



INFORMATION REPORT



TO:	Honorable City Council	FROM:	Nikki Fortunato Bas
	Members of the Public		Council President, District 2
SUBJECT:	Informational Report From The Council President	DATE:	November 25, 2024

RECOMMENDATION

President Bas Recommends That The City Council Receive An Informational Report From The Council President, Including (1) Duties Of The Council President, (2) Accomplishments And Lessons Over The Past Four Years, And (3) Plans For An Oakland City Council Orientation And Overview.

REPORT

It has been my honor and privilege to serve as Oakland’s City Council President over the past four years. As we get ready to welcome the new Council and elect new Officers, I would like to share my experience and lessons to support the next phase of the City Council’s work. I also want to thank my staff who have supported our work as the Office of the Council President and the Offices of the City Clerk, City Attorney and City Administrator. Each of you have been extremely dedicated and have worked to a very high standard.

This report includes the following topics:

1. Duties of the Council President
2. Insights from the Office of the City Clerk, City Administrator’s Office (CAO) and Office of the City Attorney (OCA)
3. Accomplishments and Lessons over the Past Four Years
4. Plans for an Oakland City Council Orientation and Overview

1. Duties of the Council President

The [Council Rules of Procedure](#) describe the election and duties of the Council President (CP) as follows in Rule 6.

Rule 6. Election of Council President; President’s Powers / Duties

The Council President shall be elected for a two-year term by resolution in accordance with Charter section 208. The President of the Council shall serve as the presiding officer of the City Council and shall perform the following duties:

- Chair Regular Meetings and Special Meetings of the City Council;

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- Manage the Office of the City Council and present the budget of the Office of the City Council for adoption;
- Appoint Council committee members and chairpersons of committees in accordance with Rule 4 of these Rules of Procedure;
- Except for those appointments reserved for the Mayor pursuant to the City Charter or other enabling legislation, the President of the Council shall recommend appointments to regional and local boards and agencies, as appropriate, subject to confirmation by Council resolution.

The Council, by resolution, shall elect a Councilmember to serve as "President Pro tempore" in accordance with Charter section 208. In the absence or unavailability of the President of the Council, the President Pro tempore shall perform the duties of the President of the Council.

The following information provides more details about the duties:

1. Committee and Committee Chair assignments

At the first meeting of a new Council (first Monday in January during odd numbered years), the Council approves a resolution electing its Officers and the elected Council President introduces a resolution with Committee and Committee Chair assignments. (See current assignments in the Attachments, and [resolution here](#).)

Historically, the Council President has also chaired the Rules and Legislation Committee. I have found this to be very efficient as one person manages scheduling as well as chairs meetings, and I would recommend that this practice continues. This reduces the need for coordination between two Councilmembers serving in each role which would be time consuming and could also create challenges. Having the Council President chair Rules is also supported by the other branches of government who support and staff the Rules Committee.

2. External Board and Commission appointments

The Council President makes appointments to external Boards and Commissions. They are responsible for monitoring the expiration of terms and vacancies and making appointments throughout the year as needed. (See current appointments in the Attachments.)

3. Meeting management

a. Chairing meetings

The Council President chairs Council meetings and Closed Session meetings in addition to the Committee(s) they chair, such as Rules and Legislation. It is necessary to be familiar with the [Council's Rules of Procedure](#), the [Sunshine Ordinance](#) and the [Brown Act](#). Depending on the CP's experience, it may be helpful to have meeting facilitation skills and/or training to manage complex issues and multiple views to bring them to completion. The CP, with staff support, is also responsible for ensuring quorum at

meetings and polling for any special meetings. *It is critical to have the time and support for this part of the role.*

b. Meeting preparation

Having the Council President also chair Rules makes meeting management and preparation more efficient.

