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OAKLAND

CITY OF OAKLAND



2004 DEC 29 PM 12:55

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January 11, 2005

HONORABLE CITY COUNCIL
Oakland California

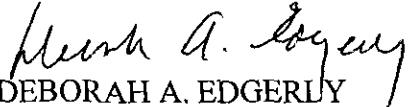
Chairperson Chang and Members of the Life Enrichment Committee:

Re: *Informational Report from the Health and Human Services Commission*
regarding under utilization of the Commission in its current structure

Attached is an informational report from the Health and Human Services Commission requesting City Council review of the Commission's role and responsibilities.

Staff is currently examining the role of the Commission and the overlap of its mission with other mandated Commissions. Staff intends to meet with the HHS Commissioners to discuss options for consolidation, reorganization and/or reappointment of the Commissioners to other Commissions. Following those discussions, staff will prepare a recommendation for the Council's consideration.

Respectfully submitted,


DEBORAH A. EDGERLY
City Administrator

Item: _____
Life Enrichment Committee
January 11, 2005

January 11, 2005

LIFE ENRICHMENT COMMITTEE
Oakland City Council
Oakland, CA

Chairperson Chang and Members of the Committee:

RE: INFORMATIONAL REPORT FROM THE HEALTH AND HUMAN SERVICES
COMMISSION REGARDING UNDER UTILIZATION OF THE COMMISSION IN
ITS CURRENT STRUCTURE. (Ordinance No. 11996 C.M.S., passed July 22, 1997)

The City of Oakland Health and Human Services Commission members have felt for some time that our original mandate to provide coordination for health and human services activities of the various advisory boards, commissions and committees throughout the City of Oakland has not been put to good use. The Health and Human Services Commission was formed in July 1997 from a merger of three separate commissions (Child Care, Homelessness and Health). There was not a smooth transition process thereby greatly underutilizing the skills, talents and expertise of the current Commissioners. The Commissioners are appointed by the Office of the Mayor. The current configuration of Commissioners comprises a wealth of expertise in health and human services issues; subsequently, those skills and talents have not been put to use. There have been no requests from the Life Enrichment Committee for recommendations from the Commission on any issues that are outlined in the Article II – Purpose of the Commission -- in the Bylaws.

Commissioners are acutely aware of the health disparities that exist in the City of Oakland among various race and ethnic groups and in various neighborhoods. Alameda County officials recently released a document that outlines the various health disparities for the City of Oakland. The Health and Human Services Commission exists with no funding and no staff, thereby making it almost impossible to carry out the mission and purpose of the Commission. There are no means to help educate the community, which would assist in combating these health disparities throughout our community and is clearly a task of the Health and Human Services Commission.

Clearly, the members of this Commission were under the impression that the function of the Commission, as outlined in the ordinance, was to provide a leadership role in areas such as rendering advice, providing assistance to other boards and commissions, reviewing and commenting on community policies, and encouraging preparation of publications, etc. None of these outlined purposes have ever been requested, nor any funding provided, to the Commission that would allow Commissioners to carry out said duties. This Commission has ultimately been ignored.

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FISCAL IMPACT

If there was funding provided and staff allocated to the Health and Human Services Commission, the outlined duties as defined in the Bylaws could be carried out. Since this report is informational only, there are no fiscal impacts included.

BACKGROUND

The City of Oakland Health and Human Services Commission was established by Ordinance No. 11996 C.M.S., adopted July 22, 1997. The ordinance mandates that there should be 15 members with 3-year staggered terms and members shall serve no more than two terms to be served consecutively.

