



AGENDA REPORT

TO: Honorable Mayor Lee, Oakland City
Council and members of the Public

FROM: Councilmember Janani
Ramachandran, Council
President Kevin Jenkins

SUBJECT: Amend and Restating The
Council's Rules of Procedure

DATE: September 25, 20025

RECOMMENDATION

**Respectfully Recommend That The City Council ADOPTRESOLUTION
AMENDING AND RESTATING THE COUNCIL'S RULES OF PROCEDURE
IN THEIR ENTIRETY IN ORDER TO**

**1) ASSURE COUNCIL MEETINGS RUN IN AND ORDERLY AND EFFICIENT
MANNER;**

**2) ALLOW FOR NON-CONSENT ITEMS TO BE HEARD EARLIER IN THE
MEETING;**

**3) CREATE AN ADDITIONAL PRESIDING OFFICER POSITION TO SERVE
AS PRESIDING OFFICER IN THE ABSENCE OF THE COUNCIL
PRESIDENT; AND**

4) MAKE NON-SUBSTANTIVE TECHNICAL EDITS

EXECUTIVE SUMMARY

Section 210 of the City Charter requires the City Council to establish Rules of Procedure to govern the conduct of meetings and the order of business. The Rules were last updated in **Dec 2023** shortly after the Council resumed in-person meetings. Since then, the Council has identified additional opportunities to ensure meetings are orderly, efficient, and accessible to the public while strengthening deliberation and decision-making.

The proposed amendments set forth the Rules of Procedure in their entirety and are intended to:

- Assure that Council meetings run in an orderly and efficient manner.
 - Greater transparency in the legislative process.
 - More clarity therefore the Rules are easier to navigate and understand.
 - Allow non-consent items to be heard earlier in the meeting by amending the order of business so that non-consent items precede consent items and by removing the requirement that non-consent items begin no earlier than 5:00 p.m.
 - Make non-substantive, technical edits to clarify and modernize the Rules.
 - Remove the Ceremonial items from the order of business.
 - Hearing an item from the consent calendar to the non-consent will require a majority vote.
 - Eliminating 5pm start time for non-consent.
 - Removing the requirement that committee recommendations that are not unanimous must go to non-consent.
 - Allow for standing committee to elect Committee Vice Chairs.
- The amendments intend to remove ceremonial items from the order of business, ceremonial items will no longer be presented as a separate agenda section but will instead be treated as advisory resolutions to maximize focus on substantive items

that require discussion, while reducing delays for members of the public waiting to provide comment.

- The amendments also emphasize Councilmember responsibilities. Councilmembers are expected to prepare in advance of meetings by reviewing agendas, studying the background materials and purpose of important items of business, and public comments to allow for consultation and coordination with City Staff, City Attorney and members of the public as permitted by law as well as other Councilmembers (as permitted by the Brown Act). This preparation will encourage robust **informed** debate, streamline Council meetings and expand opportunities for public participation on key issues.
- Finally, the City will continue to expand community education on how to engage with Committees and provide public comment. By shifting the Consent Calendar to later in the agenda and prioritizing substantive non-consent items earlier, these changes ensure that the public's most important business receives timely and thorough attention
- The elimination of 5pm start time for non- consent. These changes are intended to improve meeting efficiency, allow for more balance consideration of times and provide the flexibility in managing lengthy agendas

BACKGROUND / LEGISLATIVE HISTORY

City Charter Section 210 mandates that Council establish Rules of Procedure for conduct of meetings and order of business. The Council Rules of Procedure were updated in February 2023, resuming in-person meetings in March 2023 following the COVID-19 emergency, allowing for hybrid public participation. Since then, we have sought ways to streamline our meetings in an orderly and efficient manner to facilitate sound City Council and public deliberation and decision making.

The City Council last amended its Rules of Procedure in December 2023, and considered revisions in May through July 2024, a little over a year after resuming in-person meetings following the COVID-19 emergency. The December 2023 update focused on aligning meeting operations with a hybrid in-person/virtual participation model and improving accessibility for both the Council and the public. The Council Rules of Procedure amendments, authored by Council *President Nikki* Fortunato Bas and Councilmembers Rebecca Kaplan, Janani Ramachandran and Treva Reid passed in December 2023 implemented changes that brought greater efficiency to Council processes, and greater access to meaningful public participation.

Since implementation, Councilmembers, staff, and community members have identified several additional areas where further refinements can strengthen efficiency, reduce public wait times, and improve the balance between public comment and effective Council deliberation. In particular, the sequencing of non-consent and consent items, the treatment of ceremonial items have emerged as practical areas for adjustment.