As Rules Chair, the CP leads a pre-meeting right before the weekly Rules meeting on Thursdays at 10am with the City Administrator's team, City Attorney's team and City Clerk's team. *This meeting is critical to effective agenda management and prioritization of key legislation, and it is important for the CP to have staff to support this part of their work.* At this meeting, they:

- review agenda items for proper scheduling (title changes, Rule 24 for bypassing committee, urgency findings, coordination with relevant departments, etc.) and
- Review draft agendas and pending lists, making adjustments if agendas are impacted by moving items to a subsequent meeting, starting a meeting earlier, etc..

The Clerk also sends draft agendas to the CP for review prior to publishing for accuracy and ordering of items.

Prior to each meeting, the CP meets with the City Administrator to review the Council agenda and discuss any items that need additional attention due to their complexity, outstanding questions/issues or public interest. The CP also meets with the City Attorney prior to Closed Session meetings to review each agenda item and plan future agendas. These meetings are 30 minutes prior to each Council meeting and Closed Session.

c. Committee Chairs

Each year a new Council is seated, the City Clerk shares a Committee Chair Welcome Packet with each Chair. This year, the Council President, City Clerk and City Attorney worked together to orient Committee Chairs to their responsibilities and ensure shared expectations, including that Committee Chairs:

- Meet regularly with relevant Department Heads to review the committee pending list and upcoming legislation
- Review and order draft agendas from the City Clerk
- Ensure quorum *prior* to each meeting
- Assign staff to attend Rules to track agenda items. Track number of agenda items at each Committee meeting. If agenda is impacted, work with Administration to adjust scheduling of items or adjust meeting time.
- Approve any items under Rule 24 (bypassing committee) and Rule 28 (scheduling in the absence of a Rules Committee meeting)
- Follow Protocols including Public Comment and managing disruptions

d. Ballot measures

During election years, it is important for the Council President to proactively manage proposed ballot measures as part of meeting management and prioritization with the City Clerk and City Attorney. In 2022, the Council considered nine (9) proposed ballot measures which was very time intensive. In 2024, the City Attorney, City Clerk and Council President created guidelines and timelines for development and consideration of proposed ballot measure legislation that allows for development, public participation, and adherence to election timelines. (See Attachment for the ballot measure guidelines and timelines.)

4. Biennial and Midcycle Budgets, including Biennial Strategic Planning Retreat

The Council President leads the Council's work to pass a balanced budget as outlined in the [Consolidate Fiscal Policy](#). **Budget Development is a critical part of the Council President's role; they must have the available time to lead this process and the staff to support their work in the areas of budget analysis and administration/scheduling.** The CP works with the Administration – City Administrator, Finance Director and Budget Administrator – to develop the meeting timeline from the February budget workshop, other budget meetings and townhalls, consideration of the proposed budget and amendments to final adoption. *Each Councilmember's biennial budget priorities are due by March 15th.* The Mayor's proposed biennial budget is due by May 1st. The Council President's proposed budget amendments are due by June 17th. The final budget, and all amendments, must be approved by June 30th. The final budget also includes Council Policy Directives, which the Council President monitors the implementation of with the City Administrator. ([See current FY 2023 - 2025 Biennial Budget here.](#))

During the early part of the biennial budget process, the Council President has historically organized a strategic planning retreat to develop shared Council budget and policy priorities. This has included contracting with a consultant to help plan and facilitate the retreat and help summarize priorities. ([See the 2023 Council and Councilmember priorities here](#) and [2023 Retreat documents here.](#))

During the biennial budget season, I have spent the majority of my time on the Council's budget process from February through June.

5. State and Federal Legislative Agenda

The Council President works with the Mayor and Oakland's lobbyist to develop Oakland's State and Federal Legislative Agenda to advance policy and funding priorities. Oakland's lobbyist, currently Townsend Public Affairs, meets with the Mayor and each Councilmember to draft the agenda. The CP schedules the Legislative Agenda to Rules Committee for discussion and feedback and also schedules an end of year report. In addition, the CP meets with the lobbyist twice per month to ensure coordinated advocacy, track progress and ensure that the Council's state and federal legislative priorities (such as resolutions supporting or opposing legislation) are

coordinated with our lobbyist. ([See the proposed 2025 Legislative Agenda here](#) and the [2024 Advocacy Update here.](#))

6. Council Audit recommendations

The Council President tracks audit recommendations for City Council from the City Auditor, ensuring audit recommendations are considered and implemented. The next [Semi-Annual Audit Recommendation Follow-Up Report](#) will be heard by City Council on December 3, 2024.

