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OAKLAND

2014 OCT -3 AM 9:38

## AGENDA REPORT

**TO:** Members of Oakland City Council    **FROM:** Councilmember Schaaf and  
City Attorney Parker

**SUBJECT:** ~~Recent Art for Development~~

**DATE:** October 2, 2014

**COUNCIL DISTRICT:** City- Wide

### RECOMMENDATION

We recommend the adoption of the High Stakes Negotiation Policy resolution, which would amend Rule 25 of Council Rules of Procedure to add training and reporting requirements for Councilmembers appointed as delegates and alternates on any board, agency or authority. This policy and support of the City Administrator would significantly improve the City's ability to assess, participate in and take informed and meaningful actions on high-stakes transactions under consideration by external bodies, boards, agencies, joint powers authorities, etc.

### EXECUTIVE SUMMARY

Rule 25 of the Council's Rules of Procedure Resolution No. 82580 C.M.S. establishes procedures for Councilmembers appointed to represent the Council as delegates on any board, agency, authority, joint powers authority, commission, etc., and "receive . . . authorization from a majority of the Council prior to casting vote(s) on behalf of the City on any matter which could have a significant economic or policy impact on the City" and "provide the City Council and/or the appropriate Council committee with regular informational reports regarding the issues, activities and agenda of the body" on which they serve.

Councilmember Schaaf and City Attorney Barbara Parker request approval of a Resolution authorizing the City Council to Amend Rule No. 25 of the Council's Rules of Procedure Resolution No. 82580 by creating specific training and reporting guidelines to ensure consistent updates of information from the Office of the City Administrator's staff to the Council regarding high-stakes negotiations being conducted by Council representatives appointed to represent the Oakland City Council on any board or authority. Councilmembers will then be fully informed of the progress of negotiations and request further or more detailed information to determine their votes.

### OUTCOME

Approval of this resolution will establish new clear guidelines requiring Councilmembers appointed as delegates to boards, agencies, or authority to participate in training on their duties of representation, and specify how often and how Council delegates should update and inform the City Council of developments and parameters of High-Stakes negotiations.

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### **BACKGROUND/LEGISLATIVE HISTORY**

The Oakland City Council has representatives on several regional bodies and joint powers authorities, including the Association of Bay Area Governments (ABAG), Chabot Space and Science Center, Youth Ventures and the Oakland-Alameda County Coliseum Authority.

In the City Council's Rules of Procedure Resolution No. 82580, Rule 25, entitled "Voting by Delegates and Alternates to Boards, Commissions and Other Bodies," provides that Councilmembers representing the City as delegates on any board, agency, authority, etc., must receive authorization from a majority of the City Council before casting any vote on behalf of the City. This applies specifically to any matter of particular controversy, including negotiations that could have significant economic or policy impact on the City.

Rule 25 also states that:

"Representatives shall provide the City Council and/or the appropriate Council committee with regular informational reports regarding the issues, activities and agenda of the body on which the representative serves."

More specificity regarding delegate reporting duties and report content is needed in order for the Council to make fully informed decisions on matters with significant economic or policy impact on the City.

### **ANALYSIS**

The following requirements will address the gap in communication, and will keep the Council informed as needed, as their authorization is required for any high stakes negotiation with significant impact on the City:

**Ongoing transparency:** Recent negotiations with the Oakland Athletics were not consistently attended by City staff responsible for keeping the Council updated on the progression of negotiations. This policy would clarify that staff from the City Administrator's Office should regularly attend meetings and brief the Council on developments in high stakes negotiations. In addition, the policy amends Council Rule of Procedure Rule 25 to add express requirements for delegates to notify the Council of high-stakes matters early and provide real-time reports regarding such matters in addition to annual and routine reports currently required. Further, the Councilmembers delegates will be required to, within 30 days of appointment, participate in training provided by the City Administration on the duties and obligations of representation.

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**Fundamental accountability:** The criteria for determining when these guidelines will be enforced is currently unclear. The policy amends Council Rule of Procedure Rule 25 to establish the amount of \$100,000.00 as the threshold for matters to be considered as having a significant economic impact.

**PUBLIC OUTREACH/INTEREST**

Councilmember Schaaf's office worked closely with the City Attorney's office, as well as Oakland Alameda County Joint Powers Authority staff, in developing this legislation.

**COORDINATION**

The policy resolution was developed by Councilmember Libby Schaaf and the City Attorney Barbara Parker.

**COST SUMMARY/IMPLICATIONS**

There are no cost implications as a result of passage of this legislation, except that requiring fiscal analyses and ensuring better informed decisions should result in cost-savings for the city.

**SUSTAINABLE OPPORTUNITIES**

*Economic:* No significant impact.

*Environmental:* No significant impact.

*Social Equity:* A good deal for the City of Oakland is a good deal for all of Oakland's residents.

Respectfully submitted,

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Libby Schaaf,  
Councilmember District 4

Prepared by: Shereda Nosakhare  
Policy Analyst to Councilmember Schaaf

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