddy Act
Commission on Persons with Disabilities	Created by Ordinance No. 9968 C.M.S.	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes
Community Action Partnership Administering Board	Created by Resolution No. 51494 C.M.S.; Bylaws (2001)	Cal. Govt. Code §54952(b) applies since this body was created by resolution of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by resolution of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	No, because no citizen appointments are made by City Council
Community Policing Advisory Board	Created by Resolution Nos. 72727 and 79235 C.M.S.; Board Bylaws	Cal. Govt. Code §54952(b) applies since this body was created by resolution of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by resolution of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Mayoral appointments only
Cultural Affairs Commission	Created by Ordinance No. 11323 C.M.S.	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes
Dunsmuir House & Gardens, Inc.	Non-profit entity that manages City property	No – this board was not created by a statute or legislative body; and does not include a full voting member of a legislative body.	Limited application. The agreement was amended on 9/8/99 to include applicability of OMC § 2.20.040B	Subject to limited open meeting requirements (OMC §2.20.040 B 1).	Mayoral appointments only

CITY BOARDS, COMMISSIONS, AND OTHER ORGANIZATIONS

Name	Type of Organization	Subject to Brown Act	Subject to the City's Sunshine Open Meetings Ordinance	Notice of Regular Meetings	Subject to Maddy Act
East Bay Zoological Society, Inc.	Non-profit entity that manages City property	Cal. Govt. Code §54952(b) applies since this body was created by resolution of the City Council.	Limited application. The agreement was amended on 9/8/99 to include applicability of OMC § 2.20.040B.	Subject to limited open meeting requirements (OMC §2.20.040 B 1).	No
Emergency Management Board	Created by Ordinance No. 11467 C.M.S.	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Mayoral and City Council appointments only
Housing, Residential Rent and Relocation Board	Created by Ordinance No. 11954 C.M.S.; OMC § 8.22.040	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes
Kids First! — Children's Fund Planning and Oversight Committee	Created by Charter Amendment, Measure K; Charter § 1300	Cal. Govt. Code §54952(b) applies since this body was created by charter.	Yes. OMC §2.20.030 E 2 applies since this entity was created by a Charter amendment.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Mayoral appointments only
Landmarks Preservation Advisory Board	Created by Ordinance No. 192 C.M.S.; OMC § 17.03.010	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	Yes. OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes

CITY BOARDS, COMMISSIONS, AND OTHER ORGANIZATIONS

Name	Type of Organization	Subject to Brown Act	Subject to the City's Sunshine Open Meetings Ordinance	Notice of Regular Meetings	Subject to Maddy Act
Library Advisory Commission	Created by Ordinance No. 8064 C.M.S.	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	Yes. OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes
Measure Z – Cannibus Regulatory Commission	Created by Measure Z	Cal. Govt. Code §54952(b) applies since this body was created by ordinance	OMC §2.20.030 E 2 applies since this entity was created by ordinance	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Mayoral appointments only
Oakland/Alameda County Coliseum Authority	Joint Powers Authority	Cal. Govt. Code §54952(a) applies as the board is a governing body	OMC §2.20.040 A will apply to the extent consistent with the agreement	Must post agenda 72 hours in advance in a location that is freely accessible to members of the public.	Yes, as to the two citizen appointments
Oakland Municipal Employees' Retirement System Board	Created by the City Charter § 2002	Cal. Govt. Code §54952(b) applies since this body was created by charter.	Yes. OMC §2.20.030 E 2 applies since this entity was created by the City Charter.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	City Council appointments only

CITY BOARDS, COMMISSIONS, AND OTHER ORGANIZATIONS

Name	Type of Organization	Subject to Brown Act	Subject to the City's Sunshine Open Meetings Ordinance	Notice of Regular Meetings	Subject to Maddy Act
Oakland Museum of California Foundation	Non-profit entity that serves as the private support organization for the museum. Board members are appointed by the mayor and approved by the City Council.	No, because not created by a elected legislative body	OMC §2.20.040 B applies to those meetings pertaining to operation of City facilities.	Not subject to formal notice requirements (OMC §2.20.040 B). However, per contract all regular and annual meetings of the Foundation's Board of Trustees are open to the public, with notice of the meetings appearing on the Museum's Website. Minutes of the meetings and financial statements shall be made available on request and shall not be unreasonably withheld.	Yes, because they are Mayoral appointees.
Oil Independent Oakland by 2020 Task Force	Created by Resolution No. 80214, 80305	Cal. Govt. Code §54952(b) applies since this body was created by resolution of the City Council.	OMC §2.20.030 E 2 applies since this entity was created by resolution.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes

CITY BOARDS, COMMISSIONS, AND OTHER ORGANIZATIONS

Name	Type of Organization	Subject to Brown Act	Subject to the City's Sunshine Open Meetings Ordinance	Notice of Regular Meetings	Subject to Maddy Act
Paramount Theater of the Arts Board	Non-profit organization that manages City property	No – this entity is not a local legislative body, was not created by a local legislative body and does not include a member of a local legislative body.	OMC §2.20.040 B applies.	Subject to limited open meeting requirements (OMC §2.20.040 B 1).	Mayor and City Council only “concur” with nominees proposed by the Paramount Board. City should attempt to follow the noticing of the Maddy Act to the extent practicable.
Parks and Recreation Advisory Commission	Created by Ordinance No. 8065 C.M.S.	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	Yes. OMC §2.20.030 E 2 applies since this entity was created by ordinance of the City Council.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes
Police and Fire Retirement Board	Created by the City Charter § 2600	Cal. Govt. Code §54952(b) applies since this body was created by charter.	Yes. OMC §2.20.030 E 2 applies since this entity was created by the City Charter.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	City Council appointments only
Project Area Committees (Central City East, Broadway/MacArthur/ San Pablo, West Oakland)	Authorized by Cal. Health and Safety Code § 33385 and City Council resolutions 75354, 76841 and 77006	Cal. Govt. Code §54952(b) applies since this body was created by resolution of the City Council.	Yes. OMC §2.20.030 E 2 applies since this entity was created by resolution.	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	No, independently elected or appointed

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Name	Type of Organization	Subject to Brown Act	Subject to the City's Sunshine Open Meetings Ordinance	Notice of Regular Meetings	Subject to Maddy Act
Public Ethics Commission	Created by the City Charter	Cal. Govt. Code §54952(b) applies since this body was created by charter.	Yes. OMC §2.20.030 E 2 applies since this entity was created by the City Charter.	Must post agenda 10 days in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Mayoral appointments only
Safe Passages	As of 2006, a non-profit entity. A joint powers authority is soon to be created.	Cal. Govt. Code §54952 (c)(1)(b) will apply when the new nonprofit organization receives City funds since Councilmembers are on the board. When the new joint powers authority is created, the Brown Act will apply.	No, as to the nonprofit organization. When the joint powers authority is created, OMC § 2.20.040A will require application of the Brown Act	When the Brown Act applies, must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	No, because no citizen appointments are made by City Council
Violence Prevention and Public Safety Oversight Committee	Created by Measure Y	Cal. Govt. Code §54952(b) applies since this body was created by ordinance	OMC §2.20.030 E 2 applies since this entity was created by ordinance	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Mayoral appointments only
Wildfire Prevention Assessment District Advisory Board	Created by Resolution 78305	Cal. Govt. Code §54952(b) applies since this body was created by resolution	OMC §2.20.030 E 2 applies since this entity was created by resolution	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Mayoral appointments only

CITY BOARDS, COMMISSIONS, AND OTHER ORGANIZATIONS

Name	Type of Organization	Subject to Brown Act	Subject to the City's Sunshine Open Meetings Ordinance	Notice of Regular Meetings	Subject to Maddy Act
Workforce Investment Board	Authorized by Workforce Investment Act of 1998	Cal. Govt. Code §54952(a) applies	No, not created by the City Council or Mayor	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes
Youth Advisory Commission	Created by Ordinances No. 10545, 11869 C.M.S.	Cal. Govt. Code §54952(b) applies since this body was created by ordinance of the City Council.	Yes. OMC §2.20.030 E 2 applies since this entity was created by ordinance	Must post agenda 72 hours in advance at the City Clerk's office and on an exterior bulletin board accessible 24 hours a day.	Yes