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OAKLAND

2015 OCT 15 PM 12: 5

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Kiran Bawa
Budget Director

SUBJECT: Supplemental - Establishing a
Restructured Budget Advisory
Commission

DATE: October 14, 2015

City Administrator Approval

Date:

10/15/15

RECOMMENDATION

**Staff recommends that the City Council:
Adopt An Ordinance Repealing Resolution No. 74826 C.M.S. And Establishing A Budget
Advisory Commission To Replace The Budget Advisory Committee And Transferring To
Budget Advisory Commission The Duties And Functions Of The Budget Advisory
Committee.**

REASON FOR SUPPLEMENTAL

The purpose of this supplemental report is to transmit a revised ordinance establishing a Budget Advisory Commission that incorporates the amendments made by the Finance and Management Committee at the October 13, 2015 meeting. And to clarify the procedure regarding staggering the initial terms of the commission members.

Change In Initial Term Length for the Purpose of Term Limits

The Finance and Management Committee amended section 4 (a) of the proposed ordinance to specify that "Members of the Commission shall serve no more than two consecutive three-year terms plus any initial term of less than two years." In the previous version initial terms of fewer than three years were not to be counted for the purpose of establishing term limits. Under the revised ordinance terms of less than two years will not to be counted for the purpose of establishing term limits. This change will restrict any person serving a partial term of between two and three years from serving a third consecutive term.

Procedure for Establishing Staggered Terms According to the Ordinance

The ordinance requires that terms be staggered such that five of the fifteen members are appointed each year. This staggering will be achieved through original terms of less than three years for certain appointees. The term of each commission member's appointment will be established in the appointing resolutions submitted by the Mayor's Office to the City Council for confirmation. The appointing resolutions will specify the ending dates of each member's term. Staff will administratively track this process to ensure that initial appointment conform to the requirements of the ordinance.

Item: 3-7.20
City Council
October 20, 2015

ACTION REQUESTED OF THE CITY COUNCIL

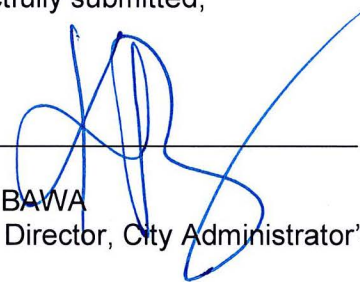
Staff is asking this Council to approve the proposed ordinance that will reform the structure and operations of the Commission, which provides advice and support to the Mayor and City Council on budgetary and fiscal issues. This new body will be titled the Budget Advisory Commission and will assume the duties of the Budget Advisory Committee.

The existing establishing legislation for this body was drafted prior to Charter Amendments affecting Boards & Commissions and has many provisions that are inconsistent with the current Charter. The existing establishing legislation also contains provisions that make it difficult for the body to perform the duties noted in the City of Oakland Consolidated Fiscal Policy.

The proposed ordinance improves and clarifies provisions related to commission membership, commission governance, member terms of office, and quorum requirements to facilitate more consistent and effective work of this body.

For questions regarding this report, please contact Bradley Johnson, Assistant to the City Administrator, at (510) 238-6119.

Respectfully submitted,



KIRAN BAWA
Budget Director, City Administrator's Office

Reviewed by:
Sarah Schlenk, Agency Administrative Manager

Prepared by:
Bradley Johnson, Asst. to the City Administrator
Budget Department

Attachments (1):

Exhibit 1: Revised Ordinance Establishing the Budget Advisory Commission

Item: **S-7.20**
City Council
October 20, 2015

APPROVED AS TO FORM AND LEGALITY



City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 OCT 15 PM 2:06

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

ORDINANCE REPEALING RESOLUTION NO. 74826 C.M.S. AND ESTABLISHING A BUDGET ADVISORY COMMISSION TO REPLACE THE BUDGET ADVISORY COMMITTEE AND TRANSFERRING TO BUDGET ADVISORY COMMISSION THE DUTIES AND FUNCTIONS OF THE BUDGET ADVISORY COMMITTEE

WHEREAS, on March 2, 1999 the City Council adopted Resolution No. 74826 C.M.S. establishing the Budget Advisory Committee for the purpose of advising the City Council regarding the City's two-year policy budgets; and

WHEREAS, the City Council has determined that reforming this body through the establishment of a Budget Advisory Commission with new establishing legislation that clarifies the purpose of the body, reforms provisions related to terms and term limits, and addresses problems related to vacant seats, absenteeism, and the establishment of a quorum; and