ANALYSIS AND POLICY ALTERNATIVES

- The proposed amendments respond to these identified needs and aim to streamline Council meetings, improve transparency, and provide more opportunities for meaningful public participation.

1. The ceremonial items section of the order of business under Rule 7 is removed, these items are proposed to be treated as Advisory Resolutions. This necessitated revision the definition of Advisory Resolutions under rule 3 the agenda materials to be included as described in Rule 8.a revision to ceremonial items in Rule 11, and the language regarding bypassing committee in Rule 24

2. Pulling an item from the consent calendar will require a majority vote of the member present and voting. This is described in Rule 8(6)

3. Eliminating the 5pm start time for non-consent items.

4. Amending the order so that consent items are heard after the non-consent items.

5. Removing the requirement that committee recommendations that are not unanimous must to non-consent

Rule 1 : Roberts Rules of Order

The reference to Roberts Rules of Order is revised to reflect its current full title. The process for designating an official parliamentarian for the meeting is revised to reflect the

current practice of the City Attorney designating the parliamentarian for Council and Subcommittee meetings

- The business of the Council and its Standing Committees shall be conducted, so far as it is practicable, in accordance with parliamentary rules as contained in Roberts Rules of Order Newly Revised, except as modified by these rules and in accordance with the Brown Act (Government Code section 54950, *et seq.*), the City's Sunshine Ordinance (Oakland Municipal Code Chapter 2.20), and the City Charter. The City Attorney, or such other person as may be designated by the ~~presiding officer upon approval of the Council~~ City Attorney, shall serve as the official parliamentarian for meetings of the Council

Rule 2: Seating of Councilmembers, Voting Order:

Language is added to clarify that votes must be stated verbally and, where a councilmember is participating from chambers, by casting their vote while seated at or standing in the immediate vicinity of their assigned seat. The reference to the automated simultaneous voting system is removed.

- When in session, the Councilmembers shall occupy assigned seats in the Council Chambers in alphabetical order according to their surnames, commencing to the left of the President of the Council, and shall vote in said alphabetical order, with the President of the Council or other presiding officer voting last, ~~except when utilizing the automated simultaneous voting system.~~ All votes shall be taken by roll call, with members verbally stating their vote, and members participating from chambers casting their vote while seated at or standing in the immediate vicinity of their assigned seat.

Rule 3: Definition of Terms

This amendment modifies the definition of consent item and nonconsent item consistent with proposed revisions to Rule 5, Action by Standing Committee, regarding the process for item to be placed on the consent item agenda.

Rule 4: Standing Committees

Language is added to state that a standing committee meeting should not ordinarily be cancelled solely due to the anticipated absence of the Chair if the meeting would otherwise maintain quorum.

This amendment is intended to modify the number of officers per Committee, creating a Vice Chair elected by the standing committee. Language is added to state that a standing committee meeting should not ordinarily be cancelled solely due to the anticipated absence of the Chair if the meeting would otherwise maintain quorum.

The Regular Meetings of the Standing Committees shall be as follows:

- The Second and Fourth Tuesdays
 - Finance and Management Committee at 9:30 a.m.
 - Public Works and Transportation Committee at 11:30 a.m.
 - Community and Economic Development Committee at 1:30 p.m.
 - Life Enrichment Committee at 4:00 p.m.
 - Public Safety Committee at 6:00 p.m.
- Thursdays (weekly)
 - Rules and Legislation Committee at 10:30 a.m.

The Education Partnership Committee and the City-Port Liaison Committee shall meet at the discretion of the respective committee chairs or as determined by the Council.

- Meetings of Standing Committees also shall be noticed as Special Meetings of the Council in light of the possibility that a majority of the Councilmembers or Councilmember's staff may participate in the meeting. Adjourning into a Special Meeting will not be necessary if a majority of the Councilmembers and/or their staff merely attend or observe a Standing Committee meeting but do not actually participate.

The Standing Committees are authorized and directed to ascertain, study and analyze all facts relating to any subjects or matters within their jurisdiction as may be assigned by the Rules and Legislation Committee, and shall report to and submit recommendations to the City Council for action

Standing Committee meetings may be cancelled by the Committee Chair, upon notice to the City Clerk, by the Rules and Legislation Committee, or pursuant to Rule 28. The Committee Chair shall attempt to avoid cancelling a meeting solely due to the anticipated absence of the Chair if the meeting would otherwise maintain quorum

Rule 5: Action by Standing Committees

Language is added to more clearly describe the process for a standing committee to review the committee's pending list. Rule 5(3)(d) is revised to articulate the various mechanisms available for the City Council to proceed to hear an item that fails to receive a standing committee recommendation. The amendment of Vice Chair for standing committees will include standing committees electing the Vice Chair . Additional minor grammatical revisions incorporated. Standing Committees have been amended to

The Committee Chair shall develop with staff the schedule to hear Committee items. The members of the Committee shall review a list of outstanding Committee items to be scheduled (often referred to as the Committee's "pending list") and may, by a vote of the majority of the members present, confirm or revise proposals. For the Standing Committee to hear any of the outstanding Committee items on the list, provided that the Rules and Legislation Committee shall make the final determination of scheduling.

