



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

*Rules & Legislation Committee

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, February 03, 2011

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Present: Vice Mayor Brooks, Member Schaaf, Member Reid and President Pro Tempore De La Fuente

The Oakland City Council Rules and Legislation Committee convened at 11:05 am, with Council President Reid presiding as Chairperson.

1 **Closed Session**

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente

2 **Approval of the Draft Minutes from the Committee meeting of January 13, 2011**

A motion was made by Vice Mayor Brooks, seconded by President Pro Tempore De La Fuente, to *Approve the Minutes. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente

3 **Determination of Schedule of Outstanding Committee Items**

A motion was made by President Pro Tempore De La Fuente, seconded by Vice Mayor Brooks, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente

4 **Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meetings) of February 8, 2011 (SUPPLEMENTAL)**

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to Approved as Amended. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente

[rules2311item4](#)

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- S-4.1 Subject: Problem Solving Officer (PSO) Deployment Strategy
From: Oakland Police Department
Recommendation: Receive An Informational Report From The Office Of Chief Of Police Detailing The Departments Revised Problem Solving Officer (PSO) Deployment Strategy
[10-0369](#)

Scheduled to *Public Safety Committee on 3/8/2011

There was one speaker on this item.

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- S-4.2 Subject: OPD Equipment Purchases
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funds In The Amount Of Thirty-Three Thousand Dollars (\$33,000) From The State Of California, Department Of Boating And Waterways, To The Oakland Police Department For Use By Marine Unit For Equipment Purchases To Outfit And Maintain Two Vessels Used For Law Enforcement And Homeland Security On City Of Oakland Waterways And The Port Of Oakland Terminals
[10-0383](#)

Scheduled to *Public Safety Committee on 3/8/2011

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- S-4.3 Subject: Violence Prevention And Public Safety Services
From: Office Of Budget
Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2010-2011 Increase To A Special Tax Imposed For Violence Prevention And Public Safety Services In Accordance With The Violence Prevention And Public Safety Act Of 2004 (Measure Y)
[09-1293](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/1/2011

There was one speaker on this item.

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- S-4.4 Subject: Role Of City Council And City Attorney Under Charter
From: John A. Russo
Recommendation: Discussion Of The Role Of The City Council And The Role Of The City Attorney Under The City Charter, On The March 15, 2011 City Council Agenda
[10-0392](#)

No Action Taken

This item will be discussed at a future closed session.

There was one speaker on this item.

S-4.5 Subject: Oakland Fire And Police Pension Funding Options
From: Office Of The City Auditor
Recommendation: Receive An Informational Report On The Oakland Police And Fire Services Retirement System Pension Funding Options
10-0366

Scheduled to *Finance & Management Committee on 2/22/2011

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S-4.6 Subject: Establishing Sister-City Relationship - Bauchi City, Nigeria
From: Vice Mayor Brooks
Recommendation: Adopt A Resolution Establishing An Official Sister-City Relationship Between The City Of Oakland And Bauchi City, Nigeria To Carry Out Bilateral Exchange And Cooperation In The Areas Of Culture, Education, Tourism, Sports, Public Health, Civics, And Explore Opportunities For Economic Trade, Science And Technology, As Well As Other Fields Of Mutual Interests
10-0190

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/1/2011

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S-4.7 Subject: Medical Cannabis Dispensary Permit
From: Rebecca Kaplan
Recommendation: Action On A Motion To Direct The City Administrator To Move Forward With Medical Cannabis Dispensary Request For Permit Applications As Approved By Council
10-0357

Scheduled to *Public Safety Committee on 2/8/2011

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S-4.8 Subject: Performance Based Budgeting Report
From: Councilmember De La Fuente
Recommendation: Receive An Informational Report From The Budget Office Regarding "Performance Based Budgeting" Including How The City May Be Able To Save Money By Moving To Such A Model, Experiences Of Other Cities That Have Moved To A Performance Based Budgeting Model And Information Of What The Process Would Be To Move The City Towards A Performance Based Budgeting Model
10-0367

Scheduled to *Finance & Management Committee on 2/22/2011

There was one speaker on this item.

