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OFFICE OF THE CITY CLERK
OAKLAND

2018 NOV 20 PM 1:18

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Stephanie Hom
Deputy City Administrator

SUBJECT: Police Commission Standing
Committees

DATE: November 13, 2018

City Administrator Approval

Date:

11/20/18

RECOMMENDATION

Staff Recommends That The City Council Consider A Resolution Authorizing The City Of Oakland's Police Commission To Establish A Personnel Standing Committee And A Community Outreach Standing Committee That Will Meet On An As-Needed Basis.

EXECUTIVE SUMMARY

At the request of the City of Oakland's Police Commission and on behalf of the CPRA Executive Director (currently vacant), City Council adoption of the proposed Resolution will allow the Police Commission to create two Standing Committees: A Personnel Standing Committee and a Community Outreach Standing Committee. The Police Commission, authorized by Measure LL in the November 2016 election, is a seven Commissioner, and two alternate Commissioners, civilian oversight board that oversees the policies, practices and customs of the Oakland Police Department (OPD) to meet national standards of constitutional policing and oversees the Community Police Review Agency (CPRA) that investigates complaints of police misconduct and makes recommendations for discipline. The Police Commission is also charged with conducting an annual performance review of the CPRA Executive Director and OPD Chief of Police. The commission has been meeting regularly since December 2017 and requests to establish two formal Standing Committees so Commissioners can plan and discuss efforts around Personnel and Community Outreach. If approved, meetings of the future Police Commission Standing Committees will be considered Special Meetings.

BACKGROUND / LEGISLATIVE HISTORY

On November 8, 2016, voters approved Measure LL which created the Oakland Police Commission run by civilian commissioners to oversee OPD's policies and practices and CPRA's investigations of police misconduct complaints. Measure LL granted the Mayor authority to appoint three regular members and one alternate member to the Police Commission. Additionally, a selection panel comprised of members of the public, appoint four regular members and one alternate member.

Item: _____
Public Safety Committee
December 4, 2018

At its meeting of October 17, 2017, the City Council approved the Mayor's and selection panel's appointments to serve on the Police Commission. The Police Commission held its first meeting on December 13, 2017, and currently meets twice a month on the second and fourth Thursday of each month at 6:30 pm.

The Police Commission has selected members to serve on ad-hoc committees that meet as-needed to discuss a range of issues from the recruitment of the Executive Director to the CPRA, policies and procedures for the Commission, community outreach, and a review of legislation. At its meeting of May 24, 2018, the Police Commission voted to request City Council approval to establish a Community Outreach Standing Committee, and at its meeting of June 28, 2018, the Police Commission voted to request City Council approval to establish a Personnel Standing Committee.

Standing Committee Requirements

Municipal Code Section 2.20.030(J) defines standing committees as "any number of members of a local body which totals less than a quorum and which has a continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution or formal action of the local body." The two proposed standing committees must not exceed three Commission members at any time, comply with the Ralph M. Brown Act (2.20.050), post its agenda at least 48 hours prior to the meeting since these will be considered Special Meetings (2.20.070(A)), maintain minutes of actions taken during the meeting (2.20.160(A)), and be at minimum audio recorded for record keeping purposes (2.20.160(B)).

Process for Establishing Standing Committees

On July 10, 2018, the City Council adopted Ordinance No. 13498 C.M.S. which serves as the Enabling Ordinance for the Police Commission. The Enabling Ordinance added Municipal Code Section 2.45.150, which establishes the criteria for creating Police Commission Standing Committees. The requirements state that "the [Police] Commission must obtain City Council approval prior to the creation of any standing committee. A proposal to create a standing committee of the Commission must include information regarding the costs associated with staffing the standing committee, if any, and the costs of complying with noticing and reporting requirements resulting from its establishment."

These requirements are consistent with other references in the City's Municipal Code. Specifically, Sections 17.03.030(E) and 17.05.100(D) related to the City's Planning Commission and Landmarks Preservation Advisory Board, respectively, both state that City Council approval must be obtained prior to the creation of any standing committee for the commission/board. Additionally, the code states a proposal to create a standing committee must include information regarding the costs associated with staffing the standing committee, and the costs of complying with noticing and reporting requirements.

ANALYSIS AND POLICY ALTERNATIVES

The Police Commission Standing Committees will meet on an as-needed basis, similar to the Planning Commission's Standing Committees. Meeting on an as-needed basis allows for

greater flexibility in scheduling meetings with Police Commissioners and for City Hall meeting room spaces to be available for various City and community meetings.

Because the minimum requirement for non-City Council standing committee meetings is to be audio recorded, when the two proposed Police Commission Standing Committees need to meet, staff can look at various City Hall rooms or even off-site venues to hold the proposed Standing Committee meetings. Those meetings that could not take place inside Hearing Room 1 or the City Council Chambers (the two rooms at City Hall that have video recording capabilities) would be audio recorded with the audio made available on the City's website.

Additionally, meeting as-needed allows the Police Commission Standing Committees to meet prior to the Police Commission's regular meeting inside the City Council Chambers, as the room is available beginning at 12:00 pm on the second and fourth Thursday of the month. If a Standing Committee needs to meet, they could use the City Council Chambers for the Standing Committee meeting so long as the meeting is properly noticed given the 48-hour Agenda posting requirements for Special Meetings.

