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OFFICE OF THE CITY CLERK
OAKLAND
2009 JUN 11 PM 8:07

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Jeff Baker, Assistant to the City Administrator
DATE: June 23, 2009

RE: **A Resolution to Amend Oakland City Council Ordinance No. 12690 C.M.S., Section 2, Subsection b., to Change the Quorum Requirements for the Measure Y Oversight Committee from Seven Members to Six Members**

SUMMARY

Pursuant to Oakland City Council Ordinance No. 12690 C.M.S., (Section 2, Subsection b.), adopted by the Oakland City Council on July 21, 2005, seven members of the eleven-member Violence Prevention and Public Safety Oversight Committee (Measure Y) shall constitute a quorum. During the past calendar year, several Oversight Committee Meetings were cancelled due to an inability to meet this threshold criterion. Member attendance hovered around six members during this same time period. Consequently, to create a greater likelihood of obtaining a quorum of members necessary to conduct official business, it is recommended that the number of members required to establish a quorum be reduced from seven members to six members. This may be accomplished by striking the word "Seven" from the enabling Ordinance (Ordinance 12690, Section 2, Subsection b.) and substituting the word "Six" in its place.

FISCAL IMPACT

This change has no fiscal impact.

BACKGROUND

During Calendar Year 2009, (January – May 2009) six of eight scheduled meetings of the Violence Prevention and Public Safety Oversight Committee were cancelled due to holidays or an insufficient number of members to constitute a quorum. Generally, attendance at the meetings totaled six members. The following chart depicts appointed members and their attendance during calendar year 2009:

Item _____
Public Safety Committee
June 23, 2009

MEASURE Y ATTENDANCE, 2009

Representing	Committee Member	19 Jan	26 Jan**	2 Feb	16 Feb	23 Feb	16 Mar	20 Apr**	18 May
District 1	Joanne Brown	H	SC	SNQ P	H	SNQ P	QP	NQ C	NQ A
District 2	Richard Carter	H	SC	SNQ P	H	SNQ P	QP	NQ C	NQ P
District 3	Michael Brown, Jr.						QP	NQ C	NQ P
District 4	Jose Dorado	H	SC	SNQ P	H	SNQ P	QP	NQ C	NQ P
District 5	Vacant Peter Barnett	V	V	V	V	V	V	V	V
District 6	Vacant Maureen Dorsey	V	V	V	V	V	V	NQ C	V
District 7	Maya Dillard Smith Mark Forte	H	SC	SNQ P	H	SNQ P	QP	NQ C	NQ P
At Large	Marcus Johnson	H	SC	SNQ P	H	SNQ P	QP	NQ C	NQ P
Mayor	Donald Blevins	H	SC	SNQ P	H	SNQ P	QP	NQ C	NQ A
Mayor	Nicole Lee	H	SC	SNQ A	H	SNQ A	QA	NQ C	NQ P
Mayor	Ron Owens	H	SC	SNQ A	H	SNQ A	QA	NQ C	NQ A

KEY	
P	Present
A	Absent
Q	Quorum
NQ	No Quorum
V	Vacant
S	Special Meeting
C	Cancelled
H	Holiday

** Cancelled by Chairperson, Oversight Committee

* Cancelled by Staff; Member Telephone Poll Disclosed No Quorum

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KEY ISSUES AND IMPACTS

The Violence Prevention and Public Safety Oversight Committee (Measure Y) is authorized by the City Council to make reports, findings and recommendations either to the Mayor or the City Council regarding the Measure Y Initiative, its policies and its programming. The Oversight Committee is severely hampered from conducting its due diligence when meetings must be cancelled due to lack of quorum. Reducing the quorum threshold number of members from seven to six will result in an increase in the number of official Oversight Committee Meetings.

SUSTAINABLE OPPORTUNITIES

Environmental: This amendment will have no impact on the environment.

Economic: The reduction of crime and violence anticipated from the implementation and oversight of the Violence Prevention and Public Safety Act may enhance the economic vitality of the City of Oakland.

Social Equity: The goal of reducing crime and violence will enhance the quality of life for Oakland residents.