The function and duties of the Health and Human Services Commission shall be to:

- ✓ Identify the needs of Oakland residents in the areas of health, homelessness and child care, and to create citizen awareness of these needs in accordance with the ordinance
- ✓ Encourage improved standards of services to both the public and private community, and in so doing: encourage coordination among organizations providing services; provide advice and assistance; in cooperation with other agencies, collect, maintain and interpret information and statistics for the use of citizens and organizations in the City; and, encourage preparation of publications and results of studies and research pertaining to health, homeless and child care issues.
- ✓ Review and comment on all community policies, programs and actions related to health, homeless, and childcare community issues
- ✓ Conduct informational hearings on matters affecting the health, homeless, child care and human services community
- ✓ Render advice and assistance to other City Boards and Commissions, to City Departments, and to private agencies on matters pertaining to health, homelessness, and child care.

The goal and responsibility of the Commission is to coordinate the health and human services activities of the various advisory boards, commissions and committees. The Chairperson of the Commission also serves as the Chairperson of the Council on Health and Human Services.

Current Health and Human Service Commissioners and their expertise areas are identified below.

Bob Pittman – Chair – *(Disabilities - HIV/AIDS)*
Gloria Cox Crowell – Vice – Chair *(HIV/AIDS – Faith based community development)*
Donna Allen – Commissioner *(Faith Based Human Services)*
Luz Alvarez-Martinez – Commissioner *(Latina Women’s Health)*
Jo Ellen Spencer – Commissioner *(Child Care Resources)*
Michael Shaw – Commissioner *(Representative Alameda County Public Health Dept.)*
Samuel Miller – Commissioner *(Seniors)*
Carol DaSilva – Commissioner *(Women’s Health Issues – HIV/AIDS)*

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Minnie Payne-Thomas – Commissioner (*Substance Abuse – Women's Health*)
Diane Williams, MPH – Commissioner (*Native American Community Health Issues*)

KEY ISSUES AND IMPACTS

The Commissioners feel that the City of Oakland will not be able to address the many health and human service needs of residents without some entity focused on this area.

- There is a Commission in place that is not being effectively used for any input as identified in the bylaws of the Commission.
- There is an established need for such a Commission that is evidenced by the disproportionate rates of health outcomes -- in other words, health disparities -- throughout the City.
- Though there is a Health and Human Services Commission in place, there are no funding resources allocated to the Commission, thereby rendering it useless. With no staff and no funding it is impossible to carry out the purpose of the Commission as outlined in the bylaws.
- With no funding, the Commission can not function. With funding, the looming quality of life issues that directly relate to the residents of the City of Oakland could potentially be reviewed with recommendations coming from the Commission to the Life Enrichment Committee and ultimately to the City Council.

ACTION REQUESTED OF THE CITY COUNCIL

The Commissioners of the Health and Human Services Commission request that the City Council review the existing ordinance that created the Health and Human Services Commission - - Ordinance No. 11996 C.M.S. adopted July 22, 1997 -- and determine what the future direction of the Commission will be.

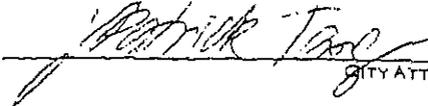
Respectfully Submitted,


Gloria Cox Crowell, Vice Chair
Health and Human Services Commission

ATTACHMENTS

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INTRODUCED BY COUNCILMEMBER _____



CITY ATTORNEY

 ORDINANCE No. 11996 C. M. S.

FILED
 OFFICE OF THE CITY CLERK
 OAKLAND

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AN ORDINANCE ADOPTED PURSUANT TO ARTICLE VI OF THE CITY CHARTER DISCONTINUING THE HEALTH COMMISSION, THE COMMISSION ON HOMELESSNESS, AND THE CHILD CARE ADVISORY COMMISSION, AND TRANSFERRING THE POWERS AND DUTIES HERETOFORE EXERCISED BY SAID BOARDS TO A NEWLY CREATED HEALTH AND HUMAN SERVICES COMMISSION

WHEREAS, the Health Commission was created by the City Council of the City of Oakland by Ordinance No. 11733 C.M.S.; and

WHEREAS, the Commission on Homelessness was established by the City Council of the City of Oakland by Ordinance No. 11301 C.M.S., and amended by Ordinance Nos. 11588 and 11866 C.M.S.; and