WHEREAS, on November 20, 2014 the City Council adopted Ordinance No. 13279 C.M.S. creating the City's Consolidated Fiscal policy, which establishes new roles and responsibilities for the Budget Advisory Committee that were not contemplated at the time the Budget Advisory Committee was established; and

WHEREAS, the City Council wishes to conform the provisions for appointment of Budget Advisory Commission members to the requirements of the City Charter and the current, actual means of such appointments; now therefore

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

1. City Council Resolution No. 74826 C.M.S. establishing the Budget Advisory Committee is hereby repealed and replaced with the following:

SECTION 1. ESTABLISHMENT

There shall be established by the City Council a Budget Advisory Commission. The Budget Advisory Commission shall take the place of the Budget Advisory Committee,

Proposed Revision: Finance & Management Committee Recommendations

which was established pursuant to Resolution No. 74826 C.M.S. All references to the Budget Advisory Committee in existing legislation shall be understood to reference the new Budget Advisory Commission.

SECTION 2. DUTIES AND FUNCTIONS

(a) The Budget Advisory Commission (hereafter “the Commission”) shall report regularly to the Finance and Management Committee on topics deemed important to the fiscal health of the City, encouraging public participation and input into fiscal decision making, and improving the transparency and accountability of City fiscal information and decision making. The Commission shall perform duties assigned to it by action of the City Council, including responsibilities identified in the City’s fiscal policies, and reviewing any fiscally related goals and objectives of the Mayor or City Council. The Commission shall have such other functions as may be directed by the City Council.

(b) No less than three years following the first meeting of the Commission, the Commission shall develop and complete a process of self-evaluation and strategic planning. Thereafter, self-evaluation and strategic planning shall occur every three years.

SECTION 3. MEMBERSHIP

(a) The Commission shall be composed of fifteen individuals appointed by the Mayor and confirmed by the Council in accordance with Section 601 of the City Charter.

(b) Each councilmember shall recommend one Commission member. The City Auditor and Chairperson of the Community Economic and Workforce Development Committee shall also recommend one Commission member each. The Chairperson of the Finance and Management Committee shall recommend two Commission members. The Mayor shall select three Commission members.

(c) To the extent practicable, appointments to the Commission shall reflect the geographical diversity of the City. All members of the Commission shall be residents of the City of Oakland.

SECTION 4. TERMS OF MEMBERS, COMPENSATION

(a) Of the initial members of the Commission, five appointments shall be for one-year terms, five appointments shall serve for two-year terms, and five appointments shall be for three-year terms. Thereafter, all terms shall be for three years. Members of the Commission shall serve no more than two consecutive three-year terms plus any initial term of less than ~~three~~ two years. All terms of members shall begin on October 1 and end on September 30.

(b) The Commission members shall receive no salary for serving.

SECTION 5. COMMISSION GOVERNANCE

(a) At its first meeting following October 1st of each year, the Commission shall select a Chairperson, a Vice-Chairperson, and a Liaison to the Finance and Management Committee from within its membership.

Proposed Revision: Finance & Management Committee Recommendations

(b) The Chairperson shall be responsible for chairing meetings, coordinating meeting times and agenda items in concert with City staff, representing the Commission in conversations with the Mayor, City Council President, City Administrator when required, and representing the Commission in public forums & meetings.

(c) The Vice-Chairperson shall assist the Chairperson and shall perform the duties of Chairperson when the Chairperson is unavailable to perform those duties.

(d) The Liaison with the Finance and Management Committee shall be responsible for listening and where possible attending meetings of that body, keeping the Commission informed on significant issues, and coordinating reports submitted to the Finance and Management Committee.

(e) A quorum of the Commission shall consist of a majority of appointed members, not including vacancies, and shall never consist of less than five members. Any action by the Commission shall be approved by a majority of members present.

SECTION 6. TRANSITIONAL PROVISIONS

The terms of office and provisions of this ordinance shall begin on October 1 following the appointment and confirmation of 8 members to the Commission. Until that time, the existing Budget Advisory Committee shall continue to perform functions currently accorded to it by Resolution No. 74826 C.M.S. and Ordinance No. 13279 C.M.S. When eight members have been appointed and confirmed to the Commission, the terms of the currently seated Budget Advisory Committee members shall terminate and the body shall be dissolved. Budget Advisory Committee members may be reappointed to the new Commission in accordance with the provisions of this Ordinance. Terms served by members of the Budget Advisory Committee shall not be terms on the new Commission for the purpose of term limits.

2. 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 – BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, WASHINGTON, and PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the
Council of the City of Oakland,
California