The assigned Standing Committee shall have initial jurisdiction over any item assigned to it by the Rules and Legislation Committee and may take any of the following actions with respect to the assigned item:

- ~~The Committee Chair shall develop with staff the schedule to hear items to be confirmed by a majority of the Committee.~~
- 1. The Committee may, by a vote of the majority of the members present, decide to postpone, continue or table an item on the agenda.
- 2. On any item on an agenda, the Committee Chair may allow for an informational presentation by City staff relating to the item.
- 3. With respect to an action item, and after discussion and consideration of the item, ~~committee~~ the Committee may take one of the following actions:
 - Vote, by a majority of those present, to forward the recommendation of staff or the originator of the proposed action item to the full Council. The Committee may request additional information to be presented for consideration

when the full Council hears the item.

- Propose, by a majority of those present , one or more alternative recommendation(s) be forwarded to the full City Council for consideration and final action. The Committee may include in the motion a request for additional
- information to be presented for consideration when the full Council hears the item.
- With respect to items that a Standing Committee forwards to the Council pursuant to subparts a. or b., above, the committee chair may designate such items as Consent Items only if the Standing Committee's recommendation was unanimous the Committee may recommend, by a majority vote of those present, such items be heard as Consent Items or Non-Consent Items based on the Committee's assessment of the public interest or controversy of the item, provided that the Rules and Legislation Committee has authority to make the final determination of Consent or Non-Consent Items.
- Fail to approve any recommended action, in which case the item shall **not** be forwarded to the next meeting of the full City Council and the failure to approve the item will be recorded in the minutes; provided that when

i. When the item is urgent, the Rules and Legislation Committee shall have jurisdiction to place the item on the supplemental agenda for a-the next Regular Meeting of the City Council, or on the agenda for a special meeting-Special Meeting of the City Council, upon making such urgency findings in accordance with the requirements of the Sunshine Ordinance if no action was taken on the item: (1) due to the cancellation of a committee meeting; (2) due to lack of a quorum; (3) because the committee-Committee ran out of time; or (4) because the committee was not able to approve any recommended action and the Committee passes a motion by the affirmative votes of the majority of the members who are present requesting that the Rules and Legislation Committee schedule the item for a Council meeting. (See Rule 24(2).)

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ii. The Rules and Legislation Committee retains the right to schedule any item not forwarded by a Standing Committee by making of a new scheduling request accompanied by a motion that the item bypass committee. (See Rule 24(1)(c).)

iii. Any such action will be recorded in the minutes and Any

item not forwarded by the Standing Committee may be subject to consideration if pulled by a Councilmember at the appropriate Council meeting pursuant to Rule 8(8).

- Reject, by a majority vote of those present, jurisdiction over the action item and refer the action item back to the Rules and Legislation Committee with a recommendation for reassignment to another appropriate Standing Committee.
 - Request, by a majority vote of those present, additional, specified information from staff or the originator of the proposed action item and continue or reschedule the item for further consideration at the soonest feasible date available, allowing time for appropriate notice pursuant to the Sunshine Ordinance and Brown Act.
- 4. With respect to an informational item, following discussion and consideration, committee the Committee shall take one of the following actions:
- Receive the informational report by majority vote of those present without forwarding the report to the full City Council;
 - Receive the informational report and forward the report onto the full City Council by majority vote of those present; the Committee may include in the motion a request that for additional information to be presented for consideration when the full Council hears the item;
 - Request, by motion and second, more specific information from staff or the originator of the proposed informational item and continue or reschedule the item for further consideration at the soonest feasible date available, allowing time for appropriate notice pursuant to the Sunshine Ordinance.
- 5. Each Standing Committee shall review the minutes of its previous

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meeting, make corrections to mistakes, if any, and approve the minutes by majority vote of the members present.

Rule 7: Order of Business at Regular Council Meetings

Minor revisions and cross-references to Rule 8 provisions added for clarity.