WHEREAS, the Child Care Advisory Commission was established by the City Council of the City of Oakland by Ordinance No. 10921 C.M.S.; and

WHEREAS, to promote efficiency, and to more effectively serve the interests of the City of Oakland and Oakland residents, the functions and duties of the Commission on Homelessness should be combined with the functions and duties of the Health Commission and the Child Care Advisory Commission to form a single body to be known as the Health and Human Services Commission;

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

Section 1. The existence and operation of the Health Commission is hereby discontinued pursuant to Article VI of the City Charter. Nothing herein shall affect the validity or enforceability of any legislation, bond, contract, or other obligation heretofore enacted or entered into for, or on behalf of, the City by the Health Commission.

Section 2. The existence and operation of the Commission on Homelessness is hereby discontinued pursuant to Article VI of the City Charter. Nothing herein shall affect the validity or enforceability of any legislation, bond, contract, or other obligation heretofore enacted or entered into for, or on behalf of, the City by the Commission on Homelessness.

Section 3. The existence and operation of the Child Care Advisory Commission is hereby discontinued pursuant to Article VI of the City Charter. Nothing herein shall affect the validity or enforceability of any legislation, bond, contract, or other obligation heretofore enacted or entered into for, or on behalf of, the City by the Child Care Advisory Commission.

Section 4. This Ordinance establishes the Health and Human Services Commission. The Health and Human Services Commission shall assume those powers, duties and functions heretofore exercised by the Health Commission, the Commission on Homelessness, and the Child Care Advisory Commission. Accordingly, all resolutions, orders, rules, regulations and by-laws of the Health Commission, the Commission on Homelessness, and the Child Care Advisory Commission, by virtue of this Ordinance, and to the extent they do not conflict with the resolutions, orders, rules, regulations and by-laws of the Health and Human Services Commission, shall reside in full force and effect with said Health and Human Services Commission.

Section 5. Additional powers, duties and functions conferred upon the Health and Human Services Commission (hereinafter referred to as the "Commission") shall be as follows:

- A. At the first regular meeting of each year the Health and Human Services Commission members shall elect a chairperson and a vice chairperson. The Commission shall meet at an established time suitable for its purpose. Such meetings shall be designated regular meetings. Other meetings called by the Mayor or City Manager and meetings scheduled for a time or place other than for regular meetings shall be designated special meetings. Written notice of special meetings shall be provided the members, the Council, and the public press at least 48 hours before the meeting is scheduled to convene.
- B. The Commission shall, in consultation with the City Manager, establish rules and procedures for the conduct of its business by a majority vote of the members present. Voting shall be required for the adoption of any motion or resolution. The Commission shall make reports, findings and recommendations either to the City Manager or the City Council, as appropriate. In addition, the Commission shall have the authority to:
 - i. prescribe and enforce such general and specific rules and regulations as deemed necessary or expedient to

the general operation and conduct of the Commission;

- ii. modify or terminate any resolution, order, rule, regulation, or by-law heretofore adopted by or promulgated under the authority of the previously existing commissions.
- C. The Commission shall submit regular status reports to the City Council committee designated as liaison to the Commission. The regular status reports must be submitted quarterly, or more frequently as directed by the Chairperson of the City Council committee to which the Commission reports.
- D. Status reports in fulfillment of subsection C above must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for the staffing and administration of the Commission.
- E. Each year, the Commission shall review the annual goals and objectives of the City Council. Review of City Council goals and objectives shall be undertaken to provide the Commission the opportunity to better integrate the activities of the Commission with the City's overall goals and objectives.
- F. City Council approval must be obtained prior to the creation of any additional standing committee of the Commission not created herein. A proposal to create a standing committee of the Commission must include information regarding the costs associated with staffing the standing committee, and the costs of complying with noticing and reporting requirements resulting from the establishment of any such standing committee of the Commission.