7. Response to Alameda County Civil Grand Jury Reports

The Council President is responsible for coordinating responses to the Alameda County Civil Grand Jury upon request when a report makes findings and recommendations for the City Council. The CP works with the City Administration and City Attorney on these responses, with the City Administration coordinating with relevant departments. Recent responses were in regards to: [Oakland Billboards](#) (2024), [9-1-1 System](#) (2023), [Financial Disclosures](#) (2022) and [Fire Inspections](#) (2022).

8. Office management

As stated in the Council Rules of Procedure, the Council President manages the Office of the City Council and its budget. This work is led by the Council's Executive Assistant who manages the day to day operations, supporting the Office as a whole and each Council Office. The Executive Assistant onboards each new Councilmember and supports in the areas of administration, budget and human resources, and they onboard new Councilmembers. When the last group of new Councilmembers were onboarded in 2023, the Budget Office staff reviewed the Council Office budget with each office. When new Councilmembers join, the Council President makes office assignments. Historically, the practice has been that senior Councilmembers have preference for any office spaces that become vacant.

9. Mayoral unavailability and vacancy

When the Mayor is not available, the Council President may serve in their place for City functions such as ceremonies, meetings, community events and press conferences.

As stated in the City Charter, in the event that the Office of the Mayor is vacant, it shall be filled by the Council President.

10. Staffing

The Office of the Council President has a budget for part-time staff to help support the additional work of this role. These funds are in the Council Office's administrative budget, separate from the budget of each Councilmember Office. I have utilized the full staff budget for the first three years in this role, however after a staff transition in January 2024, I have kept that position

vacant in order to support overall City budget reduction goals. I thank my three staff for the dedicated and hard work they have carried out despite limited staff capacity and resources.

2. Insights from Other Branches of Government

From the Office of the City Clerk

Historically, the Office of the City Clerk has worked collaboratively with the Council President to manage Council meeting agendas. The City Clerk has served under various Council Presidents and offers insight into the ideal qualities for the body to consider when electing a new president.

The ideal Council President-elect should be a forward-thinking leader who is organized and committed to conducting the city's business effectively, efficiently, and transparently, in accordance with the Brown Act, Sunshine Laws, and the Council's own Rules of Procedure. The Council President must not only adhere to but also enforce the Council's bylaws.

The ideal candidate should be able to forecast the impact of Council agendas and work closely with the Offices of the City Administrator, Attorney, and City Clerk. Being methodical, nimble, fair, and just are key attributes for a successful Council President. The Council President should maintain an even temperament, even when challenged or opposed.

The Council President should prioritize the proposed items brought before the legislative body and be dedicated to completing the actions on the agenda in their entirety. The Council President is responsible for sustaining order in the meetings they chair. Additionally, the Council President should be physically present at all meetings they are chairing until adjournment, except in the case of an emergency.

Lastly, a successful Council President employs and surrounds themselves with knowledgeable, reliable, professional, organized, and responsive staff who are respectful to colleagues, staff, and members of the public.

From the City Administrator's Office

From the City Administration's perspective, we would echo many of the qualities articulated by the City Clerk's Office for a Council President-elect. To supplement what is already provided, we would add:

The Council President should possess strong leadership skills, including the capacity to effectively guide the Council, establish a clear vision and standards, and demonstrate responsiveness and adaptability to evolving circumstances.

The Council President may not necessarily enforce this piece; however, it should be emphasized in the Council training that Council members must adhere to the Council and

Committee-Approved schedule of submission deadlines (as outlined in the Council Rules of Procedure), especially when requesting reports from the Department. Additionally, a successful Council President will liaise with City Administration and Mayor's Office through the Council Budget process to ensure cohesion and alignment of priorities.

