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CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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#### AN ORDINANCE ESTABLISHING THE MEMBERSHIP TERMS AND QUORUM REQUIREMENT FOR THE PUBLIC SAFETY AND SERVICES VIOLENCE PREVENTION OVERSIGHT COMMISSION

**WHEREAS**, the voters of the City of Oakland adopted the 2014 Oakland Public Safety and Services Violence Prevention Act, also known as the Safety and Services Act or Measure Z, in the November 4, 2014 General Municipal Election to maintain the parcel tax and parking tax surcharge for a period of ten years to improve police, fire and emergency response services and community strategies for at risk youth and young adults; and

**WHEREAS**, the Safety and Services Act created the Public Safety and Services Violence Prevention Oversight Commission (hereinafter the "Oversight Commission"), to be appointed as soon as reasonable after the effective date of the Act, to evaluate, inquire, and review the administration, coordination, and evaluation of strategies and practices mandated by the 2014 Oakland Public Safety and Services Violence Prevention Act; and

**WHEREAS**, the 2014 Oakland Public Safety and Services Violence Prevention Act specifies that the Oversight Commission shall consist of nine (9) members, one member recommended by the Mayor and one member recommended by each City Councilmember, appointed by the Mayor and confirmed by the City Council in accordance with City Charter Section 601; and

**WHEREAS**, the 2014 Oakland Public Safety and Services Violence Prevention Act specifies that at least two (2) members will have experience working with service-eligible populations, two (2) members will reflect the service-eligible populations, and two (2) members will have a professional law enforcement or criminal justice background, while all other members will have general experience in criminal justice, public health, social services, research and evaluation, finance, audits, and/or public policy; and

**WHEREAS**, the 2014 Oakland Safety and Services Violence Prevention Act did not set Commissioner term lengths and term limits or a quorum requirement for the Commission;

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

**SECTION 1.** The City Council of the City of Oakland hereby determines that the preceding recitals are true and correct and hereby adopts and incorporates them into this Ordinance.

**SECTION 2. MEMBERSHIP TERMS.**

A. Staggered Terms. The Oversight Commission members shall be appointed to staggered terms. Five Commissioners shall be appointed to a one-year term for the initial appointment only, followed by two-year terms thereafter; those terms will expire on every even year thereafter for the life of the Oversight Commission. Four Commissioners shall be appointed to a two-year term; those terms will expire on every odd year thereafter for the life of the Oversight Commission.

Terms shall 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 the initial appointments made pursuant to section A to establish staggered terms, all appointments shall be for a period of two (2) years.

C. Limit on Consecutive Terms. No member of the Oversight Commission shall serve more than three (3) consecutive terms, provided that a Commissioner who is appointed to fill a vacancy for the remainder of a term expiring in less than a year may serve for that period and three additional consecutive terms.

D. Holdover Status. 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.

E. Removal. To assure Commission member participation, attendance by the members of the Commission to all regularly scheduled and special meetings of the Commission shall be recorded. 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.

F. Vacancy. A vacancy on the Commission will exist whenever a member dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within thirty (30) days of appointment. An appointment to fill a vacancy shall be for the unexpired portion of the term only. A seat filled by a holdover member will be considered vacant as of the expiration of the holdover's prior term.

**SECTION 3. QUORUM.** Five (5) Commissioners shall constitute a quorum.

**SECTION 4.** The Oversight Commission shall establish official bylaws for the conduct of its business. Bylaws shall be approved by the City Administrator and voted upon by the Oversight Commission in a public meeting.

**SECTION 5. 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 6. 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 - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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

## **NOTICE AND DIGEST**

### **AN ORDINANCE ESTABLISHING THE MEMBERSHIP TERMS AND QUORUM REQUIREMENT FOR THE PUBLIC SAFETY AND SERVICES VIOLENCE PREVENTION OVERSIGHT COMMISSION**

THIS ORDINANCE ESTABLISHES THE MEMBERSHIP TERMS AND QUORUM REQUIREMENT FOR THE PUBLIC SAFETY AND SERVICES VIOLENCE PREVENTION OVERSIGHT COMMISSION. THE ORDINANCE SETS TWO-YEAR STAGGERED TERMS FOR COMMISSIONERS, SETS THE TERM LIMITS AT THREE (3) CONSECUTIVE TERMS, AND DEFINES THE CAUSE FOR REMOVAL. IT SETS THE QUORUM REQUIREMENT AT FIVE MEMBERS. THE PUBLIC SAFETY AND SERVICES VIOLENCE PREVENTION OVERSIGHT COMMISSION WAS CREATED BY THE VOTER-APPROVED 2014 OAKLAND PUBLIC SAFETY AND SERVICES VIOLENCE PREVENTION ACT (MEASURE Z) IN THE 2014 GENERAL MUNICIPAL ELECTION.