DISABILITY AND SENIOR CITIZEN ACCESS

Approval of this report has no direct impact on disability and senior citizen access issues.

RECOMMENDATION(S) AND RATIONALE

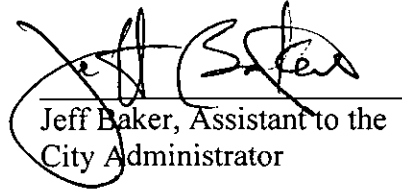
Staff recommends the Oakland City Council accept the report and change the subject Ordinance to reduce the number of members required for quorum for the Violence Prevention and Public Safety Oversight Committee from seven members to six members. The recommended change will increase the likelihood that Committee Members can increase the number of official meetings.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff requests the Oakland City Council adopt the aforementioned change TO Section 2, Subsection b., Ordinance No. 12690, C.M.S.

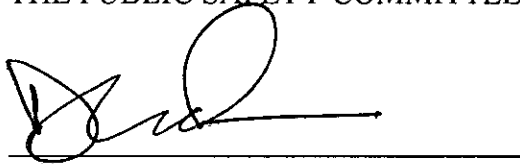
Respectfully submitted:



Jeff Baker, Assistant to the
City Administrator

Attachment: Ordinance 12690 C.M.S.

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE



Office of the City Administrator

Item: _____
Public Safety Committee
June 23, 2009

INTRODUCED BY COUNCILMEMBER _____

City Attorney

ORDINANCE NO. 12690 G.M.S.

05 JUN 2 11

ORDINANCE ESTABLISHING THE TERMS AND PROCEDURES OF THE VIOLENCE PREVENTION AND PUBLIC SAFETY OVERSIGHT COMMITTEE

WHEREAS, the voters of the City of Oakland voted on November 2, 2004 to adopt the Violence Prevention and Public Safety Act of 2004, also known as Measure Y; and

WHEREAS, this measure provided for the collection of a dedicated parcel tax and parking tax surcharge to pay for additional programs and services to increase police staffing, enhance fire safety, and expand violence prevention programs; and

WHEREAS, Measure Y also contained provisions for the appointment of an 11-member oversight committee, with three members being appointed by the Mayor and one member appointed by each City Councilmember; now therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. It shall be the function and duty of the Violence Prevention and Public Safety Oversight Committee to:

- a. Review the annual audit, evaluate, inquire and review the administration, coordination and evaluations of the programs funded by Measure Y revenues; and
- b. Make recommendations to the Mayor and the City Council for any new regulations, resolutions or ordinances for the administration of the programs to comply with the requirements and intent of The Violence Prevention and Public Safety Act (Measure Y);

In prescribing the above duties and functions of the Violence Prevention and Public Safety Oversight Committee, it is not the intent of the Council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City department. As to such functions or responsibilities of another board or commission or of a department of the City, the Violence Prevention and Public Safety Oversight Committee will render assistance and advice to such board, commission or department as may be requested. The Committee shall work with other boards, commissions and City staff, such as the Oakland Fund for Children and Youth, to encourage coordination of City funds.

Section 2.

- a. The Committee shall consist of eleven (11) members. The Mayor shall appoint three members of the Committee and each council member shall appoint one member. Members need to reside and/or be employed in the City of Oakland.

b. Seven members shall constitute a quorum.

c. The members shall be appointed to terms of one year, said term to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired term only. Members may be reappointed to subsequent terms. If a Member has not been reappointed or replaced by the expiration of his or her one year term, that Member may remain in hold-over status for up to one year, but may be replaced by the appointing authority at any time during the hold-over period.

Section 3.

a. A vacancy on the Violence Prevention and Public Safety Oversight Committee will exist whenever a member dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within ninety (90) days of appointment.

b. A member may be removed pursuant to Section 601 of the 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.

Section 4.