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S-4.9 Subject: American Heart Month
From: Council President Larry Reid
Recommendation: Adopt A Resolution Proclaiming The Month Of February 2011 As
"American Heart Month" For Oakland
[10-0388](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 2/15/2011**
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S-4.10 Subject: Small Business Symposium Grant- Pay-Go Funds
From: Council President Larry Reid
Recommendation: Adopt A Resolution Authorizing A Grant Of \$26,595.68 From Council
President Larry Reid's Pay-Go Funds To The Oakland Business Development Corporation For
Expenses Incurred In Conducting The Small Business Symposium Held On May 28, 2010
[10-0389](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 2/15/2011**
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S-4.11 Subject: Midcycle Budget Items
From: Councilmember Brunner
Recommendation: Receive A Status Report On Implementation Of Key Fiscal Year 2010-2011
Midcycle Budget Items
[10-0391](#)

Scheduled to *Finance & Management Committee on 2/22/2011
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S-4.12 Subject: Opposition to Governor's Medi-Cal Programs
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Declaring The City Of Oakland's Opposition To
Governor Jerry Brown's Proposal To Eliminate The Medi-Cal Adult Day Health Care Program
From The State Budget And Urging The Governor And State Legislature To Maintain Funding
Of The Adult Day Health Care Program
[10-0393](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 2/15/2011**
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S-4.13 Subject: Financial And Membership Status (PFRS)
From: Department Of Human Resources Management
Recommendation: Receive An Updated Informational Report On The Financial And
Membership Status Of The Police And Fire Retirement System (PFRS) As Of December 31,
2010
[10-0363](#)

Scheduled to *Finance & Management Committee on 2/22/2011

There was one speaker on this item.

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S-4.14 Subject: OMERS Financial and Membership Status
From: Department of Human Resource Management
Recommendation: Receive An Informational Report The Oakland Municipal Employees
Retirement System (OMERS)
[10-0365](#)

Scheduled to *Finance & Management Committee on 2/22/2011

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S-4.15 Subject: California Gang Reduction, Intervention And Prevention (CalGRIP)
From: Department Of Human Services
Recommendation: Adopt A A Resolution Authorizing The City Administrator To Accept And
Appropriate A California Gang Reduction, Intervention And Prevention (CalGRIP) Grant From
The California Emergency Management Agency And The Governor's Office Of Gang And
Youth Violence Policy, For \$738,618 From January 1, 2011 Through December 31, 2012 And
Authorizing A Grant Agreement With OUSD/Alternative Education For \$635,388 To Provide
Gang Prevention And Intervention Services From January 1, 2011 Through December 31,2012
[10-0361](#)

Scheduled to *Public Safety Committee on 2/22/2011

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S-4.16 Subject: East Oakland Community Project - Funding
From: Department Of Human Services
Recommendation; Adopt A Resolution Authorizing A Grant In The Amount Of \$100,000 To
East Oakland Community Project, A Local Nonprofit Organization, For Operating Costs At
The City's Only Green Emergency Housing Facility Located At 7515 International Boulevard
In East Oakland
[10-0362](#)

Scheduled to *Life Enrichment Committee on 2/22/2011

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S-4.17 Subject: 319 Chester Street - Sale Of Property DDA
From: Community and Economic Development Agency
Recommendation: Request To Re-Title An Item Already Scheduled To The February 15, 2011
Agenda

NEW TITLE: An Ordinance Authorizing The Sale Of A City-Owned Parcel At 319 Chester Street To The Alliance For West Oakland Development For The Purchase Price Of \$94,000, Authorizing Seller Financing For The Purchase Price, And Authorizing A Disposition And Development Agreement With The Developer To Develop The Parcel With A Singe-Family Home

OLD TITLE: An Ordinance Authorizing A Disposition And Development Agreement With The Alliance For West Oakland Development For The Sale Of, And Development Of Affordable Housing On, One City-Owned Parcel At 319 Chester Street