For those meetings taking place in Hearing Room 1 or the City Council Chambers, staff will work with KTOP, the City's video broadcasting team, to video record the meeting. This would not require additional staff, only reassignment to cover the shift provided advanced notice is given. CPRA staff assigned to the Standing Committees may need to adjust their work schedule to attend and, if needed, audio record meetings not held in Hearing Room 1 or the City Council Chambers. Therefore, no additional staffing is required to support the two proposed Police Commission Standing Committees.

FISCAL IMPACT

Generally, staff resources are necessary for supporting committee meetings; however, the following items will need to be absorbed by existing CPRA staff should the City Council approve the proposed Resolution:

- Identify available meeting rooms and set up for each meeting.
- Notice meetings by posting Agenda on the City's website and providing to the City Clerk's Office.
- Prepare minutes.
- Update the website with approved minutes and video/audio recordings.
- Staff the meetings to record audio, if necessary, and/or provide information to the Standing Committee(s). Overtime pay for staff may be required if meetings occur outside of normal business hours.

The following would be absorbed by existing KTOP staff when the Standing Committee(s) are held in the City Council Chambers or Hearing Room 1:

- Assign a staff member to work from Master Control for the full duration of the meeting. Overtime pay for staff may be required if meetings occur outside of normal business hours.
- Record the meeting in its entirety and provide technical support, if needed.
- Provide CPRA staff with a video link to post on the City's website.

CPRA staff, in conjunction with the City Administrator's Office, will monitor and evaluate staff time and resources dedicated to the two proposed Standing Committees. It is not anticipated that the Police Commission's request requires significant staff support beyond CPRA's current capacity; however, should that change in the future, staff may need to request additional resources to support the Standing Committees through the City Council.

PUBLIC OUTREACH / INTEREST

No additional public outreach was deemed necessary other than the standard noticing procedures of posting the City Council's Agenda.

COORDINATION

Preparation of this report and proposed Resolution was coordinated with the assistance of CPRA, KTOP, the City Attorney's Office and Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: The proposed Police Commission Standing Committees will increase opportunities for the public to participate in police and public safety issues, especially those centered around community outreach. The public would have more opportunities to discuss and have a dialogue with the City's Police Commissioners who have civilian oversight on OPD's policies and practices and CPRA's investigations of police misconduct complaints.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Of Oakland's Police Commission To Establish A Personnel Standing Committee And A Community Outreach Standing Committee That Will Meet On An As-Needed Basis.

For questions regarding this report, please contact Richard J. Luna, City Administrator Analyst, at 510-238-4756.

Respectfully submitted,



STEPHANIE HOM
Deputy City Administrator

Prepared by:
Richard J. Luna, City Administrator Analyst

2018 NOV 20 PM 1:19 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY OF OAKLAND'S POLICE COMMISSION TO ESTABLISH A PERSONNEL STANDING COMMITTEE AND A COMMUNITY OUTREACH STANDING COMMITTEE THAT WILL MEET ON AN AS-NEEDED BASIS

WHEREAS, on November 8, 2016, voters approved Measure LL which created the Oakland Police Commission run by civilian commissioners to oversee the Oakland Police Department's policies, practices and customs to meet national standards of constitutional policing and the Community Police Review Agency to investigate complaints of police misconduct; and

WHEREAS, at its meeting of October 17, 2017, the City Council approved the Mayor's and selection panel's appointments to serve on the Police Commission, which is comprised of seven voting Commissioners and two alternate Commissioners; and

WHEREAS, the Police Commission held its first meeting on December 13, 2017, and currently meets twice a month on the second and fourth Thursday of each month at 6:30 p.m.; and

WHEREAS, since its first meeting, the Police Commission has selected its members to serve on ad-hoc committees that meet as-needed to discuss a range of issues from the recruitment of the Executive Director to the Community Police Review Agency, policies and procedures for the Police Commission, community outreach, review of legislation, among other topics; and

WHEREAS, at its meeting of May 24, 2018, the Police Commission voted to request City Council approval to establish a Community Outreach Standing Committee; and

WHEREAS, at its meeting of June 28, 2018, the Police Commission voted to request City Council approval to establish a Personnel Standing Committee; and

WHEREAS, on July 10, 2018, the City Council adopted Ordinance No. 13498 C.M.S. which serves as the Enabling Ordinance for the Police Commission, and added Municipal Code Section 2.45.150, which requires that the Police Commission must obtain City Council approval prior to the creation of any standing committee; and

WHEREAS, as per the requirements of Municipal Code Section 2.45.150, the Police Commission, through this Resolution, seeks approval from the City Council to establish a Personnel Standing Committee and a Community Outreach Standing Committee that will meet on an as-needed basis, thereby, considered Special Meetings; and

WHEREAS, in accordance with Municipal Code Section 2.20.050, each Police Commission Standing Committee is subject to the Brown Act and Oakland Sunshine Ordinance; and

WHEREAS, in accordance with Municipal Code Section 2.20.070(A), the Police Commission Standing Committees must publish and distribute its Special Meeting Agendas at-least 48-hours in advance; and

WHEREAS, that the costs to staff to provide administrative support to the proposed Police Commission Standing Committees be absorbed to the existing duties of staff assigned to the Community Police Review Agency; now, therefore be it

RESOLVED, that the City Council authorizes the creation of a Police Commission Personnel Standing Community to meet on an as-needed basis; and be it

FURTHER RESOLVED, that the City Council authorizes the creation of a Police Commission Community Outreach Standing Committee to meet on an as-needed basis.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,
AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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