The members shall elect a chairperson and a vice chairperson who shall serve for a one year term. The Violence Prevention and Public Safety Oversight Committee shall meet at City Hall, and at an established date and time suitable for its purpose. Such meetings shall be designated regular meetings. Other meetings called by the Mayor or City Administrator and meetings scheduled for a time or place other than for regular meetings shall be designated special meetings. All meetings shall be held in accordance with the Brown Act and Sunshine Ordinance.

Section 5.

The Violence Prevention and Public Safety Oversight Committee shall, in consultation with the Mayor, establish rules and procedures for the conduct of its business by a majority vote of the members present. Voting shall be required for the adoption of any motion or resolution. The Violence Prevention and Public Safety Oversight Committee shall make reports, findings and recommendations either to the Mayor or the City Council, as appropriate. An annual report will be presented in writing to the City Council. Recommendations from the Violence Prevention and Public Safety Oversight Committee shall first be carefully and fully considered by the Mayor. If rejected by the Mayor, the Violence Prevention and Public Safety Oversight Committee may submit recommendations to the Council for consideration, as appropriate.

Section 6.

The City Administrator, or a designee, may provide the Violence Prevention and Public Safety Oversight Committee with staff assistance.

Section 7.

The Violence Prevention and Public Safety Oversight Committee may not create any Standing Committees for the purpose of delegating any of the Committee's decision-making or duties, but may form ad hoc committees as needed.

Introduction Date: JUN 21 2005

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2005, 20

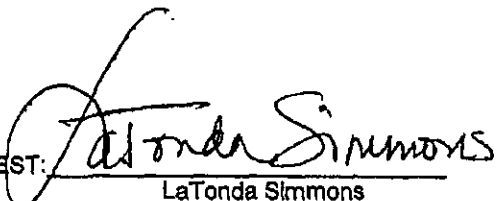
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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

INTRODUCED BY COUNCIL MEMBER
OFFICE OF THE CITY CLERK
OAKLAND

DRAFT

City Attorney

2009 JUN 11 **OAKLAND CITY COUNCIL**

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING OAKLAND ORDINANCE NO. 12690 C.M.S., SECTION 2, SUBSECTION B., TO REDUCE THE NUMBER OF OVERSIGHT COMMITTEE MEMBERS REQUIRED FOR A QUORUM FROM SEVEN MEMBERS TO SIX MEMBERS.

WHEREAS, City of Oakland Ordinance 12690, Section 2, Subsection b., provides that seven members of the Violence Prevention and Public Safety Oversight Committee shall constitute a quorum; and

WHEREAS, a quorum is required in order for a board or commission to conduct official business; and

WHEREAS, the Violence Prevention and Public Safety Oversight Committee is charged to make recommendations to the Mayor and the City Council on any new regulation, resolutions or ordinances for the administration of the programs to comply with the requirements and intent of the Violence Prevention and Public Safety Act (Measure Y); and

WHEREAS, during the past calendar year, several Oversight Committee meetings were cancelled due to lack of quorum; and

WHEREAS, the inability to establish a quorum diminished the ability of the Oversight Committee to conduct official business; and

WHEREAS, the City has identified the reduction of Oversight Committee members required for quorum from seven members to six members as a remedy to future meeting cancellations; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No.12690 C.M.S. is hereby amended to read as follows; additions are indicated by underscoring and deletions are indicated by ~~strike through~~ type; portions of the original ordinance not cited or not shown in underscoring or ~~strike through~~ type are not changed.

Ordinance Section 2.

- a. The Committee shall consist of eleven (11) members. The Mayor shall appoint three members of the Committee and each council member shall appoint one member. Members need to reside and/or be employed in the City of Oakland.

- b. ~~Seven~~ Six members shall constitute a quorum.
- c. The members shall be appointed to terms of one year, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired term only. Members may be reappointed to subsequent terms. If a Member has not been reappointed or replaced by the expiration of his or her one term, that Member may remain in hold-over status for up to one year, but may be replaced by the appointing authority at any time during the hold-over period.

SECTION 2. SEVERABILITY: If any article, section, subsection, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE: This ordinance shall become effective immediately upon final adoption of it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
 City Clerk and Clerk of the Council
 of the City of Oakland, California

DATE OF ATTESTATION: _____