



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

---

**ORDINANCE AMENDING ORDINANCE NO. 13619 C.M.S., WHICH ESTABLISHED THE AFFORDABLE HOUSING & INFRASTRUCTURE PUBLIC OVERSIGHT COMMITTEE, TO ASSIGN TO THE COMMITTEE THE RESPONSIBILITY FOR OVERSIGHT OF THE 2022 AFFORDABLE HOUSING AND INFRASTRUCTURE BOND (MEASURE U) AND MAKE NON-SUBSTANTIVE TECHNICAL EDITS**

**WHEREAS**, on July 19, 2016, the City Council of the City of Oakland (“City”) adopted Resolution No. 86335 C.M.S., which submitted to the November 8, 2016 general election a proposed ordinance to authorize the issuance of \$600 million in general obligation bonds to fund various City infrastructure and affordable housing projects (the “2016 Infrastructure Bond” or “Measure KK”); and

**WHEREAS**, Oakland voters adopted the 2016 Infrastructure Bond at the November 8, 2016 election; and

**WHEREAS**, the 2016 Infrastructure Bond requires that the City Council establish a new Board or Commission or assign to an existing Board or Commission the responsibility for citizen oversight of the measure; and

**WHEREAS**, section 601 of the City Charter of the City of Oakland authorizes the City Council to create by ordinance such boards and commissions as may be required for the proper operation of any function or agency of the City and prescribe the board’s function, duties, powers, jurisdiction, number of members, and membership terms; and

**WHEREAS**, on November 29, 2016, the City Council adopted Ordinance No. 13403 C.M.S., which enacted the City’s Affordable Housing and Infrastructure Bond Law and authorized City Council to create a public oversight committee to assure fair and equitable distribution of Measure KK bond funds and prescribed the number of members of the public oversight committee members; and

**WHEREAS**, on December 18, 2017, the City Council passed Resolution No. 87010 C.M.S. confirming the appointment of the first nine members of the public oversight committee; and

**WHEREAS**, on October 20, 2020, the City Council adopted Ordinance No. 13619 C.M.S. and formally established the Affordable Housing and Infrastructure Public Oversight Committee (the “Committee”) in accordance with City Charter section 601; and

**WHEREAS**, on July 11, 2022, the City Council adopted Resolution No. 89314 C.M.S., which submitted to the November 8, 2022 general election a proposed ordinance to authorize the issuance of \$850 million in general obligations bonds to fund City infrastructure and affordable housing projects (the “2022 Affordable Housing and Infrastructure Bond” or “Measure U”); and

**WHEREAS**, Measure U requires that the City Council assign to the Affordable Housing & Infrastructure Bonds Public Oversight Committee the responsibility for citizen oversight of Measure U, including the review of relevant financial and operational reports related to the expenditure of bond proceeds and the evaluation of the impacts and outcomes of bond expenditures on the measure’s stated goals; and

**WHEREAS**, the City Council wishes to amend Ordinance No. 13619 C.M.S. to amend the duties and functions of the Committee to include oversight of Measure U and make other non-substantive technical edits as shown in Exhibit 1, attached hereto (additions are indicated by double underscoring and deletions are indicated by ~~strike through type~~);

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Ordinance No. 13619 C.M.S. is hereby amended and reenacted in its entirety as set forth below.

### **I. ESTABLISHMENT**

The public oversight committee created on December 18, 2017 by Resolution No. 87010 is hereby formally established pursuant to section 601 of the Charter of the City of Oakland as the Affordable Housing and Infrastructure Bonds Public Oversight Committee (“Committee”) for the City of Oakland.

All members of the public oversight committee created on December 18, 2017 by Resolution No. 87010 serving on the Effective Date of Ordinance No. 13619 shall be entitled to serve for the remainder of his or her current term as a member of the Affordable Housing and Infrastructure Public Oversight Committee and may be reappointed to the Committee subject to any conditions of or limitations to reappointment set forth in Ordinance No. 13619, as amended.