REASON: New Title Revised Funding Source And Proposed Deal Terms To Allow Removal Of Future Affordability Restrictions On Property.
[10-0096](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 3/15/2011**

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S-4.18 Subject: Parks Program Grant
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed Five (\$235,000) For The Housing Related Parks Program
[10-0380](#)

**Scheduled to *Community & Economic Development Committee on
2/22/2011**

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- [83239 CMS.pdf](#)

S-4.19 Subject: Art Installation - 19th and Telegraph Avenue
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Accept And Appropriate A Grant Of Up To \$200,000 From The National Endowment For The Arts, And To Contribute Such Funds To The Redevelopment Agency Under The Cooperation Agreement For The Creation Of A Temporary Art Installation Space At A Redevelopment Agency-Owned Parcel At 19th Street And Telegraph Avenue; And
[10-0381](#)

**Scheduled to *Community & Economic Development Committee on
2/22/2011**
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2) An Agency Resolution Authorizing The Redevelopment Agency To Accept And Appropriate A Contribution Of Funds From The City Under The Cooperation Agreement In An Amount Not To Exceed \$200,000 For The Creation Of A Temporary Art Installation Space At A Redevelopment Agency-Owned Parcel At 19th Street And Telegraph Avenue
[10-0381-1](#)

**Scheduled to *Community & Economic Development Committee on
2/22/2011**
[2011-0008 CMS.pdf](#)

S-4.20 Subject: Purchase Of Property At 3550 Foothill Blvd
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 3550 Foothill Boulevard In The Central City East Redevelopment Project Area From SK Squared, LLC, In An Amount Not To Exceed \$715,000, And Authorizing Up To \$200,000 For Abatement, Demolition And Real Estate Closing Costs
[10-0382](#)

**Scheduled to *Community & Economic Development Committee on
3/8/2011**
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[2011-0030 CMS.pdf](#)

S-4.21 Subject: Purchase Of Property At 711 71st Avenue
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 711 71" Avenue, In The Coliseum Redevelopment Project Area, From Martial Deduction Trust, Gordon A. Berke And Elinor Berke Living Trust, Warren L. Sussman And Sandra Sussman Living Trust, And 2006 Eskanos Family Trust, In An Amount Not To Exceed \$1,400,000, And Authorizing Up To \$300,000 For Abatement, Demolition And Real Estate Closing Costs
[10-0384](#)

**Scheduled to *Community & Economic Development Committee on
3/8/2011**
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[2011-0031 CMS.pdf](#)

S-4.22 Subject: Citywide Bikeways Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding The Contract For Construction Of Citywide Bikeways, ARRA - DOE 2011 (Project No. C389410) To Lineation Markings Corp., The Lowest, Responsive, Responsible Bidder, In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Of Two Hundred Seventy Thousand One Hundred Eighty Seven Dollars And Forty Cents (\$270,187.40)
[10-0387](#)

Scheduled to *Public Works Committee on 2/22/2011

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[83236 CMS.pdf](#)

S-4.23 Subject: Risk Management Annual Report
From: Finance and Management Agency
Recommendation: A Request To Reschedule An Item Previously Scheduled To The February 8, 2011 Finance And Management Committee Agenda And Schedule To The February 22, 2011 Finance And Management Committee Agenda

The City's Fiscal Year 2009-2010 Risk Management Annual

Reason: The actuary has not completed the information to be included in the report.
[10-0278](#)

Scheduled to *Finance & Management Committee on 2/22/2011

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S-4.24 Subject: 2004 Audit And Program Status Report
From: Finance and Management Agency
Recommendation: Receive An Informational Report Presenting The Measure Y - Violence Prevention and Public Safety Act Of 2004 Audit And Program Status Report
[10-0279](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 2/15/2011**

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S-4.25 Subject: 2009-2010 Comprehensive Annual Financial Report
From: Finance And Management Agency
Recommendation: Receive An Informational Report Presenting The City's Fiscal Year 2009-2010 Comprehensive Annual Financial Report (CAFR), The Oakland Redevelopment Agency (ORA) Audit Report, And The Management Letter
[10-0280](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 2/15/2011**