Subject to the discretion of the Council President or presiding officer, the order of business for Regular Council meetings shall be as follows:

1. Call to Order by Council President (3:30 p.m.)
2. Roll Call
3. ~~Action on Special Orders / Presentations of the Day ("Ceremonial Items") (with accompanying agenda materials as required by Sunshine Ordinance), including:~~
 - a. ~~Ceremonial presentations, including proclamations, individual recognitions, etc.; and~~
 - b. ~~Reports or presentations e.g. from the Mayor, other public officials, or special guests.~~
- 4.3. Modifications to the Agenda and Procedural Items, including but not limited to the following:
 - a. ~~Requests, with a motion and second, from Councilmembers~~
Motions by majority vote of the members present and voting to pull an item from the Consent Calendar and reschedule as

Non-Consent Item on the same City Council meeting agenda pursuant to Rule 8(6).

- b. Requests by Councilmembers ~~to that the presiding officer~~ change the order of the items on the Non-Consent Calendar, ~~or to defer items,~~ or make other modifications to the agenda ~~pursuant to Rule 8(6).~~
- c. Announcements by the Presiding Officer of changes in the order of the agenda, deletion or deferral of items or other modifications to the agenda.
- d. Motion for Members' Requests for Reconsideration of Action the Council took at ~~Immediately Preceding Meeting the~~ ~~immediately preceding Council meeting pursuant to Rule 8(7)~~ (In order to make motion, Member must have voted on "prevailing side".)
- e. Members' Requests for Scheduling of Items considered by Committee but not forwarded to Council to be scheduled to the next City Council meeting. Scheduling of such items requires only a motion and a second pursuant to Rule 8(8)

Agenda modifications and procedural requests referenced in this section Agenda modifications and procedura section are scheduling matters that are not subject to public comment and no public comment will be heard on these matters.

~~5. Adoption of items on the Consent Calendar (after hearing public speakers and Councilmembers)~~

~~For Regular Meetings, action on Non-Consent Items will commence at 5:00 p.m., or as soon thereafter as reasonably practicable~~

~~6.4. Consideration of items with statutory Public Hearing Requirements~~

~~7.5. Action on Other Non-Consent Items~~

~~6. Adoption of items on the Consent Calendar~~

~~8.7. Council Acknowledgements / Announcements~~

~~9.8. Open Forum~~

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409. Adjournment – 9:30 p.m., except that the Council may extend the time for the meeting in one-hour increments by an affirmative vote of five (5) Councilmembers up to 11:30 p.m., and by an affirmative vote of six (6) councilmembers beyond 11:30 p.m. If a motion to extend the meeting fails, the Council shall move immediately to open forum and then adjourn the meeting

Rule 8: Action and Procedures at Council Meetings

1. The Regular Meetings of the City Council shall take place on the first and third Tuesdays of each month, and shall begin at 3:30 p.m. ~~At Regular Meetings, all Non-Consent Items shall be heard and discussed no earlier than 5:00 p.m.~~ The fifth Tuesdays will be utilized for special meetings and workshops.
2. The City Council may consider and act upon those items (i) assigned by Rules and Legislation Committee directly to City Council ~~(i)~~ pursuant to Rule 24, (ii) forwarded by a Standing Committee pursuant to Rule 5, (iii) added to a City Council agenda pursuant to Rules 28, ~~or~~ (iv) pulled at the immediately preceding Council meeting by a Councilmember for discussion pursuant to Rule 8(8), ~~or (v) scheduled by a majority vote of the City Council.~~
3. For each action item and informational item, the agenda shall list the following:
 - a. . summary description of the item pursuant to the Brown Act and the Sunshine Ordinance.
 - b. The recommendation, alternatives and/or direction recommended by the Standing Committee, including the voting record of Committee members on the item; and
 - c. For each action item referred directly by the Rules and Legislation Committee, a brief statement of the Rules and Legislation Committee's reason for referring item to Council directly without Standing Committee consideration.
- ~~4 For each action item and informational item on the agenda, the agenda package shall include the following information With the exception of advisory resolutions and presentations from the Mayor, other public officials, or special guests, the following information shall be included in the agenda materials for each action item and informational item on the agenda:~~

- a. Staff or informational reports the agenda report(s) that were submitted to a Standing Committee, or a city council agenda report if the item was referred directly by the Rules Committee, including but not limited to:
 - i. any additional information requested to be included by the Standing Committee;
 - ii. a listing of all funding sources to fund the action or recommendation being taken, an indication that no funding sources are identified, or an indication that no funding is necessary.
 - iii. a list of the organization/stakeholders contacted regarding the item, if any; and
 - iv. information and comment on the Sustainable, Economic, Environmental and Social Equity Opportunities afforded by the recommended action.
- b. as a supplemental report, any additional information requested to be included by the Standing Committee, if applicable; and
- c. for action items, draft legislation and, if the Standing Committee with jurisdiction has recommended amendments, supplemental draft legislation.

