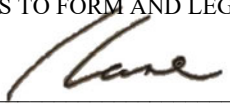


INTRODUCED BY COUNCILMEMBER REBECCA KAPLAN


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE ESTABLISHING ADVISORY BOARD FOR MOBILE ASSISTANCE COMMUNITY RESPONDERS OF OAKLAND (MACRO) PROGRAM

WHEREAS the city of Oakland has established public safety as one of its highest priorities and has determined that safety is essential for a thriving economy, healthy community, and quality of life for all Oakland residents; and

WHEREAS, this proposed ordinance establishes an advisory board, thus completing an objective of the City Council when it established the MACRO program; and

WHEREAS, the Mobile Assistance Community Responders of Oakland (MACRO) was launched as a pilot program in April 2022, and has been operating to meet the community's needs with a compassionate care first response model grounded in empathy, service, and community.

WHEREAS, the goals of the MACRO program include reducing responses by emergency services (Fire and Police); decreasing negative outcomes from law enforcement response to nonviolent 911 emergency calls, especially among Black, Indigenous, People of Color (BIPOC); decreasing criminal justice system involvement for people in crisis, especially among BIPOC; and increasing connections to community-based services for people in crisis, especially among BIPOC¹; and

WHEREAS, on March 16, 2021, the City Council adopted Resolution 88553 CMS in which, among other things, Council stated an intent to create an Advisory Board to serve as an advisory partner to the Oakland Fire Department in developing MACRO, and Council further conveyed that Advisory Board members would include experts in the provision of emergency and/or crisis and/or mental health services who have experience working with Oakland's most impacted communities including individuals who have been involved with the criminal legal system, unsheltered individuals, domestic violence survivors, youth, survivors of state violence, and that members would be representative of the communities being served; and

¹ Resolution 88576

WHEREAS, Council has not yet formed the contemplated advisory board but the MACRO program developed its community advisory board in 2022, which meets monthly with program management and primarily serves the same function as the board envisioned by the Council; and

WHEREAS, some members of the existing community advisory board have expressed an interest in having a more formal board, subject to public meeting requirements, and receiving more formal training and guidance regarding their role; and

WHEREAS, Section 601 of the City Charter entitled "Boards and Commissions," 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 reimbursements for expenses, if any;

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

SECTION 1. MACRO ADVISORY BOARD. Pursuant to Section 601 of the Charter of the City of Oakland, there is hereby created an Oakland Advisory Board for the MACRO Program (hereinafter referred to as the "MACRO Advisory Board" or "Board").

A. DUTIES AND FUNCTIONS

It shall be the duty and function of the MACRO Advisory Board to:

1. Provide advice to the City Council on best practices for responding to nonviolent 911 emergency calls.
2. Conduct community meetings and use other public forums to collect and receive public input on the above subject matter.
3. Review reports published by the MACRO program and make recommendations to the City Council, as needed.
4. Make yearly reports and recommendations to the City Council, through the City Administrator, regarding the operations of the MACRO Program.
5. Perform such other functions and duties as may be directed by the Mayor, City Council, or City Administrator or City Administrator's designee.

In prescribing the above duties and functions of the MACRO Advisory Board it is not the intent of the City Council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other City board, commission or City department. Nor does the Council intend to create additional administrative or reporting burdens for the MACRO Program or the Department.

B. MEMBERSHIP AND QUORUM

The MACRO Advisory Board shall consist of seven (7) members, at least five (5) of whom are Oakland residents. Pursuant to Section 601 of the Charter, members of the Advisory Board shall

be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the Council.

Four (4) members shall constitute a quorum.

Each Advisory Board member shall serve as a volunteer without pay.

The members shall be appointed to overlapping terms of two (2) years, or until a successor is appointed and confirmed pursuant to Section 601 of the City Charter. An appointment to fill a vacancy shall be for the unexpired term only. To assure that terms overlap, appointments shall be as follows: three (3) initial members will serve a one-year initial term, and the other four (4) initial members will serve two-year terms.

In the event an appointment to fill a vacancy has not occurred by the expiration of a member's term, that member may remain in a holdover capacity for up to one year only following the expiration of his or her term or until a replacement is appointed, whichever is earlier.

No member of the MACRO Advisory Board shall serve more than three (3) consecutive terms.

