

2014 FEB -4 PM 2:04

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

J. Patricia Tang

City Attorney
HC

OAKLAND CITY COUNCIL
ORDINANCE NO. 13215 C.M.S.

Ordinance Creating the Bicyclist and Pedestrian Advisory Commission and Specifying the Terms and Responsibilities of its Commissioners

WHEREAS, Metropolitan Transportation Commission Resolution 4108 requires each jurisdiction to have a City Council-appointed Bicycle and Pedestrian Advisory Committee as a prerequisite to receiving funds from Transportation Development Act Article 3; and

WHEREAS, Transportation Development Act Article 3 is a portion of state sales tax revenues dedicated to bicyclist and pedestrian projects and awarded to jurisdictions for eligible projects based on review and prioritization by a Bicycle and Pedestrian Advisory Committee; and

WHEREAS, the City seeks to receive Transportation Development Act Article 3 funds as a means for implementing the City's Bicycle Master Plan and Pedestrian Master Plan, both part of the Land Use and Transportation Element of the Oakland General Plan; and

WHEREAS, the City supports bicycling and walking to achieve policy goals on transportation, sustainability, public health, equity, and quality of life; and

WHEREAS, the City's Bicycle and Pedestrian Advisory Committee was formed in 1994 as an informal advisory body to the Public Works Agency and the committee has met monthly since 1995; and

WHEREAS, a City Council-appointed Bicyclist and Pedestrian Advisory Commission will satisfy these requirements, improve the City's competitiveness for discretionary grants, and promote bicycling and walking in Oakland; and

WHEREAS, Section 601 of the City Charter reserves to the City Council the authority to create boards and commissions by ordinance, and to prescribe their function, duties, powers, jurisdiction and the number of board and commission members, their terms, compensation and reimbursement for expenses, if any; now, therefore

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

Section 1. The City Council hereby creates the Bicyclist and Pedestrian Advisory Commission.

Section 2. The purpose of the Bicyclist and Pedestrian Advisory Commission is to advise City Council and staff on bicyclist- and pedestrian-specific policies, projects, and programs, and on the accommodation of bicyclists and pedestrians in all transportation plans, policies, projects and programs. The Commission shall serve as a resource to City staff and a forum for the public's participation in and review of the City's efforts to improve the safety and access of walking and bicycling in Oakland. The duties and functions of the Commission are as follows:

- a. Review and advise on proposed projects for Transportation Development Act Article 3 funding;
- b. Provide input to staff on the expenditure of Measure B Bicycle & Pedestrian Pass-through funds.
- c. Provide input to staff in implementation of the Bicycle Master Plan, the Pedestrian Master Plan, and other related Plans.
- d. Identify projects and plans that are pertinent to the Commission's purpose and prioritize those projects and plans for design review by the Commission.

Section 3. The Commission shall consist of nine commissioners appointed by the Mayor and confirmed by the City Council. Five commissioners shall constitute a quorum and votes shall carry by a majority of the nine commissioners.

Section 4. The minimum qualifications for membership are that an individual must live in Oakland and have a demonstrated history of professional and/or community involvement with bicyclist and/or pedestrian issues. In selecting commissioners, the Mayor will strive for geographic representation of Oakland's neighborhoods.

Section 5. Commissioners shall be appointed to three year terms that begin on January 1. Commissioners shall serve no more than six consecutive years. Individuals who serve for six consecutive years may be reappointed to the Commission after one year of not serving as a commissioner. The terms shall be staggered such that three of the commissioners' terms will conclude on December 31 of the first year; three will conclude on December 31 of the second year; and three will conclude on December 31 of the third year. If a commissioner does not complete her or his term, a new commissioner shall be appointed for the duration of that term.

Section 6. The inaugural commissioners shall be appointed as follows. Subject to confirmation by the City Council, the Mayor will appoint commissioners with the following terms: three

commissioners with a term ending December 31, 2014; three commissioners with terms ending December 31, 2015; and three commissioners with terms ending December 31, 2016.

Section 7. In the event an appointment to fill a vacancy has not occurred by the conclusion of a commissioner's term, that commissioner may continue to serve on the Commission during the following term in a holdover capacity for a period not to exceed one year to allow for the appointment of a commissioner to serve the remainder of said following term. However, commissioners shall serve no more than six consecutive years.

Section 8. A commissioner may be removed for failing to meet attendance standards. The standards are based on a monthly meeting schedule and apply to regular meetings only, and not to special meetings of the Commission. A commissioner may be removed by a majority vote of the commissioners if in a calendar year that commissioner has four or more excused absences; or three or more unexcused absences; or three or more consecutive absences.

Section 9. The Chair of the Public Works Committee of the City Council shall serve as a liaison between the Bicyclist and Pedestrian Advisory Commission and the City Council. The Commission shall provide annual reports to the Public Works Committee of the City Council to summarize the Commission's work over the course of the year and to identify key policy issues affecting the safety of and access for bicyclists and pedestrians in Oakland.

Section 10. The Commission shall establish additional rules of operation and procedures for conducting its business by a majority vote of the commissioners.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB - 4 2014

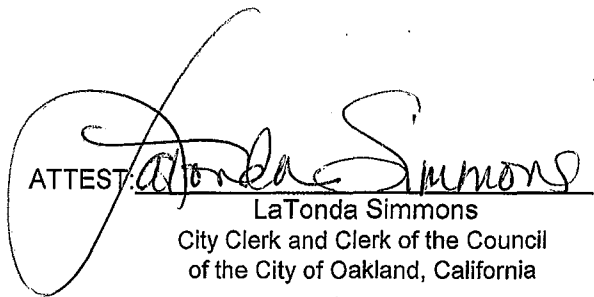
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

Introduction Date
JAN 21 2014

DATE OF ATTESTATION: 2/5/2014

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JAN 27 PM 4: 25

NOTICE AND DIGEST

Ordinance Creating the Bicyclist and Pedestrian Advisory Commission and Specifying the Terms and Responsibilities of its Commissioners

An Ordinance has been prepared that will create a Bicyclist and Pedestrian Advisory Commission in compliance with Metropolitan Transportation Commission Resolution 4108 regarding the required review of bicyclist and pedestrian projects funded by Transportation Development Act Article 3.

The purpose of the Bicyclist and Pedestrian Advisory Commission is to advise City Council and staff on bicyclist- and pedestrian-specific plans, policies, projects, and programs, and on the accommodation of bicyclists and pedestrians in all transportation plans, policies, projects and programs. The Commission will serve as a resource to City staff and a forum for the public's participation in the review of the City's efforts to improve the safety of and access to walking and bicycling in Oakland.