### **II. DUTIES AND FUNCTIONS**

It shall be the duty and function of the Committee to:

a. review relevant financial and operational reports related to the expenditure of the proceeds of the 2022 Affordable Housing and Infrastructure Bond (Measure U) and the 2016 Infrastructure Bond (Measure KK) (hereinafter “Bond Proceeds”);

b. evaluate the impacts and outcomes of bond expenditures on the bond measures’ stated goals, including social equity, anti-displacement and affordable housing;

c. encourage public participation and input on fiscal oversight and improve transparency and accountability in City fiscal information and decision-making;

d. report to the Finance and Management Committee on its oversight responsibilities related to the expenditure of Bond Proceeds;

e. provide reports to the City Council when necessary; and

f. perform other duties consistent with Measure KK and Measure U, as assigned by City Council action.

### **III. MEMBERSHIP AND QUORUM**

a. The Committee shall consist of nine (9) members.

b. Members of the Committee shall be appointed by the Mayor and confirmed by Council in accordance with section 601 of the Charter.

c. Each Councilperson may nominate one Committee member to be appointed by the Mayor and confirmed in accordance with section 601 of the City Charter.

d. All Committee members shall be a resident of or work in the City of Oakland and, to the greatest extent practicable, the Committee shall reflect the geographical diversity of the City of Oakland.

e. Five (5) members shall constitute a quorum of the Committee.

### **IV. MEMBERSHIP TERMS, COMPENSATION**

a. All Committee member terms shall commence on January 1 and end on December 31.

b. All terms shall be for a period of three (3) years, except that an appointment to fill a vacancy shall only be for the unexpired portion of the term of the seat being filled.

c. There shall be no term limits for Committee members.

d. Each Committee member shall serve as a volunteer without pay.

## V. VACANCY AND REMOVAL

- a. A vacancy on the Committee will exist whenever a member dies, resigns, or is removed.
- b. Pursuant to Charter section 601, a member may be removed for cause, after a hearing, by the affirmative vote of at least six (6) Councilmembers.
- c. Pursuant to Charter section 601, vacancies shall be filled in the same manner as the original appointments were made and an appointment to fill a vacancy shall only be for the unexpired portion of the term of the seat being filled.

## VI. COMMISSION GOVERNANCE

- a. Officers and Elections. At the first meeting after January 1 of each year, the Committee shall elect a chairperson and a vice chairperson.
- b. Meetings and Voting. The Committee shall meet regularly on an established day of the week, and at an established time and location suitable for its purpose. Such meetings shall be considered “regular meetings” of the Committee. All other meetings scheduled for a day, time or place other than the regular day, time and location shall be considered “special meetings” of the Committee. Written notice of special meetings shall be provided to the Committee members and all meetings of the Committee shall be noticed and conducted in accordance with the Ralph M. Brown Act and Oakland’s “Sunshine Ordinance” (Chapter 2.20 of the Oakland Municipal Code). The Committee shall establish bylaws, rules and procedures for the conduct of its business by a majority vote of the members present. Majority vote of members present shall be required for any action taken by the Committee. A quorum is required to conduct a meeting of the Committee.
- c. Staff. Staff assistance may be provided to the Committee as determined by the City Administrator pursuant to the City Administrator’s authority under the Charter to administer all affairs of the City under the City Administrator’s jurisdiction.

**SECTION 2. CEQA COMPLIANCE.** This action is exempt under the California Environmental Quality Act ("CEQA") pursuant to § 15061 (b)(3) (no significant environmental impact) of the CEQA Guidelines.

**SECTION 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

**SECTION 4. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

Date of Attestation: \_\_\_\_\_

3230181v1/ARM

## **EXHIBIT 1**

## 1. ESTABLISHMENT

The public oversight committee created on December 18, 2017 by Resolution No. 87010 is hereby formally established pursuant to section 601 of the Charter of the City of Oakland as the Affordable Housing and Infrastructure Bonds Public Oversight Committee (“Committee”) for the City of Oakland.

All members of the public oversight committee created on December 18, 2017 by Resolution No. 87010 serving on the Effective Date of ~~this Ordinance No. 13619~~ shall be entitled to serve for the remainder of his or her current term as a member of the Affordable Housing and Infrastructure Public Oversight Committee ~~established by this Ordinance~~ and may be reappointed to the Committee subject to any conditions of or limitations to reappointment set forth in ~~this Ordinance No. 13619~~, as amended.