All members of the MACRO Advisory Board shall be persons who have an interest in public health, social services, and/or the provision of emergency services as demonstrated by work experience, civic participation, and/or political advocacy. To the extent feasible, members shall include experts in the provision of emergency and/or crisis and/or mental health services who have experience working with Oakland's most impacted communities such as individuals who have been involved with the criminal legal system, unsheltered individuals, domestic violence survivors, youth, and survivors of state violence. To the extent feasible, members should be representative of the communities being served; and

C. CONFLICTS OF INTEREST

No member of the MACRO Advisory Board shall cast a vote on or participate in a decision-making capacity on the provision of services by that member or any organization that the member directly represents, on any matter which would provide a direct financial benefit to such member or a member of his or her immediate family, or on any other matter which would result in the member violating any conflict of interest law or regulation.

D. VACANCY AND REMOVAL

A vacancy on the MACRO Advisory Board will exist whenever a member dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within 60 days of appointment. Vacancies shall be filled for any unexpired term provided, however, that if the Mayor does not submit for confirmation a candidate to fill the vacancy within 90 days of the date the vacancy first occurred, the Council may fill the vacancy. If the Mayor does submit for confirmation a candidate to fill a vacancy within the 90-day time frame and the Council does not confirm the candidate, the 90-day period shall commence anew. For purposes of this Section, a

seat filled by a holdover appointment will be considered vacant as of the expiration of the holdover's prior term of office.

Pursuant to Charter Section 601, a member may be removed for cause, after a hearing, by the affirmative vote of at least six (6) Council members.

E. OFFICERS AND ELECTIONS

At the first regular meeting, and subsequently at the first regular meeting of each year, members of the MACRO Advisory Board shall elect a chairperson and a vice chairperson

F. MEETINGS AND VOTING

The MACRO Advisory Board shall meet at an established regular interval, day of the week, time and location suitable for its purpose. Such meetings shall be designated regular meetings. Other meetings scheduled for a time or place other than the regular day, time and location shall be designated special meetings. Written notice of special meetings shall be provided to the MACRO Advisory Board members and all meetings of the Advisory Board shall comport with the Ralph M. Brown Act and the City's "Sunshine Ordinance" (Chapter 2.20 of the Oakland Municipal Code).

The MACRO Advisory Board shall, in consultation with the City Administrator, establish bylaws, rules and procedures for the conduct of its business by a majority vote of the members present. Voting shall be required for the adoption of any motion or resolution.

Any action by the Advisory Board shall be approved by a majority of members present provided a quorum exists.

The Advisory Board may convene community meetings to solicit community testimony and other input in discussions regarding the MACRO program and to address other similar and relevant subjects as determined by the Board within its jurisdiction.

The Advisory Board may invite subject matter experts and individuals to provide informational presentations, regarding relevant topics within its jurisdiction.

G. STAFF

Staff assistance may be provided to the MACRO Advisory Board as determined by the City Administrator pursuant to the City Administrator's authority under the Charter to administer all affairs of the City under his or her jurisdiction.

H. TRAINING

Advisory Board members shall be provided training and/or training materials (videos, written reports or outlines, etc.) on the following:

- 1) MACRO Program policies and procedures;
- 2) basic principles of Roberts Rules of Order and meeting procedures;
- 3) the legal requirements of California's Political Reform Act (Cal. Gov. Code §81000, et seq.), Oakland's Conflict of Interest Code (Oakland Municipal Code, Ch. 3.16), Oakland's Government Ethics Act (Oakland Municipal Code Section Ch. 2.25), California's Brown Act (Cal. Gov. Code §54950, et seq.), Oakland's Sunshine Ordinance (Oakland Municipal Code Ch. 2.20), and California's Public Records Act (Cal. Gov. Code §6250, et seq.); and
- 4) bias and equity from the Department of Race and Equity.

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 3. California Environmental Quality Act Compliance. The legislation contains no provisions modifying the physical design, development, or construction of residential or nonresidential structures. Accordingly, it can be seen with certainty that there is no possibility that it: (1) may have a significant effect on the environment and/or (2) would result in any physical changes to the environment. As a result, this action is exempt from the CEQA pursuant to the following CEQA Guidelines, taken together and each as a separate and independent basis: Section 15301 (existing facilities), Section 15378 (regulatory actions), Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment), and Section 15061(b)(3) (no significant environmental impact).

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SECTION 4. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE ESTABLISHING ADVISORY BOARD FOR MOBILE ASSISTANCE COMMUNITY RESPONDERS OF OAKLAND (MACRO) PROGRAM

This ordinance establishes a new City board to be made up of seven community volunteers to provide advice and recommendations to the City Council related to the operations of the Mobile Assistance Community Responders Of Oakland (MACRO) program.