

CITY OF OAKLAND

2009 OCT 15 PM 3: 24 **AGENDA REPORT**

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Jeff Baker, Assistant to the City Administrator
DATE: October 27, 2009

RE: **A Resolution to Amend Oakland City Council Ordinance No. 12690 C.M.S., Section 2, Subsection b., to Change the Quorum Requirements for the Measure Y Oversight Committee from Seven Members to Six Members**

SUMMARY

Pursuant to Oakland City Council Ordinance No. 12690 C.M.S., (Section 2, Subsection b.), adopted by the Oakland City Council on July 21, 2005, seven members of the 11 member Violence Prevention and Public Safety Oversight Committee (Measure Y) shall constitute a quorum. During the current calendar year, several Oversight Committee meetings were cancelled due to an inability to meet this threshold criterion. Member attendance hovered around six members during this same time period. Consequently, to create a greater likelihood of obtaining a quorum of members necessary to conduct official business, it is recommended that the number of members required to establish a quorum be reduced from seven members to six members. This may be accomplished by striking the word "Seven" from the enabling Ordinance (Ordinance 12690, Section 2, Subsection b.) and substituting the word "Six" in its place. The proposed by-law change was reviewed and unanimously approved by the Measure Y Oversight at its meeting on July 20, 2009.

FISCAL IMPACT

This change has no fiscal impact.

BACKGROUND

During Calendar Year 2009, (January – May 2009) six of eight scheduled meetings of the Violence Prevention and Public Safety Oversight Committee were cancelled due to holidays or an insufficient number of members to constitute a quorum. Generally,

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attendance at the meetings totaled six members. From June 2009 to the present, attendance at Oversight Committee meetings has improved due to Mayoral and City Council appointments to vacant seats. There are several other Boards and Commissions with 11 members, e.g., Commission on Aging, Measure Z – Cannabis Regulatory Commission, Parks and Recreation Advisory Commission, Wildfire Prevention Assessment District Advisory Board – where 6 members constitute a quorum. On the 11 member Children’s Fairyland Board, a majority of members constitute a quorum, resulting in a 6 member quorum. The proposed reduction of the number of members required for a quorum is consistent with the quorum requirements of comparable sized Boards and Commissions.

KEY ISSUES AND IMPACTS

The Violence Prevention and Public Safety Oversight Committee (Measure Y) is authorized by the City Council to make reports, findings and recommendations either to the Mayor or the City Council regarding the Measure Y Initiative, its policies and its programming. The Oversight Committee is severely hampered from conducting its due diligence when meetings must be cancelled due to lack of quorum. Reducing the quorum threshold number of members from seven to six will result in an increase in the number of official Oversight Committee Meetings.

SUSTAINABLE OPPORTUNITIES

Environmental: This amendment will have no impact on the environment.

Economic: The reduction of crime and violence anticipated from the implementation and oversight of the Violence Prevention and Public Safety Act may enhance the economic vitality of the City of Oakland.

Social Equity: The goal of reducing crime and violence will enhance the quality of life for Oakland residents.

DISABILITY AND SENIOR CITIZEN ACCESS

Approval of this report has no direct impact on disability and senior citizen access issues.

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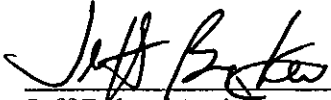
RECOMMENDATION(S) AND RATIONALE

Staff recommends the Oakland City Council accept the report and change the subject Ordinance to reduce the number of members required for quorum for the Violence Prevention and Public Safety Oversight Committee from seven members to six members. The recommended change will increase the likelihood that Committee Members can increase the number of official meetings.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests the Oakland City Council adopt the aforementioned change in Ordinance No. 12690, (Section 2, Subsection b.,) C.M.S.

Respectfully submitted:



Jeff Baker, Assistant to the
City Administrator

Attachment: Ordinance 12690 C.M.S.

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE



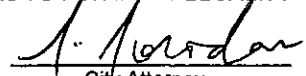
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FILED
OFFICE OF THE CITY CLERK
OAKLAND

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INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING ORDINANCE NO. 12690 C.M.S., SECTION 2, SUBSECTION B., TO REDUCE THE NUMBER OF OVERSIGHT COMMITTEE MEMBERS REQUIRED FOR A QUORUM FROM SEVEN MEMBERS TO SIX MEMBERS.

WHEREAS, City of Oakland Ordinance 12690, Section 2, Subsection b., provides that seven members of the Violence Prevention and Public Safety Oversight Committee shall constitute a quorum; and

WHEREAS, a quorum is required in order for a board or commission to conduct official business; and

WHEREAS, the Violence Prevention and Public Safety Oversight Committee is charged to make recommendations to the Mayor and the City Council on any new regulation, resolutions or ordinances for the administration of the programs to comply with the requirements and intent of the Violence Prevention and Public Safety Act (Measure Y); and

WHEREAS, during the past calendar year, several Oversight Committee meetings were cancelled due to lack of quorum; and

WHEREAS, the inability to establish a quorum diminished the ability of the Oversight Committee to conduct official business; and

WHEREAS, the City has identified the reduction of Oversight Committee members required for quorum from seven members to six members as a remedy to future meeting cancellations; now, therefore

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

SECTION 1. Ordinance No. 12690 C.M.S. is hereby amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through~~ type; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed.

Ordinance No. 12690 C.M.S., Section 2.

b. ~~Seven~~ Six members shall constitute a quorum.

SECTION 2. SEVERABILITY: If any article, section, subsection, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE: This ordinance shall become effective immediately upon final adoption of it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____