From the Office of the City Attorney:

The City Attorney's office agrees with the advice provided by the Council President, the City Clerk's office and the City Administrator's office. Several of the points that have already been made are worth repeating.

The Council President should seriously consider also serving as the Chair of the Rules and Legislation Committee. The Council President is ultimately responsible for managing the agendas during City Council meetings. Their ability to manage items during Council meetings is greatly enhanced when they also play an active role in managing the very same items on the front end of the legislative process, when they are initially scheduled.

Chairing the Rules and Legislation Committee is demanding work. To do it well, the Council President must carve out a significant amount of time, on a weekly basis, to closely review scheduling agendas. Anyone doing the job for the first time will also need to carve out additional time early in their tenure to regularly study and familiarize themselves with the Council Rules of Procedure. If the incumbent takes this "homework" seriously, they will be able to comprehend input and recommendations from City staff and quickly make decisions. But to be as effective as possible, the Rules Chair should be so familiar with the Council Rules and the scheduling agendas that they can actually help staff identify potential problems, and also help staff find solutions. Solving scheduling problems often requires the Council President or their staff to get cooperation, input or clarification from another Councilmember, within the restraints of the Brown Act. And all of this is ideally done before (rather than during) a committee or Council meeting.

Because the work of chairing Rules Committee meetings and Council meetings is so demanding, the important role the Council President's staff plays cannot be overstated. The staff member(s) who will be helping the Council President establish and manage the City Council's agendas must be as hard-working, detail-oriented, and personable as the President.

2. Accomplishments and Lessons over the Past Four Years

I'm proud of the work and new systems I've put in place as Council President and grateful to my staff as well as staff with the Offices of the City Clerk, City Attorney and City Administrator. Each person has been dedicated, professional and carried out work to a high standard. In addition, as we manage the Council's business, our flexibility, organization, attention to detail, strong follow through and commitment to putting in the necessary time and effort has played an invaluable role in supporting the Council President and the Council as our legislative body. I agree with the lessons and advice above from the Offices of the City Clerk, City Administrator and City Attorney. Below are some of the main things we have accomplished and learned through our partnership.

1. Budget process

In leading the 2021 budget process for the Council, I instituted increased collaboration with the Administration that has continued since then. Collaboration and coordination with the Administration as well as the Mayor's Office has been important in creating a budget process and approved budget with greater alignment and cohesion across the branches of government. This partnership has included ongoing meetings with the Finance Department (and City Administrator when available) and my office to develop the budget timeline in conformance with the Consolidated Fiscal Policy and ongoing meetings with my Council President's budget team to ask questions and develop amendments. During the two year budget process, our team has also met with several department directors to hear their feedback on the proposed budget and ask questions to inform our amendments.

During this time, I also worked closely with the City Administrator to track progress of Council Budget Policy Directives. Former City Administrator Ed Reiskin and former Deputy City Administrator Angela Robinson-Pinion published updates on the status of policy directives on the City Administrator's web page. Current City Administrator Jestin Johnson and DCA Monica Davis have brought informational reports on progress to the Finance and Management Committee. This process has been very helpful and allows for tracking of multi-year directives such as those that were recommendations from the Reimagining Public Safety Task Force.

Finally, I have continued the utilization of external financial advisors to verify budget projections and support development of solutions to achieving a balanced budget. In 2021, the Council again contracted with Harvey Rose Associates. In 2023, with collaboration with the Mayor's Office, the Mayor contracted with HR&A. This year, the City Administrator is bringing on outside financial advice and is collaborating with me and Finance Chair Kevin Jenkins.

2. Council Rules of Procedure

I have led updates to our Council Rules of Procedure. In January/February 2023, [we updated the Council Rules](#) as we transitioned from Zoom meetings under Temporary Rules of Procedure during COVID to in person hybrid meetings. At the end of 2023, working with Councilmembers

Ramachandran, Kaplan and Reid, [we updated the Council Rules](#) to ensure reasonable time for public input and comment with an agenda that is managed more efficiently.