5. The City Council shall approve the minutes of the preceding Council meeting (but not of the Standing Committee meetings), after corrections to any errors that may have occurred during recordation of the proceedings of the meeting. The City Council shall not discuss, consider, or debate the substance of any matter recorded in the minutes, unless such items are specifically included as an Action or Information Item on the posted agenda.

6. During "Modifications to the Agenda" any Councilmember may request a change in the order of the agenda. Such requests are subject to the discretion of and require the consent of the presiding officer, except that any Councilmember is entitled to the City Council may, by a majority vote of the members present and voting, pull a Consent Item from the Consent Calendar and place the item on the Non-Consent Calendar as a Non-Consent

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Item ~~if another Councilmember seconds the motion; it is not necessary that the Council vote on or pass the motion, and~~ it is not necessary that the presiding officer consent, however the presiding officer shall determine where to place the item on the Non-Consent Calendar.

~~Notwithstanding the preceding paragraph, a motion to move the second reading of an ordinance from the Consent Calendar to the Non-Consent Calendar must be approved by a majority of the Councilmembers present and voting.~~

7 During "Members' Request for Reconsideration," a Councilmember who voted on the prevailing side of a motion or other action taken at the immediately preceding Council meeting may move that item for reconsideration. If the motion is seconded and at least five (5) Councilmembers vote in favor of the motion, the item shall be placed on the agenda for the next City Council meeting as a Non-Consent Item. This section is not intended and shall not be construed to preclude a Councilmember, who voted on the prevailing side of a motion or other action taken at a Council meeting, from moving for reconsideration of the item at the same meeting; nor shall this section be interpreted to preclude the Council from reconsidering the item at the same meeting if the motion to reconsider passes.

8. During "Members' Request for Scheduling of Items Considered by Committee but not forwarded to Council" any Councilmember by motion that is seconded by another Councilmember, may place on the agenda of the next City Council meeting (subject to compliance with Sunshine Ordinance and Brown Act) any action item that has been considered in a subject matter Committee, but not forwarded by the Committee to the City Council; it is not necessary that the Council vote on or pass the motion.

9. On any action item, the City Council by the requisite number of votes may:

- a. Approve an item as scheduled by the sponsor, approve a Standing Committee's alternative recommendation, or approve an alternative recommendation proposed at the full Council in compliance with the Brown Act and Sunshine Ordinance; if a Standing Committee's alternative recommendation is before the Council for

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approval on the Consent Calendar, it shall be presumed that the Council is approving the Committee's recommendation unless otherwise specified in the motion for approval;

- b. By a majority of the Councilmembers present and voting, continue the item to the next regular Council meeting if permitted by Sunshine Ordinance and Brown Act;
- c. By a majority of the Councilmembers present and voting, refer the item to any Standing Committee for reconsideration; or
- d. With respect to an item that the Rules and Legislation Committee referred directly to Council or an item that was added to the Council agenda pursuant to Rule 28, the Council may take any action subject to the Brown Act and the Sunshine Ordinance.

10. On any agendaized informational report, the City Council may receive the report either by oral presentation by staff or as written.

Rule 11: Speaking Time Limits for Councilmembers:

No member of the Council shall speak for more than eight (8) minutes on any Non-Consent Item without the consent of the presiding officer or a majority of the members of the Council, which consent may be granted for complex matters such as adoption of the biennial or midcycle budget. ¶

No member of the Council shall speak for more than two (2) minutes on the Consent Calendar without the consent of the presiding officer or a majority of the Council. ¶

For ~~Ceremonial Items~~ items at Standing Committees, the presiding officer may determine the allotted speaking time for Councilmembers

Rule 12: Speakers' Cards and eComments

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Revisions provided to the cutoff time for timely submittal of speaker cards in light of the proposal that City Council hear nonconsent items before consent items. Paragraph added to reflect the process for submitting speaker cards online.

The City Clerk shall facilitate the process for public speakers as well as the public's submission of written comments and shall provide the public with information on how to appropriately address the Council and Standing Committees.

The City Clerk shall facilitate the receipt of written comments ("eComments"), and the process for submission and the procedure to view eComments shall be clearly stated on each agenda. Members of the public shall be able to submit eComments up to twenty-four (24) hours before the posted meeting time, and Councilmembers are expected to read the eComments in advance of the meeting. The City Clerk shall state the number of eComments and the percentage of supporting, opposing, and neutral eComments during each Non-Consent item.