Section 6. Composition of the Commission shall be as follows:

- A. The Commission shall be composed of fifteen members appointed pursuant to Section 601 of the City Charter.
- B. Eight Commission members shall constitute a quorum, and any decision by the Commission shall require a majority of those members present.
- C. All Commission members shall be qualified by experience and/or training to pass on matters pertaining to health issues, issues

involving or affecting the City's homeless population, and the adequacy of the City's child care services and facilities.

- D. To the extent practicable, appointments to the Commission shall be made in accordance with the City's affirmative action policies.
- E. To the extent practicable, the composition of the Commission shall reflect the geographical diversity of the City.
- F. In making appointments to the Commission, the Mayor shall accept for consideration recommendations for appointments offered by each Councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least 30 days prior to expiration of an existing Commission member's term.

Section 7. The length and frequency of the terms of members appointed to the Commission shall be as follows:

- A. **Staggered Terms.** Commencing with the effective date of this Ordinance, Commission members shall be appointed to staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.
- B. **Length of Terms.** Except for initial appointments which may be for lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to subsection A, all appointments shall be for a period of three (3) years.
- C. **Limit on Consecutive Terms.** Commencing with the effective date of this Ordinance, no person shall be appointed to serve more than two consecutive terms as a member of the Commission.

In the event an appointment to fill a vacancy has not occurred by the conclusion of a Commission member's term, that member may continue to serve as a member of 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 Commission member to serve the remainder of said following term.

- D. **Removal.** To assure participation of Commission members, attendance by the members of the Commission to all regularly scheduled and special meetings of the Commission shall be recorded, and such record shall be provided quarterly to the Office

involving or affecting the City's homeless population, and the adequacy of the City's child care services and facilities.

- D. To the extent practicable, appointments to the Commission shall be made in accordance with the City's affirmative action policies.
- E. To the extent practicable, the composition of the Commission shall reflect the geographical diversity of the City.
- F. In making appointments to the Commission, the Mayor shall accept for consideration recommendations for appointments offered by each Councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least 30 days prior to expiration of an existing Commission member's term.

Section 7. The length and frequency of the terms of members appointed to the Commission shall be as follows:

- A. *Staggered Terms.* Commencing with the effective date of this Ordinance, Commission members shall be appointed to staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.
- B. *Length of Terms.* Except for initial appointments which may be for lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to subsection A, all appointments shall be for a period of three (3) years.
- C. *Limit on Consecutive Terms.* Commencing with the effective date of this Ordinance, no person shall be appointed to serve more than two consecutive terms as a member of the Commission.

In the event an appointment to fill a vacancy has not occurred by the conclusion of a Commission member's term, that member may continue to serve as a member of 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 Commission member to serve the remainder of said following term.

- D. *Removal.* To assure participation of Commission members, attendance by the members of the Commission to all regularly scheduled and special meetings of the Commission shall be recorded, and such record shall be provided quarterly to the Office

of the Mayor for review. A member may be removed pursuant to Section 601 of the City Charter. Among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the Commission, shall constitute cause for removal.

Section 8. The City Manager, or a designee, shall provide the Commission with staff assistance.

Section 9. Recommendations from Councilmembers for initial appointments to the Commission must be submitted to the Mayor within 15 days from the effective date of this Ordinance. The Mayor's appointments to the Commission shall be presented to the Council for approval no later than 45 days from the effective date of this Ordinance.

90819-1

Introduced - July 8, 1997
IN COUNCIL, OAKLAND, CALIFORNIA, JUL 22 1997, 19

PASSED BY THE FOLLOWING VOTE:

AYES-BRUNNER, CHANG, DE LA FUENTE, MILEY, NADEL, REID, RUSSO, SPEES AND PRESIDENT HARRIS- 9

NOES- None

ABSENT- None

ABSTENTION- None

EXCUSED- None

ATTEST:
5



CEDA FLOYD
CITY CLERK AND CLERK OF THE COUNCIL

BYLAWS OF THE
HEALTH AND HUMAN SERVICES COMMISSION
OF THE CITY OF OAKLAND

ARTICLE I

NAME OF COMMISSION

The name shall be the Health and Human Services Commission of the City of Oakland, California, established by Ordinance No. 11996 C.M.S., passed July 22, 1997.