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S-4.26 Subject: Wildfire Prevention Assessment District Audit Report
From: Finance And Management Agency
Recommendation: Receive An Informational Report Presenting The Oakland Wildfire Prevention Assessment District Audit Report
[10-0281](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 2/15/2011**
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S-4.27 Subject: California State Association Of Counties Excess Insurance Authority
From: Finance and Management Agency
Recommendation: Adopt A Resolution Delegating Authority To The City Administrator To Act On Behalf Of The City Of Oakland In Matters Relating To The CSAC Excess Insurance Authority
[10-0359](#)

Scheduled to *Finance & Management Committee on 2/22/2011
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[83274 CMS.pdf](#)

S-4.28 Subject: Locations Of New Parking Meters
From: Finance And Management Agency
Recommendation: Request To Retitle An Item Already Scheduled To The February 22, 2011 Finance And Management Committee Meeting

(NEW TITLE) Adopt The Following Pieces Of Legislation: (1) A Resolution Adding Locations For Additional Meters To Approved Meter Zones, And (2) An Ordinance Amending Oakland Municipal Code Section 10.36.140 To Add Street Segments To The Established Parking Meter Zones Throughout The City Of Oakland

(OLD TITLE) Adopt A Resolution Confirming Locations For Previously Approved New Meters As Required By Oakland Municipal Code Section 10.36.141
[10-0364](#)

Scheduled to *Finance & Management Committee on 2/22/2011
There was one speaker on this item.
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[83247 CMS.pdf](#)

S-4.29 Subject: Conditions Of Employment For Unrepresented Employees
From: Department Of Human Resource Management
Recommendation: Receive An Annual Report Detailing The Terms And Conditions Of Employment For Unrepresented Employees And Executive Leave Balance As Required By Ordinance No. 12903 C.M.S.
[10-0385](#)

Scheduled to *Finance & Management Committee on 2/22/2011
There was one speaker on this item.
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S-4.30 Subject: Mentoring Programs
From: Offices of the Mayor And The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into Periodic Agreements With The Oakland Unified School District (OUSD) Internship Program And The East Bay Regional Occupational Program (EBROP) To Provide Mentoring Programs Through The Office Of The City Administrator (OCA), Oakland Fire Department (OFD), The Public Works Agency (PWA), And The Office Of Parks & Recreation (OPR) And Any Other City Agencies/Departments That Join The Program, For Youth Ages 14-20 Years
[10-0386](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 2/15/2011**
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[83211 CMS.pdf](#)

The following items were submitted on the dias:

Subject: R.M. Harris Contract - Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To R.M. Harris Company, The Lowest, Responsive, Responsible Bidder, For The Seismic Retrofit Of Park Boulevard Viaducts (Project No. C346910), In The Amount Of One Million Six Hundred Nineteen Thousand One Hundred Eighty-Four Dollars (\$1,619,184.00)
[10-0400](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 2/15/2011**
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[83212 CMS.pdf](#)

Subject: Medical Cannabis Cultivation Facility
From: Council President Reid & Vice Mayor Desley Brooks
Recommendation: Adopt An Ordinance Amending Business Licenses And Regulations, To Add Chapter 5.81, Pertaining To Medical Cannabis Cultivation Facility, Herinafter Medical Cannabis Cultivation And Dispensing [TITLE CHANGE]
[09-1619-3](#)

Scheduled to *Public Safety Committee on 2/8/2011
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Subject: Relocating OPD Operations
From: Vice Mayor Brooks
Recommendation: Receive An Informational Report Concerning The Feasibility Of Relocating The Oakland Police Department Operations To Either 150 Frank Ogawa Plaza And/Or 250 Frank Ogawa Plaza
[10-0401](#)

Scheduled to *Public Safety Committee on 2/8/2011
[View Report.pdf](#)

Subject: Rehabilitation Of 600 Washington Jail Facilities
From: Vice Mayor Brooks
Recommendation: Receive An Informational Report On The Feasibility Of The Oakland Police Department Securing Funding Under Assembly Bill AB 900 To Rehabilitate The Oakland Jail Facilities Locate At 600 Washington Street In Oakland
[10-0402](#)

Scheduled to *Public Safety Committee on 2/22/2011

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5 A review of the Agendas for the Council Committees of February 8, 2011 and the Rules and Legislation meeting of February 10, 2011

A motion was made by Member Schaaf, seconded by President Pro Tempore De La Fuente, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente

There was one speaker on this item.