## 2. DUTIES AND FUNCTIONS

It shall be the duty and function of the Committee to:

a. review relevant financial and operational reports related to the expenditure of the proceeds of the 2022 Affordable Housing and Infrastructure Bond (Measure U) and the 2016 Infrastructure Bond (Measure KK, 2016) (hereinafter “Bond Proceeds”);

b. evaluate the impacts and outcomes of bond expenditures on the bond measures stated goals, including social equity, anti-displacement and affordable housing;

c. encourage public participation and input on fiscal oversight and improve transparency and accountability in City fiscal information and decision-making;

d. report to the Finance and Management Committee on its oversight responsibilities related to the expenditure of ~~h~~Bond pProceeds;

e. provide reports to the City Council when necessary; and

f. perform other duties consistent with Measure KK and Measure U, as assigned by City Council action.

## 3. MEMBERSHIP AND QUORUM

a. The Committee shall consist of nine (9) members.

b. Members of the Committee shall be appointed by the Mayor and confirmed by Council in accordance with section 601 of the Charter.

c. Each Councilperson may nominate one Committee member to be appointed by the Mayor and confirmed in accordance with section 601 of the City Charter.

d. All Committee members shall be a resident of or work in the City of Oakland and, to the greatest extent practicable, the Committee shall reflect the geographical diversity of the City of Oakland.

e. Five (5) members shall constitute a quorum of the Committee.

#### **4. MEMBERSHIP TERMS, COMPENSATION**

a. All Committee member terms shall commence on January 1 and end on December 31.

b. All terms shall be for a period of three (3) years, except that an appointment to fill a vacancy shall only be for the unexpired portion of the term of the seat being filled.

c. There shall be no term limits for Committee members.

d. Each Committee member shall serve as a volunteer without pay.

#### **5. VACANCY AND REMOVAL**

a. A vacancy on the Committee will exist whenever a member dies, resigns, or is removed.

b. Pursuant to Charter section 601, a member may be removed for cause, after a hearing, by the affirmative vote of at least six (6) Council members.

c. Pursuant to Charter section 601, vacancies shall be filled in the same manner as the original appointments were made and an appointment to fill a vacancy shall only be for the unexpired portion of the term of the seat being filled.

#### **6. COMMISSION GOVERNANCE**

a. Officers and Elections. At the first meeting after January 1 of each year, the Committee shall elect a chairperson and a vice chairperson.

b. Meetings and Voting. The Committee shall meet regularly on an established day of the week, and at an established time and location suitable for its purpose. Such meetings shall be considered “regular meetings” of the Committee. All other meetings scheduled for a day, time or place other than the regular day, time and location shall be considered “special meetings” of the Committee. Written notice of special meetings shall be provided to the Committee members and all meetings of the Committee shall be noticed and conducted in accordance with the Ralph M. Brown Act and Oakland’s “Sunshine Ordinance” (Chapter 2.20 of the Oakland Municipal Code). The Committee shall establish bylaws, rules and procedures for the conduct of its business by a majority vote of the members present. Majority vote shall be required for any action taken by the Committee. A quorum is required to conduct a meeting of the Committee. Any action by the Committee shall be approved by a majority vote of members present provided a quorum exists.



c. Staff. Staff assistance may be provided to the Committee as determined by the City Administrator pursuant to ~~his or her~~ the City Administrator's authority under the Charter to administer all affairs of the City under ~~his or her~~ the City Administrator's jurisdiction.

## NOTICE AND DIGEST

### **ORDINANCE AMENDING ORDINANCE NO. 13619 C.M.S., WHICH ESTABLISHED THE AFFORDABLE HOUSING & INFRASTRUCTURE PUBLIC OVERSIGHT COMMITTEE, TO ASSIGN TO THE COMMITTEE THE RESPONSIBILITY FOR OVERSIGHT OF THE 2022 AFFORDABLE HOUSING AND INFRASTRUCTURE BOND (MEASURE U) AND MAKE NON-SUBSTANTIVE TECHNICAL EDITS**

This Ordinance would amend Ordinance No. 13619, which established the Affordable Housing & Infrastructure Public Oversight Committee, to assign to the Committee the responsibility for oversight of the 2022 Affordable Housing and Infrastructure Bond (Measure U) adopted by the voters at the November 8, 2022 general election. This Ordinance also would make non-substantive technical edits to various provisions of Ordinance No. 13619.