

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**ORDINANCE ESTABLISHING THE WILDFIRE PREVENTION COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND DEFINING THE DUTIES AND FUNCTIONS OF SAID COMMISSION**

**WHEREAS**, on November 5, 2024, voters approved the Wildfire Prevention Financing Act of 2024 (Measure MM), an ordinance establishing a special tax to support wildfire prevention efforts in Oakland's Wildfire Prevention Zone; and

**WHEREAS**, most of the Oakland hills fall within the Very High Fire Hazard Severity Zone (VHFHSZ) as established by the California Department of Forestry and Fire Protection, where vegetation must be actively managed to reduce the threat and devastating effects of future wildfires, but there are areas adjacent to the VHFHSZ that also are subject to significant wildfire risk; and

**WHEREAS**, the series of recent historic wildfires throughout California and the Western United States demonstrates that the impacts of global climate change will continue to have potentially devastating local effects throughout the region, including habitat destruction, loss of life, economic impacts, infrastructural damage, and public health hazards associated with air quality; and

**WHEREAS**, the specific purpose of the special tax imposed under this Ordinance ("Special Tax") is to reduce the risk of wildfire in the City of Oakland (City) and the resulting impact on life and property by funding the implementation of Wildfire Prevention Plans adopted by the City Council, in the City's VHFHSZ as established by the California Department of Forestry and Fire Protection map adopted in April 2024, and adjacent risk areas, collectively known as the Wildfire Prevention Zone.

**WHEREAS**, the Wildfire Prevention Financing Act of 2024 requires the City Council to establish community oversight and accountability of the Special Tax through either a new or existing board or commission; and

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

**SECTION 1. ESTABLISHMENT**

In compliance with the Wildfire Prevention Financing Act of 2024 and pursuant to Section 601 of the Charter of the City of Oakland, there is hereby created the Wildfire Prevention Commission. The duties and functions of this Commission shall continue as long as the taxes imposed by the Wildfire Prevention Financing Act of 2024 are collected.

**SECTION 2. DUTIES AND FUNCTIONS**

It shall be the duty and function of the Wildfire Prevention Commission to:

- a. Advise on the implementation of a comprehensive Vegetation Management Plan (VMP).
- b. Review the annual operational use of the Special Tax proceeds in reducing wildfire risk;
- c. Make advisory recommendations to the City Council regarding the use of funds including policy recommendations to further wildfire prevention efforts;
- d. Study best practices from other jurisdictions, participate in regional wildfire prevention forums, and support outreach and public education efforts in the Wildfire Prevention Zone and citywide; and
- e. Receive informational reports from City staff on annual expenditures and on measures taken under the Vegetation Management Plan

**SECTION 3. MEMBERSHIP AND QUORUM**

- a. The Commission shall be composed of seven (7) members who shall be appointed by the Mayor and confirmed by the Council. Councilmembers from Districts 1, 4, 6, and 7 (all districts included in the Wildfire Prevention Zone) and the At-Large Councilmember shall each recommend a representative to the Mayor for appointment. To the extent practical, commission appointments shall reflect the geographical diversity of the City with the goal of at least half of the members residing or owning property in the Wildfire Prevention Zone.
- b. At least one commissioner shall be a current or former firefighter or other person educated in wildfire prevention. To the extent practical, all commissioners shall have qualifications relevant to the work of the board such as, but not limited to, the following:
  - Associates Degree in Fire Science Technology;
  - Landscape Architect Certification;
  - Firefighter 1 Certification, Office of the State Fire Marshal
  - Arborist Certification, International Society of Arborists;
  - Professional Forester Registration, California State Board of Forestry and Fire Protection
  - Fire Inspector 1 Certification or proof of completion of entire 1 series, Office of the State Fire Marshal

- Completion of Office of the State Fire Marshal S-190 Course (Introduction to Wildland Fire Behavior & S-290: Intermediate Wildland Fire Behavior)
  - Five (5) or more years of experience serving as a firefighter
- c. Four (4) members shall constitute a quorum.
  - d. Each commissioner shall serve as a volunteer without pay.
  - e. The members shall be appointed to overlapping terms of three (3) years beginning on June 1<sup>st</sup> of each year and ending on May 31 three years later, 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 an unexpired term only. To assure that terms overlap, appointments shall be as follows: two (2) initial members will serve a three-year initial term, two (2) initial members will serve a two-year term, and one (1) initial member will serve a one-year initial term.
  - f. 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 their term or until a replacement is appointed, whichever is earlier.
  - g. No member of the Wildfire Prevention Commission shall serve more than (2) consecutive terms. If a member serves a year or less of either a staggered term or in which they assumed a term, they can serve a third consecutive term if their first term was a year or less. Members can serve a maximum of seven years.

#### **SECTION 4. VACANCY AND REMOVAL**

- a. A vacancy on the Wildfire Prevention Commission 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.
- b. Pursuant to the Charter Section 601, a member may be removed for cause, after a hearing, by the affirmative vote of at least six (6) Council members. Excessive absences shall be a cause for removal and will be defined in the adopted bylaws of the Wildfire Prevention Commission.

#### **SECTION 5. COMMISSION GOVERNANCE**

##### **a. OFFICERS AND ELECTIONS**

At the first regular meeting, and subsequently at the first regular meeting of each year, members of the Wildfire Prevention Commission shall elect a chairperson and a vice chairperson.

**b. MEETINGS AND VOTING**

The Wildfire Prevention Commission shall meet at an established regular interval, day of the week, time in Oakland City Hall. 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 Wildfire Prevention Commission members and all meetings of the Commission shall comport with the Ralph M. Brown Act and the City's "Sunshine Ordinance" (Chapter 2.20 of the Oakland Municipal Code).

The Wildfire Prevention Commission 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 of the Wildfire Prevention Commission shall be approved by a majority of members present provided a quorum exists.

**c. STAFF**

Staff assistance may be provided to the Wildfire Prevention Commission as determined by the City Administrator pursuant to their authority under the Charter to administer all affairs of the City under the City Administrator's jurisdiction.

**d. SUBCOMMITTEES**

The Commission may, in its discretion, create standing and/or ad hoc subcommittees to focus on and advise the commission on designated issues, programs, or tasks, consistent with the Commission's duties and functions as proscribed herein.

**SECTION 6. 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 7. CODIFICATION**

The City Clerk may codify this ordinance upon approval of the code numbering as to form by the City Attorney.

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## **SECTION 8. EFFECTIVE DATE**

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND  
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

3413802/LL

## **NOTICE AND DIGEST**

### **ORDINANCE ESTABLISHING THE WILDFIRE PREVENTION COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND DEFINING THE DUTIES AND FUNCTIONS OF SAID COMMISSION**

This Ordinance establishes the Wildfire Prevention Commission in accordance with the requirements of Oakland City Charter section 601, which provides that the City Council shall create all advisory boards and commissions by Ordinance and that the Mayor shall appoint all board members subject to confirmation by the City Council. This ordinance establishes the jurisdiction, duties, and powers of the Commission as delineated by Measure MM.