ARTICLE II

PURPOSE OF THE COMMISSION

Section I.

The function and duties of the Health and Human Services Commission shall be:

- a. Identify the needs of Oakland residents in the areas of health, homeless, and child care and to create citizen awareness of these needs in accordance with Ordinance No. 11996 C.M.S.
- b. Encourage improved standards of services to both the public and private community, and in so doing, encourage coordination among organizations providing services, and provide advice and assistance thereto; in cooperation with other agencies collect, maintain and interpret information and statistics for the use of citizens and organizations in the City; encourage preparation of publications and results of studies and research pertaining to health, homeless, and child care issues.
- c. Review and comment on all community policies, programs and actions related to health, homeless, and child care community issues.
- d. Conduct informational hearings on matters affecting the health, homeless, child care and human services community.
- e. Render advice and assistance to other City Boards and commissions, to City Departments and to private agencies on matters pertaining to health, homeless, and child care issues.
- f. Review and monitor a long range homeless plan, hereinafter referred to as the "Plan" for Oakland, incorporating program alternatives from the City of Oakland Homeless Policy adopted pursuant to City of Oakland Resolution number 67140 C.M.S., adopted on May 29, 1990. The Commission shall coordinate the Plan with the existing efforts by other cities in the Bay Area to encourage a regional homeless policy.
- g. The Commission shall develop and maintain on-going evaluations of homeless programs.
- h. The Commission shall research, identify, and recommend funding sources to carry out homeless programs.
- i. Perform such other functions and duties as may be directed by the City Council.

ARTICLE III

MEMBERS

Section 1.

Composition of the Commission shall be as follows:

- a. The Commission shall be composed of fifteen members appointed pursuant to Section 601 of the City Charter.
- b. A quorum shall consist of a majority (50%+1) of appointed members.
- c. All Commission members shall be qualified by experience and/or training to pass on matters pertaining to health, homeless and child care issues and the City's population thereof, including services and facilities.
- d. To the extent practicable, the composition of the Commission shall reflect the geographical and cultural diversity of the City.
- e. In making appointments to the Commission, the Mayor shall accept for consideration recommendations for appointments offered by each councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least 30 days prior to expiration of an existing Commission member's term in accordance with Ordinance 11996 C.M.S.

Section 2.

The length and frequency of the terms of members appointed to the Commission shall be as follows:

- a. Staggered Terms. Effective as of July 22, 1997, Commission members shall be appointed to staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.
- b. Length of Terms. Each Commissioner shall serve for a term of three (3) years, and the terms shall be staggered as to expiration at the discretion of the Mayor, except that an appointment to fill a vacancy shall be for the unexpired term only.
- c. Limit on Consecutive Terms. No person shall be appointed to serve more than two consecutive terms as a member of the Commission.
- d. Removal. To assure participation of Commission members, attendance by the members of the Commission at all regularly scheduled and special meetings of the Commissioners shall be recorded, and such records shall be provided quarterly to the Office of the Mayor for review. A member may be removed pursuant to Section 601 of the City Charter. Among other things, conviction of a felony, misconduct, incompetence, inattention to, or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the Commission, shall constitute cause for removal.

ARTICLE IV

OFFICERS

Section 1.