3. Protocols

Working in partnership with the Offices of the City Clerk, City Administrator and City Attorney, we upgraded several protocols including:

- a. Transitioning from Zoom meetings under COVID to in person hybrid meetings. This included coordination of building and technology upgrades as well as safety measures.
- b. Providing Spanish and Cantonese interpretation at regular Council meetings on Zoom.
- c. Developing systems for meeting security and managing disruptions as we returned to meetings in the Council Chambers.

3. Council Orientation and Overview

Historically, the orientation of new Councilmembers has consisted of one-on-one meetings with the following for relationship building, information sharing, and sharing protocols and procedures.

1. Council President
2. Council Executive Assistant
3. City Clerk
4. City Administrator and Department Directors
5. City Attorney

Oakland has also supported new Councilmembers in attending the [California League of Cities Council Members Academy](#).

In 2023, I collaborated with former City Administrator Ed Reiskin and former Deputy City Administrator Angela Robinson-Pinion to organize a four session City Council Orientation And Overview. It was designed to share information about the roles of each branch of government, legislative process, organizational structure, city budget, city priorities and departmental overviews. (See the attachment for descriptions and links to these 2023 sessions.)

Another useful overview was a [Finance Study Session on February 5, 2020](#) regarding The Fiscal Health Of The City Of Oakland Including: 1) Finance Department Overview; 2) Current Economic Environment; 3) Debt And Investment; 4) Pension And Other Post-Employment Benefits (OPEB) Obligations; 5) Financial And Reserve Policies; And 6) Revenues.

Building off these sessions, the City Administration is planning an Overview and Orientation for the 2025 Councilmembers. The draft outline is as follows:

Day One

Goals:

- 1) To provide the City Council a clear articulation of the respective roles of the respective offices and the delineation of powers**
- 2) To facilitate an understanding of the legislative process in developing policy**

Overview of the Legislative Body - Items to be discussed will include:

City Structure/Charter, History and Roles Of Charter Officials, Council and Administration Relations

Roles Of Charter Officials – Mayor, Council Members, City Attorney, City Auditor, City Clerk and City Administrator. And will include roles, responsibilities, and structure per the City Charter.

Ethics And Civil Rights Compliance - An overview from Ethics, ADA program and Employment Investigations & Civil Rights Compliance

City Council Priorities and Council Rules of Procedure and Legislative Process

- a. **City Council Priorities** - Discussion will center on FY 2023-2025 Directives
- b. **Council Rules of Procedure** - City Charter Section 210 mandates Council establish Rules of Procedure for conduct of meetings and order of business.
- c. **City Clerk** will provide an overview of the Legislative Process, Council Actions, Fair Political Practices Commission (FPPC) and Form 700
- d. **City Relationships** (Commissions, Port, County, State/Federal) an overview of Internal and External Boards and Commissions
- e. City Administrator's Office (CAO) and the Citywide Strategic Plan
- f. Department of Race & Equity (DRE)

Day Two

Goals:

- 1) To facilitate an understanding of the current fiscal status of the organization and general overview of organizational health.**
- 2) To provide a foundational overview of the Departments providing internal services**

Each department will provide vital information on their Goals, Budget, Performance Objectives in Relation to Council Priorities and a Department Org Chart

- Finance and Budget
- Human Resources Management Department (HRM)
- Information Technology Department (ITD)
- CAO Overview

Day Three

Goal:

- 1) **To provide a comprehensive understanding around housing and homelessness and the related departmental services.**
- 2) **To provide details around the businesses and development landscape in Oakland**

Each department will provide vital information on their Goals, Budget, Performance Objectives in Relation to Council Priorities and a Department Org Chart

- Housing & Community Development Department
- Human Services Department
- Economic and Workforce Development Department
- Planning and Building Department
- Department of Workplace and Employment Standards (DWES)