Members of the public wishing to speak must submit to the City Clerk a separate speaker's card for each item on the agenda they wish to discuss before being recognized by the presiding officer. Directions for filling out speaker cards on-line will be included on all Standing Committee and Council agendas. Members of the public wishing to speak via teleconference must provide their Zoom profile name (which at the speaker's discretion may be their legal name or other information to identify them) or phone number on their speaker card to allow the Clerk's office to recognize them.

In order for the City Clerk and presiding officers to assess the number of public speakers, implement Rule 14, and facilitate meetings generally, the time for submitting speaker cards after a meeting has begun is limited as described below

Unless the presiding officer or a majority of the members of the Council consent, and except as provided for speakers' cards submitted online, speakers' cards submitted for items at Regular or Special City Council meetings must be received by the City Clerk as follows: (1) for Action on Special Orders / Presentations of the Day, within the first two hours after the meeting is called to order or before the City Clerk begins reading the item into the record, whichever occurs earlier. For purposes of the Consent Calendar, the speakers' cards must be received within the first two hours after the meeting is called to order or; (2) for Consent, before the City Clerk begins reading the first Consent item; (3) for all other items (including Non-Consent and Open Forum), within the first hour and a half after the meeting is called to order or before the Clerk begins the reading of the first Non-Consent item into the record, whichever occurs earlier.

Speakers' cards submitted for items at Standing Committee meetings must be received by the City Clerk within the first ten minutes after the meeting is called to order or before

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the City Clerk begins reading the item into the record, whichever occurs first, unless consent to speak is given by the presiding officer.

Speaker cards submitted online for items at Regular City Council meetings, Special City Council meetings, and Standing Committee meetings must be submitted twenty-four hours before the scheduled meeting start time, regardless of whether the member of the public intends to speak in person or via teleconference.

Multiple speakers representing an organization or position on an item are encouraged to organize their presentations. The presiding officer shall have discretion to provide designated spokesperson(s) representing the position of multiple speakers on an item an appropriate allocation of time to address the Council or Standing Committee on behalf of all of the speakers.

Rule 17: Attendance of Staff at Council and Standing Committee Meetings

Revision is provided to more clearly specify when staff will be expected to be present to answer questions regarding consent items.

The City Administrator shall designate appropriate staff to attend the Council meetings. The presiding officer may request that the City Administrator designate staff to answer questions and provide assistance to the public, ~~and has discretion whether to ask staff to answer questions during the meeting or afterwards.~~

However, the Brown Act does not permit detailed responses, exchanges or discussions regarding items that are not on the posted agenda for the meeting.

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Staff that worked on Consent Items will not necessarily be required to attend Council meeting and wait until the Consent Calendar is called. Since Consent Items frequently do not require additional input from staff, such a requirement would often result in an inefficient use of staff time and of City resources more generally. Instead, Councilmembers shall notify the City Administrator prior to the start of the meeting if they are requesting for staff to be present or to provide input on a particular Consent Item, in order to allow the City Administrator to designate appropriate staff to attend the meeting for that Consent Item.

Rule 18: Ballot Measures

Language regarding ballot measures added to mirror the language included in the Oakland Charter to serve as a helpful consolidated reference. Ballot Measures

The affirmative vote of a majority of the members of the Council is required to endorse or oppose any proposition submitted to the electorate on any national, state, county, or local ballot. Pursuant to City Charter section 221, before taking a vote the Council shall notice and consider at no fewer than two Council open session meetings that are at least 10 calendar days apart, any ballot measure proposed by the Council that authorizes (1) a general obligation bond, (2) a new parcel tax or increase to an existing parcel tax, or (3) an amendment to the City Charter

Rule 24: Rules and Legislation Committee's Powers Re: Agenda Items

Revisions provided to more clearly describe the information that should be provided by a requestor for an item to bypass committee and be considered directly by the full City Council. The Rules and Legislation Committee may assign and schedule agenda items proposed by one

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or more Councilmembers, a Standing Committee of the City Council, the Mayor, the City Administrator, City Attorney, City Auditor, or a member of the public to a Standing Committee and/or full Council for consideration and action as follows:

1. For any Action Item or Information Item, the Rules & Legislation Committee, may:
 - a. By a majority vote of the members present, assign and schedule the item to a Standing Committee, or
 - b. By a majority vote of the members present, return the item to the requestor with a request to work with the City Administrator and/or City Attorney to refine the item, or
 - c. By a majority vote of the members present, assign and schedule the item directly to City Council provided that: 1) the requestor indicates on the Scheduling Request Form, or from the dais if no form was submitted, the reason(s) for bypassing Committee, which reasons shall state at a minimum any deadline(s) for the Council to consider the item, the consequence(s) if the item does not bypass Committee, and the reason(s) the item was not submitted sooner in order to allow for Committee consideration; 2) any advisory resolution may be scheduled directly to City Council without need to provide further explanation; and 3) the Rules and Legislation Committee determines that the item should bypass Committee consideration and proceed directly to the City Council for a specified reason, or
 - d. Fail to assign and schedule the item.