The officers of the Commission shall be:

- a. Each year, at the first regular meeting in January, the Commission shall elect a chairperson and vice chairperson from among its members.
- b. The Chairperson shall:
 1. preside at all meetings
 2. supervise the activities of the Commission
 3. appoint all committee members to serve on standing committees and ad hoc committees
 4. represent the Commission at meetings of other bodies or designate an alternate
- c. The Vice Chairperson shall:
 1. serve as administrative assistant to the chairperson
 2. succeed to the office of the chairperson when the chairperson is unable to serve
 3. appoint an acting Vice Chairperson if the Chairperson's absence is to be more than one month
 4. perform such duties delegated to the Vice Chairperson

ARTICLE V

MEETINGS AND PLACE OF MEETINGS

Section 1.

- a. The Commission shall hold regularly scheduled meetings on the second (2nd) Wednesday of each month at five o'clock p.m. (5:00p.m.) at Oakland's City Hall. Such meetings shall be designated regular meetings. Other meetings called by the Mayor or City Manager and meetings scheduled for a time or place other than for regular meetings shall be designated special meetings.
- b. All meetings and activities will comply with Ordinance No. 11957 C.M.S. passed January 14, 1997 (Sunshine Ordinance) and The Brown Act.

ARTICLE VI

MODE OF OPERATION

Section 1.

- a. The Commission shall in consultation with the City Manager, establish rules and procedures for the conduct of its business by a majority vote of the members present. Voting shall be required for the adoption of any motion or resolution. The Commission shall make reports, findings and recommendations to the City Manager or the City Council, as appropriate. In addition, the Commission shall have the authority to:

1. prescribe and enforce such general and specific rules and regulations as deemed necessary or expedient to the general operation and conduct of the Commission;
 2. modify or terminate any resolution, order, rule, regulation, or bylaw adopted by or promulgated under the authority of the Health Commission, Commission on Homelessness, and the Child Care Advisory Commission as established by Ordinance 11996 C.M.S.
- b. The Commission shall submit regular status reports to the City Council's Life Enrichment Committee as required by that Committee. The regular status reports be submitted semi-annually, or more frequently as directed by the Chairperson of the City Council's Life Enrichment Committee or other Council Committee.
 - c. Status reports in fulfillment of subsection B above must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for the staffing and administration of the Commission.
 - d. Each year, the Commission shall review the annual goals and objectives of the City Council. Review of City Council goals and objectives shall be undertaken to provide the Commission the opportunity to better integrate the activities of the Commission with the City's overall goals and objectives.
 - e. City Council approval must be obtained prior to the creation of any additional standing committee of the Commission not already created. A proposal to create a standing committee of the Commission must include information regarding the costs associated with staffing the standing committee, and the cost of complying with noticing and reporting requirements resulting from the establishment of any such standing Committee of the Commission.

Section 2.

The Commission will use Robert's Rules of Order as a guide and in case of procedural questions, Roberts' Rules of Order will be the final authority.

ARTICLE VII

COMMITTEES

Section 1.

HUMAN SERVICES: The Human Services Committee includes and is limited to areas of concern regarding housing, employment, indigent care, child care, other human services, and advocacy as it relates to the City's general population.

Section 2.

HEALTH: The Health Committee includes and is limited to health care, mental health, environmental health, substance abuse, other health issues, and advocacy for the City's general population not covered by other committees of the Commission.

Section 3.

The Chair may from time to time appoint various ad hoc committees to research or investigate specific topics. Such committees shall report their findings and recommendations to the full Commission as quickly as possible. Each ad hoc committee shall be dissolved upon receipt of its final report to the Commission.

ARTICLE VIII

AMENDMENT OF BYLAWS

Section 1.

These bylaws shall be reviewed annually or as necessary. The Commission may adopt bylaw amendments at any regular meeting of the Commission by a majority of those present, provided such proposed amendments are circulated in writing to all commissioners at least ten (10) days prior to such meeting, and ten (10) days' public notice shall be posted. The Commission shall transmit the proposed bylaw amendments to the City Council within seven calendar days of adoption. The bylaw amendments become effective sixty (60) days after the date of adoption by the Commission unless before the expiration of this sixty (60) day period two-thirds (2/3) of all members of the City Council vote to veto the bylaw amendments.