Day Four

Goal:

- 1) **To provide a comprehensive and holistic understanding of Oakland's Public Safety Agencies and partner Commissions.**

Each department will provide vital information on their Goals, Budget, Performance Objectives in Relation to Council Priorities and a Department Org Chart

- Oakland Fire Department (OFD)
- Department of Violence Prevention (DVP)
- Oakland Police Department (OPD)
- Office of the Inspector General (OIG)
- Community Police Review Agency (CPRA)
- Public Safety and Services Oversight Commission (SSOC)
- Community Policing Advisory Board and the Privacy Commission

For questions regarding this report, please contact Nikki Fortunato Bas, Council President and District 2 Councilmember at nfbas@oaklandca.gov.

Respectfully submitted,



Nikki Fortunato Bas
Council President, District 2

Attachments:

- A. Committee and Chair Assignments
- B. External Board and Commission Appointments
- C. January / February 2023 Council Overview and Orientation Sessions
- D. 2024 Local Ballot Measures - Memorandum re: Guidelines for Timelines for Submission of Ballot Measures to City Council

ATTACHMENT A: Council Committee and Chair Assignments

**Oakland City Council
2023 Committee Assignments**

Finance and Management Committee

Chairperson: Kevin Jenkins

Members:

Rebecca Kaplan
Nikki Fortunato Bas
Janani Ramachandran

Public Safety Committee

Chairperson: Rebecca Kaplan

Members:

Carroll Fife
Treva Reid
Janani Ramachandran

Public Works Committee

Chairperson: Noel Gallo

Members:

Dan Kalb
Treva Reid
Kevin Jenkins

Rules and Legislation Committee

Chairperson: Nikki Fortunato Bas

Members:

Dan Kalb
Carroll Fife
Janani Ramachandran

**Community and Economic Development
Committee**

Chairperson: Dan Kalb

Members:

Carroll Fife
Noel Gallo
Kevin Jenkins

Education Partnership Committee

Chairperson: Treva Reid

Members:

Noel Gallo
Dan Kalb
Rebecca Kaplan

Life Enrichment Committee

Chairperson: Carroll Fife

Members:

Treva Reid
Noel Gallo
Janani Ramachandran

City/Port Liaison Committee

Chairperson: Rebecca Kaplan

Members:

Nikki Fortunato Bas
Carroll Fife
Treva Reid

ATTACHMENT B: External Board and Commission Appointments

Alameda County Transportation

Commission

Rebecca Kaplan

Carroll Fife

Alternate: Dan Kalb

Stop Waste

Dan Kalb

Alternate: Treva Reid

Association of Bay Area Governments

Nikki Fortunato Bas

Carroll Fife

Treva Reid

Alternate: Janani Ramachandran

AVA Community Choice Energy

Dan Kalb

Alternate: Rebecca Kaplan

East Bay Economic Development Alliance

Treva Reid

Alternate: Noel Gallo

Coliseum Joint Powers Authority

Rebecca Kaplan

Kevin Jenkins

Jacqueline A. Thompson (community
appointee)

John Beam (community appointee)

**AC Transit Inter-Agency Liaison
Committee**

Noel Gallo

Rebecca Kaplan

Kevin Jenkins

Alternate: Dan Kalb

Youth Ventures Joint Powers Authority

Mayor Sheng Thao

Nikki Fortunato Bas

Kevin Jenkins

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Wildfire Prevention Coordinating Group

Janani Ramachandran

Alternate: Treva Reid

Lead Poisoning Prevention Program JPA

Noel Gallo

Alternate: William Gilchrist (Planning &
Building Director)

California League of Cities

Conference Delegate

Dan Kalb

Alternate: Noel Gallo

(Board of Directors is Mayor's
Appointment)

**OAK Community Noise Management
Forum**

Janani Ramachandran

National League of Cities

Conference Delegate

Nikki Fortunato Bas

First Alternate: Carroll Fife

Second Alternate:

ATTACHMENT C. January / February 2023 Council Overview and Orientation Sessions

These four sessions were led by Council President Nikki Fortunato Bas, City Administrator Ed Reiskin, and Deputy City Administrator Angela Robinson-Pinion.