[rules2311item5](#)

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6 Subject: Detailing The Instant Run Off Voting Outreach And Education Campaign
From: Councilmember Ignacio De La Fuente
Recommendation: Receive An Informational Report From The Office Of The City
Administrator, The City Clerk, And The Alameda County Registrar Of Voters Detailing The
Instant Run Off Voting Outreach And Education Campaign Conducted By The Four Non-Profit
Organizations That Were Funded With The \$100,000 From The Election Campaign Fund And
The Outreach And Education Conducted By The Alameda County Registrar Of Voters On
Behalf Of The City Of Oakland For The November 2010 Municipal Election
[10-0283](#)

A motion was made by Member Schaaf, seconded by Member Reid, that this matter be *Received and Forwarded to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente
The Committee received and filed the report and directed staff schedule through Rules, a follow up report that responds to the following questions:

- To the City Administrator

1. How did you gauge the results of the City's outreach & education campaign - do you have data that shows precincts that received the additional outreach & education made less mistakes than those that didn't receive the additional outreach & education?

2. In two years, voters will go to the polls again, including many new voters - people who have moved to Oakland from communities that use traditional voting methods, young people that will be 18 or first time voters in that election, etc. Should the City's outreach & education effort be expanded, stay the same or reduced? Why?

3. The City's supplemental outreach & education was to be directed specifically to historically disenfranchised and underrepresented populations in a culturally competent manner, have you reviewed or received from the County an analysis of which neighborhoods did well "filling out their ballots properly" vs. neighborhood that didn't (based on percentage of overvotes)? Why did this occur?

4. When will we have the "comprehensive report" as required and described by our City Charter? From Charter section 1105 (3) The "comprehensive report" for a race shall mean a report that breaks the numbers in the summary report down by precinct. The report shall list for each round the number of ballots cast in each precinct (a) that count as votes for each candidate in that round, (b) that have been declared undervotes, (c) that have been declared overvotes up to that point, and (d) that have been declared exhausted up to that point.

- To the Alameda County Registrar of Voters

1. *How many of the 150 presentations made in Oakland, Berkeley, San Leandro were in Oakland? And where were those trainings held (is there a list?)*
2. *In March, the Council was provided with a list of "Ranked Choice Voting Education and Outreach Contact List" which was produced by the county, can you tell us how many of those groups actually received a presentation?*
3. *How many total Oakland residents participated in the trainings?*
4. *How many non-English speakers participated in the trainings?*
5. *How many of the 750,000 informational brochures that were produced were distributed in Oakland?*
6. *Do you know how many people actually watched the flash media presentation that you produced?*
7. *Can you provide more detailed information regarding the public service announcements such as how many times they ran on the stations and at what times?*
8. *Your report indicates that the Registrar of Voters' analysis found that in Oakland's mayor's race 99.7 percent of voters cast valid ballots, what does this mean? How do you define a "valid ballot"?*
9. *is there a difference between a "valid ballot" and an "'exhausted ballot" if so what percentage of ballots were "exhausted?"*
10. *If I cast a ballot that had Quan as my first pick, and 4 other people as my second pick, and 3 people as my third pick, does the RCV consider this a valid ballot? Considering the example just stated, would you say that voter marked the ballot properly?*

The committee further directed staff to consider a citywide survey to measure citizen opinion of Ranked Choice Voting, i.e. if citizens understood the consequences of marking a ballot, comparisons of citizen voting participation compared to areas without education and full analysis of survey results.

There were 10 speakers on this item.

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

There was one speaker during open forum.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 12:45 p.m.

NOTE:

Americans With Disabilities Act

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City Clerk and Clerk of the Council