2. Notwithstanding any other provision of these Rules of Procedure, for items previously scheduled to a Standing Committee, the Rules and Legislation Committee shall have the power to place an item that is urgent on the supplemental agenda for a regular-Regular Council meeting or on a special Special Council meeting agenda, in accordance with the requirements of the Sunshine Ordinance, if no action was taken on the item (1) due to the cancellation of a committee meeting, (2) due to lack of a quorum, (3) because the

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committee ran out of time, or (4) because the committee was not able to approve any recommended action ~~and the Committee passes a motion by the affirmative votes of the majority of the members who are present requesting that the Rules and Legislation Committee schedule the item for a Council meeting.~~

3. The Rules and Legislation Committee shall not schedule any item to a Regular Meeting with less than the notice required by the Sunshine Ordinance, unless 1) the requestor indicates the basis for the urgency pursuant to Oakland Municipal Code section 2.20.080.D.2, and 2) the Rules Committee complies with Oakland Municipal Code section 2.20.080.D.2. ~~The Committee shall state by stating~~ the required finding on the record.

4. The Rules and Legislation Committee shall not schedule any item proposed by a member of the public unless the member of the public submits documentation with the scheduling request demonstrating that they contacted each Councilmember to request a Councilmember sponsor for their scheduling item and were refused or received no response within 48 hours.

Rule 27: Quorum for Standing Committees

Minor revisions provided regarding the quorum for standing committee for ease of reading.

A quorum for the conduct of meetings of Standing Committees that have a membership of four, shall be three (3) members. A quorum for the conduct of meetings of the Education Partnership and City/Port Liaison Committees shall be a majority of the seats designated for each constituent body. If the Council seat of a member of a Standing Committee becomes vacant, the quorum for that *committee shall not be reduced*. A

quorum for all other established committees shall be a majority of the duly appointed members.

In the event that a quorum is not established within fifteen (15) minutes of the noticed start time of the meeting, the meeting **may** be declared canceled. In determining whether a meeting should be canceled, the Committee Chairperson should consider

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factors such as whether the delay is caused by conflicting meeting schedules; if prior notice from the member was given that the member would be late; or if there is a need to take official action on important item(s) of business once a quorum has been established.

In the event that a quorum is never established or is lost at any point during a meeting, the record will reflect that the meeting was canceled or adjourned due to a lack of quorum. ~~Discussion of the items noticed on the agenda may continue but no action can be taken other than adjournment. The record will reflect that the meeting was canceled or adjourned due to a lack of a quorum and that no action was taken on the items discussed.~~

The City Clerk shall keep a record of Committee members' attendance. The attendance record shall reflect absences and tardiness (arrival after the fifteen (15) minute scheduled start time) and shall indicate whether the absence or tardy was excused or unexcused by designation of the presiding officer. If during the calendar year a Committee member accumulates three (3) unexcused absences and/or late arrivals the City Clerk shall so advise the President of the Council and the President of the Council may, in their discretion, remove the member from the Committee. If removed, the member can be considered for reappointment by the President of the Council, as appropriate

Rule 29: Tie-Breaking Votes by Mayor

Amended to clarify that an item that receives a tie vote of the council will not be continued to the next meeting for the Mayor to cast a tie vote if the Mayor or designee states at the meeting at which the tie vote occurs that the Mayor is declining to cast a vote to break the tie.

In the event that the Councilmembers are evenly divided in their vote on an item (by motion, resolution or ordinance) the item will automatically be continued to its next

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Regular Meeting solely for the purpose of allowing the Mayor to cast a vote; provided that the item will not be continued if the Mayor ~~so chooses~~, ~~the Mayor may cast a to vote~~ at the meeting at which the tie vote occurs or if the Mayor or their designee states at the meeting at which the tie vote occurs that the Mayor declines to cast a vote to break the tie. ¶

~~In accordance with Charter Section 305(i), solely for the purposes of determining whether the Mayor is eligible to cast a tie-breaking vote, abstentions and absences shall count as a "No" vote, except that where a Councilmember is absent or abstains because they were required by law to recuse themselves, such as due to a legally-recognized conflict of interests, then such a legally required recusal shall not count as a "No" vote.~~ The City Clerk shall provide the Mayor with all supporting documentation, reports and legislation relating to the item and a copy of the videotape of the discussion, if available. ~~Council and public discussion is permitted on the item to be voted on by the Mayor~~ If an item has been automatically continued to a subsequent meeting to allow the Mayor to vote, the presiding officer, in their discretion, may allow additional public comment and/or additional Council discussion on the item; however, Councilmembers cannot change their vote unless the item has been properly noticed for reconsideration. The Mayor must appear at the Council meeting in order to cast a tie breaking vote.

