

# CITY OF OAKLAND

## OFFICE OF THE CITY ATTORNEY

EFFECTIVE MAY \_\_, 2020

### SUMMARY OF TEMPORARY CHANGES TO COUNCIL'S PROCEDURES FOR NOTICING AND CONDUCTING CITY COUNCIL AND COUNCIL COMMITTEE MEETINGS DURING THE LOCAL EMERGENCY

#### **1. Purpose of Temporary Changes**

These temporary procedures and guidelines will provide transparency and clarity for the public and City employees as well as Councilmembers regarding noticing and conduct of Council and Committee meetings

#### **2. Period that Temporary Changes will Remain in Effect –**

- The following procedures and guidelines will be in effect during the emergency resulting from the COVID-19 pandemic and while the state or local public health officers' orders or recommendations include social distancing.
- These procedures and guidelines will sunset (terminate) once the public health officers' social distancing orders and recommendations are terminated and Council can resume in-person meetings in City Hall.

#### **3. Regular Council Meetings –**

- First and Third Tuesdays of each month
- Commencing at 1:30 p.m.
- Via Audio Teleconference Managed by City Clerk

#### **4. Regular Council Committee Meetings**

- Only to be scheduled as needed based on rigorous assessment of complexity. Council Committee meetings should be held as study sessions when needed for discussion and consideration of new legislation and potentially controversial items;
- Via Audio Teleconference Managed by City Administrator

- **Mondays preceding the second Tuesday of the month** – Finance and Management/City Port Liaison Committee as needed, at 1:30 p.m.;
- **Second Tuesdays of the month** –Public Safety Committee/Rules and Legislation Committee (when needed for ballot measures state bills, etc.), as needed, at 1:30 p.m.;
- **Fourth Tuesdays of the month** – Community and Economic Development/Public Works at 1:30 pm, as needed;
- **Mondays preceding the Fourth Tuesday of the month** – Life Enrichment/Education Partnership Committee, as needed at 1:30pm;
- **Rules and Legislation Committee meetings** – suspended during the emergency for scheduling purposes. Council will schedule agenda items for regular and special Council and Committee meetings under a standing scheduling item during Council meetings.

#### **5. Meetings for Boards and Commissions**

- Via Audio Teleconference Managed by City Administrator

#### **6. Scheduling of Agenda Items –**

- Regular Council meeting agendas will include a standing item to schedule agenda items for future Council and Committee meetings in lieu of Rules’ Committee meetings.
- Councilmembers also will be able to schedule special Committee meetings and special Council meetings under this item. Rule 28 procedure will continue as is to add or remove items from agendas.

#### **7. Informational Reports –**

- City Administrator and Committee Chairs will identify informational reports and during the Council’s standing scheduling item the Council will determine by motion whether to hear such reports or to request that the City Administrator provide informational report.

#### **8. Rule 28 Approvals –**

- A list of items approved to be added or deleted from the agendas will be provided to the City Clerk, City Attorney, Mayor, and each Councilmember upon finalization.

#### **9. Public Speakers -**

- The speaker procedures in Rule 12 are suspended
- City Clerk will facilitate an electronic process for public speakers and provide the public with information on how to participate in meetings and appropriately address the Council

- Presiding officer may take all speaker comments on all items on the agenda at the beginning of the meeting before the agenda items are called.

## 10. Noticing of Meetings and Filing Agenda-Related Materials

- Noticing of Regular and Special Open Session Council and Committee Meetings** - The City Clerk shall ~~will~~ publish the final agenda and agenda titles for regular and special open session meetings of the Council and Council Committees no later than 72 hours prior to the scheduled meeting. Agenda titles for regular and special open session meetings of the Council and its Committees cannot be supplemented after the 72-hour deadline. (Please see deadlines for filing and supplementing agenda related materials in (b) and (c) below.)
- Filing of Agenda-Related Materials** - Agenda reports, legislation and other agenda-related materials are due to the City Clerk no later than 2:00 p.m. on Thursday for regular or special, open session Council and Council Committee meetings scheduled for the following Monday or Tuesday. It is strongly encouraged that any accompanying PowerPoints or other presentations be included with the agenda-related materials.
- Supplemental Agenda-Related Materials** - Supplemental agenda-related materials may be submitted to the City Clerk no later than 24 hours before a regular or special meeting.
- Amendments/Proposals During Teleconference Meetings** - Given the challenges of providing the public, Councilmembers, City Administrator, City Attorney and City Clerk amendments to legislation during teleconference meetings, Councilmembers, City Administrator and City Attorney shall (1) submit their supplemental agenda-related materials' amendments to the City Clerk no later than 24 hours before the special or regular meeting as required by item (c) above; and (2) limit their amendments/proposals during the meeting to minor, non-substantive matters and read into the record verbatim their proposed language; provided that if the foregoing is not feasible the Council may defer the item to the next Council meeting or Committee meeting for action and to allow the amendments/supplemental agenda-related materials to be placed in the agenda packet.

## 11. The establishment of agenda items for Council and Council Committee meetings will be guided by the following procedures:

- Number of Agenda Items for Committee Meetings** - There should be no more than two agenda items for each Committee meeting. Committees should seek to limit meetings to no longer than three (3) hours. Committee meetings should be focused on legislation needing review and input, and high-interest topics for the purpose of seeking input, consideration of proposals, and to the greatest extent possible to advance recommendations on refinement of policy proposals.
- Length of Council Meetings** - Council should seek to limit meetings to no more than five (5) hours in duration unless extended by a supermajority vote of two-thirds of the

- members of the Council in attendance at the meeting;
- c) **Number of Presenters/Panelists for Teleconference Meeting Items** -To the extent reasonably feasible persons who submit items should strive to designate no more than one person as the presenter to be included as a panelist for the meeting.
  - d) **Online/Teleconference Town Hall Meetings re Legislation** -When proposing new legislation, particularly topics that are complex and expect significant public input, authors are encouraged to provide for online/teleconference town hall meeting(s) to explore and discuss policy and solicit feedback from the public, but a quorum of the Council cannot attend or participate in any town hall, nor can a quorum of standing committee having jurisdiction over the subject topic attend or participate in a town hall.
  - e) **Clerk's Responsibility for Tracking Pending Items List** - The Clerk's office shall maintain and provide a pending list to track scheduling of upcoming items as presented to present to the Council for its standing scheduling item.
  - f) **Combined Consent Calendar for Council Meetings** - Council meetings will include a combined "Consent" list for action items that are regular recurring, non-controversial, and/or do not involve significant feedback. New legislation that is controversial, complex, or requiring significant input shall be listed separately. When requesting scheduling, parties should indicate whether the item is non-controversial and appropriate for consent or appropriate for separate listing.
  - g) **Informational Reports** -Informational Reports shall be provided as publicly-published memos and will not be listed on Council or Committee agendas, unless it requires study by the full Council, is legally required, or the Council schedules the item during its discussion under the standing scheduling item for future agendas.
  - h) **Public Speaker Time and Ceding Time** - Public speaker time shall be up to 2 minutes per speaker, unless modified by the Presiding Officer. No pre-registration is required. No ceding of time is allowed.
  - i) **Standing Council Agenda Item for Scheduling Future Agenda Items for Council and Council Committee Meetings** - The Council will include a standing agenda item on each agenda to schedule items for future Council and Council Committee meetings.