Oakland City Council Orientation And Overview - City Priorities And Departments

- a. [Legislative Body](#) From: Councilmember Fortunato Bas Recommendation: Receive An Informational Report That Provides An Overview Of The Structure, Procedures, And Regulations Which Guide The Legislative Process In The City Of Oakland. Topics Covered Includes: (1) City Structure/Charter - Roles Of Charter Officials, Council/Administration Relations (2) Ethics And Civil Rights Compliance (3) City Council Priorities (From 2021 Retreats) (4) Council Rules Of Procedures (5) Council Meeting Procedures And Legislative Process (6) City Relationships (Commissions, Port, County, State/Federal)
- b. [Finance And Budget, Administration, Resiliency And Community Supports, And Communications](#) From: Office Of The City Administrator Recommendation: Receive An Informational Report That Provides An Overview Of Finance And Budget, Administration, Resiliency And Community Supports, And Communications In The City Of Oakland That Shall Include Presentations From The City Administrator's Office, Finance Department, Department Of Race & Equity, Department Of Workplace And Employment Standards, Information Technology Department, Oakland Animal Services, Oakland Public Library, Human Services Department, Oakland Parks Recreation And Youth Development, Housing And Community Development Department, And The Planning And Building Department
- c. [Public Safety, Emergency Response, Public Infrastructure, And Constituent Services](#) From: Office Of The City Administrator Recommendation: Receive An Informational Report That Provides An Overview Of Public Safety, Violence Prevention, Emergency Operations/Response, Public Infrastructure, And Constituent Services In The City Of Oakland That Shall Include Presentations From The City Administrator's Office, Oakland Fire Department, Oakland Police Department, Department Of Violence Prevention, Office Of The Inspector General, Community Police Review Agency/Police Commission, Oakland Public Works And Oakland Department Of Transportation
- d. [Housing And Homelessness, Land Use And Economic Development](#) From: Office Of The City Administrator Recommendation: Receive An Informational Report That Provides An Overview Of Housing And Homelessness, Land Use, And Economic Development In The City Of Oakland That Shall Include Presentations From The City Administrator's Office, Economic And Workforce Development Department, Human Services Department, Housing And Community Development Department, And The Planning And Building Department

OFFICE OF THE CITY ATTORNEY

CITY OF OAKLAND

MEMORANDUM

TO: Mayor Sheng Thao
Members of the City Council
City Administrator Jestin Johnson

FROM: City Attorney Barbara J. Parker

CC: Staff of Mayor, City Council and City Administrator

DATE: April 25, 2024

SUBJECT: Guidelines for Timelines for Submission of Ballot Measures to City Council

Dear Mayor Thao, Members of the Council, City Administrator Johnson and Staff of the Foregoing City Officials:

On February 12, 2024 in partnership, the offices of the City Clerk, City Attorney, and Council President sent you the timelines below, to guide elected officials who are interested in proposing local ballot measures for the General Election on November 5, 2024.

We are reissuing the guidance as a follow up. You may share this memorandum with members of the public who express interest in the timelines.

The timelines take into account the following deadlines and requirements:

- The City must submit materials to County Registrar of Voters (ROV) by August 9, 2024.
- The City must adopt an ordinance calling the November election, requesting consolidation with the statewide election, and publishing all local ballot questions. To meet the ROV deadline, this ordinance must be introduced at Council on or before July 2, 2024 and must be finally adopted on or before July 16, 2024.
- Pursuant to Rule 23 of the Council Rules of Procedure, the Rules and Legislation Committee is responsible for making recommendations to the Council for proposed ballot measures.
- Pursuant to Charter section 221 (added with the passage of Measure X in 2022), certain types of City-sponsored ballot measures must be considered at no fewer than two Council meetings in order to be placed on the ballot, and those meetings must be at least 10 calendar days apart. Charter section 221 applies to the following types of ballot measures: (1) general obligation bonds; (2) new parcel taxes or increases in a parcel tax; and 3) Charter amendments. All of the timelines below allow the Council

to consider proposals at two meetings since this is best practice for *any* proposed measure, and since it is legally required for many measures.

