

# CITY OF OAKLAND



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Councilmember Sheng Thao  
DISTRICT 4  
Council President Rebecca Kaplan  
DISTRICT AT LARGE

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**Date:** 7/23/2020  
**To:** Members of the City Council  
**From:** Councilmember Sheng Thao, District 4  
Council President Rebecca Kaplan, District At Large  
**Re:** Updated Interim Rules of Procedure

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## **RECOMMENDATION**

We Respectfully Request That The City Council: Adopt A Resolution Amending the Council's Temporary Rules of Procedure Resolution No. 88113 C.M.S., Which Establishes Guidelines For Council And Council Committee Meetings And Requirements During The Period That State Or Local Public Health Officials Have Imposed Or Recommended Social Distancing Measures And Is In Effect During The Period Of The Local Emergency Declared By The City Administrator On March 9, 2020 And Confirmed By City Council Resolution No. 88075 C.M.S. On March 12, 2020, To (1) Restore The Sunshine Ordinance's 10-Day Advance Noticing Requirement For Regular And Special Open Council Meetings And 48-Hour Advance Noticing Requirement (Excluding Weekends And Holidays) For special Open Session Council And Council Committee Meetings; (2) Restore Weekly Meetings Of The Rules And Legislation Committee Commencing At 10:30 A.M. To Perform The Committee's Scheduling And Subject Matter Jurisdiction-Related Functions; And (3) Terminate The Provision Of the City Administrator's March 23, 2020 Emergency Order That Suspended The Noticing Provisions Of The Sunshine Ordinance.

## **EXECUTIVE SUMMARY**

As part of a response to the Coronavirus (COVID-19), Oakland's City Administrator's Office issued an Emergency Order on March 23, 2020. Similarly, Governor Gavin Newsom issued Executive Order No. 29-20. Based on the City Administrator's March 23, 2020 Emergency Order and the Governor's Executive Order No. 29-20 the Brown Act deadlines for noticing Council and Council Committee meetings (72 hours for regular meetings and 24 hours for special meetings) are in effect for the duration of the local emergency and the Sunshine Ordinance's noticing deadlines (10 days for regular meetings and 48 hours for special meetings excluding holidays and weekends) are suspended. Councilmember Thao and Council President Kaplan are proposing to amend Council's Rules of Procedure to restore the

Sunshine Ordinance's noticing deadlines for regular Council and Council Committee meetings to 10 days and noticing deadline for special Council and Council Committee meetings to 2 days (excluding weekends and holidays). Additionally, the Brown Act does not provide a deadline to file agenda-related materials. Councilmember Thao and Council President Kaplan are also proposing to restore the Sunshine Ordinance's 72 hour deadline to file agenda-related materials. Following the Governor's Executive Order and the City Administrator's issuance of an Emergency Order, City Council passed Resolution 88113 C.M.S. amending the Rules of Procedure restore some measure of noticing and regularity to the City Council during the COVID-19 Pandemic. Resolution 88113 C.M.S. suspended the Rules and Legislation Committee. As the Rules and Legislation Committee is responsible for scheduling items to open regular and special meetings of the City Council, a recurring item was added to City Council Agendas, Item 5 (Determination of Schedule of Outstanding Council Items) to allow Councilmembers to schedule items to future Council and Council Committee meetings. Councilmember Thao and Council President Kaplan are proposing to reschedule the Rules and Legislation Committee to occur every Thursday beginning at 10:30 AM, and that the Rules and Legislation Committee will have the power to schedule items to Council and Council Committee Meetings and review Council and Council Committee Agendas as it did before the COVID-19 Pandemic.

## **BACKGROUND**

On March 1, 2020 Alameda County Interim Health Officer Erica Pan, MD, MPH, FAACP declared a Local Health Emergency due to the Coronavirus (COVID-19) outbreak. On March 4, 2020 California Governor Gavin Newsom proclaimed a State of Emergency exists in California as a result of the threat of COVID-19 (Executive Order N-25-20). On March 23, 2020 the Oakland City Administrator issued an Emergency Order. Governor Newsom also issued an Executive Order No. 29-20 to the effect of suspending the Sunshine Ordinance. As a result, whereas Oakland previously held a 10 day noticing deadline for regular meetings and a 48 hour deadline for special meetings, following the Governor's Executive Order these deadlines are now 3 days for regular meetings and 1 day for special meetings. Similarly, whereas before the Coronavirus Pandemic and subsequent Shelter in Place Order and Governors' Executive Orders Oakland held a 3 day deadline for submitting supplemental agenda-related materials, there is effectively now a 1 day deadline. Councilmember Thao and Council President Kaplan are proposing to 1) restore 10 day noticing for regular meetings and 2 day noticing (excluding weekends and holidays) for special meetings of both the City Council and all Council Committees, 2) restore the 3 day deadline to submit agenda-related materials to the Clerk's office to appear on an Agenda of a City Council or Council Committee meeting, and 3) to restore the Rules and Legislation Committee to occur every Thursday at 10:30 AM to schedule items to the Council and Council Committees and review Council and Council Committee Agendas.

## **COORDINATION & PUBLIC OUTREACH**

Councilmember Thao and Council President Kaplan worked extensively with the City Clerk, City Administrator's Office, and the League of Women Voters to determine noticing goals that ensured maximum transparency on behalf of the City Council and the City Administration to the public while respecting the City Clerk's capacity and ability to effectively operationalize the proposed Rules of Procedure.

Councilmember Thao considered additional provisions such as requiring Councilmembers be visible to the public and taking public speakers for each item, rather than at the beginning of a Council or

Committee meeting. Unfortunately, these provisions fall outside the City's current technical capacity required for proper facilitation.

**ACTION REQUESTED BY THE CITY COUNCIL**

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Sincerely,



Councilmember Sheng Thao  
District 4



Council President Rebecca Kaplan  
District At Large