In accordance with Charter Section 305(i), solely for the purposes of determining whether the Mayor is eligible to cast a tie-breaking vote, abstentions and absences shall count as a "No" vote, except that where a Councilmember is absent or abstains because they are required by law to recuse themselves, such as due to a legally-recognized conflict of interests, then such a legally-required recusal shall not count as a "No" vo

ANALYSIS AND POLICY ALTERNATIVES

FISCAL IMPACT

There is no fiscal impact associated with adopting the proposed amendments to the Rules of Procedure

PUBLIC OUTREACH / INTEREST

These amendments are intended to enhance public participation in City Council business by:

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Ensuring earlier consideration of substantive non-consent items to reduce wait times.

Expanding community education and outreach regarding opportunities to provide comment at both Committee and Council meetings; and

Reorganizing ceremonial items and agenda flow to allow for more focused deliberation on the public's most important business.

The City anticipates continued engagement with community members to ensure clarity and accessibility for the public in upcoming Council meeting.

COORDINATION

The authors extend their appreciation to the City Attorney's Office for its guidance and thorough legal analysis to ensure the proposed amendments comply with existing law and advance equitable and efficient outcomes. The City Attorney's Office worked closely with former Council President Bas and Councilmember Ramachandran on the initial iterations of these amendments in 2023 and continues to provide invaluable support to the current authors, Councilmember Jenkins and Councilmember Ramachandran, in this follow-up resolution.

The City Clerk and City Administration have also been engaged throughout this process, offering important feedback and collaboration. Together, we have examined meeting patterns since the Council's return to in-person sessions with hybrid public participation in March 2023. And amendments pass in December 2023

We also acknowledge and thank members of the public who have contributed input over the past over the two past years.

SUSTAINABLE OPPORTUNITIES

This legislation would provide greater transparency and public participation in Council meetings and the legislative process through public participation in person and via Zoom; Non-Consent Calendar being heard earlier than 5pm; and a clear procedure for placing items on the Council agenda.

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Economic: Greater transparency and public participation in Council meetings and the legislative process can result in increasing economic opportunities for Oaklanders, including those who have been most deeply impacted.

Environmental: Greater transparency and public participation in Council meetings and the legislative process can result in increasing environmental sustainability for Oaklanders, including those who have been most deeply impacted.

Race & Equity: Greater transparency and public participation in Council meetings and the legislative process can result in increasing racial equity for Oaklanders, when those who have been most deeply impacted are better able to share their experiences and opinions, and give input to legislation that affects them

ACTION REQUESTED OF THE CITY COUNCIL

Recommends That The City Council Adopt a Resolution

RESOLUTION AMENDING AND RESTATING THE COUNCIL'S RULES OF PROCEDURE IN THEIR ENTIRETY IN ORDER TO

**1) ASSURE COUNCIL MEETINGS RUN IN AN ORDERLY AND
EFFICIENT MANNER.**

**2) ALLOW FOR NON-CONSENT ITEMS TO BE HEARD EARLIER IN
THE MEETING.**

**~~3) CREATE AN ADDITIONAL PRESIDING OFFICER POSITION TO
SERVE AS PRESIDING OFFICER IN THE ABSENCE OF THE COUNCIL
PRESIDENT; AND~~**

4) MAKE NON-SUBSTANTIVE TECHNICAL EDITS

For questions regarding this report, please contact
Iris Merriouns, Chief of Staff to Councilmember Ramchandran 510 238-7004

Respectfully submitted,

Janani Ramachandran, Councilmember D4
Kevin Jenkins Councilmember D6
Subject Amended Council Rules
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Janani Ramachandran
Councilmember, District 4

Reviewed by: ***(If Applicable)***
Name of Reviewer, Title

Prepared by:
Name of Preparer, Title
Name of Preparer's Unit *[within Department]*

Attachments

- 1 Resolution-Clean version
- 2 Resolution – Red-Lined
- 3 Agenda Report Template