With these deadlines and requirements in mind, we provide three alternative timelines – an Optimal Timeline, a Workable Timeline, and an At-Risk Timeline. The At-Risk Timeline represents a last-minute timeline and we do not recommend it. If unforeseen but significant procedural or legal issues arise (e.g. canceled meetings, meeting disruptions, legal opposition), the At-Risk Timeline may not leave the sponsor(s) enough time to reconsider or address important or critical issues before the statutory deadlines. Conversely, the optimal timeline is more likely to allow proponents enough time to present a very thoughtful and well-crafted measure.

Furthermore, the timelines below do not take into account the possibility that a given ballot measure may benefit from or possibly require formal input from one or more stakeholders before the Council passes the resolution placing the measure on the ballot. If, for example, input from a board or commission is advisable, or if bargaining with one or more unions is required, the measure's sponsor(s) will need to consult with City Attorney's office even earlier to provide additional time.

In other words, **as soon as you know you'd like to explore or pursue a ballot measure, please contact the City Attorney's office** (via email to City Attorney Parker and Chief Assistant City Attorney Richardson) so that we can assign appropriate advisors. The sooner we collectively begin discussions, planning and drafting, the better. At a minimum, please follow Council's Rules of Procedure Rule 23(C) to ensure substantive drafts of the proposed ballot measure and accompanying legislation are submitted to the City Attorney and City Administrator at least three weeks prior to the deadline for scheduling.

OPTIMAL TIMELINE

This timeline will probably leave enough time for sponsors to get significant feedback on their proposed legislation from the public, the Rules Committee, and the Council.

If the Council wants to make substantial changes to the initial proposal, there will likely be time to work through last-minute legal issues and draft appropriate language.

- Wed 4-17-2024 Scheduling request due
- Thu 4-18-2024 Agenda materials due to Clerk
- Thu 5-02-2024 Rules Committee considers and makes recommendations
- Tue 5-07-2024 Proposal is considered at Council meeting
- Tue 5-21-2024 Proposal is considered at second Council meeting.*

* Second meeting is required for bonds, parcel taxes, and Charter amendments.

WORKABLE TIMELINE

This timeline will probably leave a minimal amount of time for sponsors to get significant feedback on their proposed legislation from the public, the Rules Committee, and the Council.

If the Council wants to make substantial changes to the proposal, there will probably be a minimal amount of time to work through last-minute legal issues and draft language.

- Wed 5-01-2024 Scheduling request due
 - Thu 5-02-2024 Agenda materials due to Clerk
 - Thu 5-16-2024 Rules Committee considers and makes recommendations
 - Tue 5-21-2024 Proposal is considered at Council meeting.
 - Tue 6-04-2024 Proposal is considered at second Council meeting *
- * Second meeting is required for bonds, parcel taxes, and Charter amendments.

AT-RISK TIMELINE

This timeline **may not leave enough time for sponsors to get significant feedback** on their proposed legislation from the public, the Rules Committee, and the Council.

In addition, if the Council wants to make substantial changes to the proposal, this timeline **may not leave enough time to work through last-minute legal issues** and draft language.

- Wed 5-15-2024 Scheduling Request due
 - Thu 5-16-2024 Agenda material due to Clerk
 - Thu 5-30-2024 Rules Committee considers and makes recommendations
 - Tue 6-04-2024 Proposal is considered at Council meeting
 - Tue 6-18-2024 Proposal is considered at second Council meeting *
- * Second meeting is required for bonds, parcel taxes, and Charter amendments.

Respectfully,



Barbara J. Parker
City Attorney