

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. 13619 C.M.S.

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**ORDINANCE ESTABLISHING PURSUANT TO CITY OF OAKLAND CHARTER SECTION 601 THE AFFORDABLE HOUSING & INFRASTRUCTURE (MEASURE KK) PUBLIC OVERSIGHT COMMITTEE AND PRESCRIBING THE FUNCTIONS, DUTIES, POWERS, AND TERMS OF ITS MEMBERS**

**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 statewide 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 ("Measure KK"); and

**WHEREAS**, Measure KK was passed by Oakland voters on November 8, 2016; and

**WHEREAS**, Measure KK 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 Measure KK; and

**WHEREAS**, section 601 of the 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

**WHEREAS**, Ordinance No. 13403 prescribed the number of members of the public oversight committee but did not prescribe the functions, duties, powers or the terms of the 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**, since the appointment of the initial members of the public oversight committee, the committee has met to establish bylaws for its operation, set regular meeting times and location, and to perform initial oversight responsibilities to assure fair and equitable distribution of Measure KK bond proceeds; and

**WHEREAS**, in accordance with Charter section 601, it is necessary for City Council to formally establish the Affordable Housing and Infrastructure Public Oversight Committee and prescribe the functions, duties, powers and terms thereof by ordinance to ensure that the Committee can continue to function as intended by the voters and to ensure the consistent and timely appointment of new members when vacancies arise;

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

**SECTION 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 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 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.

**SECTION 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 Affordable Housing and Infrastructure (Measure KK, 2016) 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 as assigned by City Council action.

### **SECTION 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.

### **SECTION 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.

### **SECTION 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.

## **SECTION 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 authority under the Charter to administer all affairs of the City under his or her jurisdiction.

## **SECTION 7. 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 8. 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 9. EFFECTIVE DATE**

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

2977342v2

IN COUNCIL, OAKLAND, CALIFORNIA,

**OCT 20 2020**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: Candice Reed Trepp For  
ASHA REED  
Acting City Clerk and Clerk of the Council of the City of  
Oakland, California

**Introduction Date**

**OCT 06 2020**

Date of Attestation: October 29, 2020

## NOTICE AND DIGEST

### **ORDINANCE ESTABLISHING PURSUANT TO CITY OF OAKLAND CHARTER SECTION 601 THE AFFORDABLE HOUSING & INFRASTRUCTURE (MEASURE KK) PUBLIC OVERSIGHT COMMITTEE AND PRESCRIBING THE FUNCTIONS, DUTIES, POWERS, AND TERMS OF ITS MEMBERS**

This Ordinance formally establishes, in accordance with the requirements of City of Oakland Charter section 601, the Affordable Housing and Infrastructure Public Oversight Committee that was previously created by Oakland City Council Resolution No. 87010 C.M.S. In accordance with section 601 of the Charter, this Ordinance also prescribes the functions, duties, powers and terms of the Committee members.