

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 FEB 11 PM 3:03

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

REVISED IN PUBLIC SAFETY COMMITTEE ON FEBRUARY 10, 2015

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

---

### AN ORDINANCE ESTABLISHING THE OAKLAND ANIMAL SERVICES COMMUNITY ADVISORY COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND DEFINING THE DUTIES OF SAID COMMISSION

**Whereas**, on June 17, 2014, City Council voted to establish an Interim Community Advisory Committee to draft an ordinance creating a permanent community advisory body to provide professional advice, technical assistance, guidance and recommendations to the City about best practices in animal welfare and shelter operations, approaches to increase live release rates, and strategies to enhance community partnerships at Oakland Animal Services; and

**Whereas**, also on June 17, 2014, the City Council accepted staff's recommendation to transition the management and operation of Oakland Animal Services out of the Oakland Police Department and create a standalone Animal Services Department in the City Administrator's Office by the end of 2014; 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 Council of the City of Oakland does ordain as follows:**

**Section 1.** Pursuant to Section 601 of the Charter of the City of Oakland, there is hereby created an Oakland Animal Services Community Advisory Commission (hereinafter referred to as "Animal Services Commission" or "Commission").

**Section 2.** It shall be the function and duty of the Animal Services Commission to:

a. Advise the City on matters affecting the care and control of animals at Oakland Animal Services, including but not limited to reviewing and making recommendations on policies and procedures to ensure that they reflect best practices in the animal welfare industry.

b. Receive and evaluate monthly reports on Oakland Animal Shelter statistics for animal intake and outcomes as defined by the national standard of the Asilomar Accords.

d. Make yearly reports and recommendations to the City Council regarding the operations of Oakland Animal Services.

e. Provide an analysis of pending state and local legislation that may affect animals in Oakland or Oakland residents around animal-related issues.

f. 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 Animal Services Commission, 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 or commission or to a City department. As to such functions or responsibilities of another board or commission or of a department of the City, the Animal Services Commission will render assistance and advice to such board, commission or department as may be requested.

The City Administrator shall have the power to review and approve, disapprove, or modify the Commission's recommendations. Recommended actions shall be carried out by the City Administrator's office unless the City Administrator disapproves or modifies such action. Nothing herein is intended to limit the City Administrator's authority and duties as provided under the Oakland City Charter.

**Section 3.**

a. The Commission shall consist of seven (7) members, at least four (4) ~~three (3)~~ of whom are Oakland residents ~~or do business in Oakland~~. Pursuant to Section 601 of the Charter, members of the Commission shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of ~~with~~ the Council.

b. Four (4) members shall constitute a quorum.

c. 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. A member's term will start upon the date of his or her appointment, except that an appointment to fill a vacancy shall be for the unexpired term only. To assure that terms overlap, initial appointments shall be as follows: three (3) initial Commission members will serve one-year initial terms; and the other four (4) initial members will serve two-year terms.

A Commission member whose term has expired may remain as a "holdover" Commission member for up to one year following the expiration of his or her term or until a replacement is appointed, whichever is earlier. While on holdover status a Commission member may fully participate in all decisions and such decisions are valid because of the Commission member's holdover status.

e. All members of the Animal Services Commission shall be persons who have demonstrated their compassion for animals and who have experience in animal welfare. Members of the Animal Services Commission shall represent the following animal welfare categories, with no more than two (2) members representing any particular category:

(1) a licensed veterinarian, preferably one with public shelter experience;

(2) an individual with significant experience volunteering at a public animal shelter;

(3) an individual representing a public animal shelter;

(4) an individual representing a private animal shelter;

(5) an individual representing private, not for profit or non-profit animal rescue organizations;

(6) an Oakland resident who is representative of the Oakland community and who can provide outreach within the areas of Oakland with the highest concentration of need for animal shelter care and services.

f. No member may be employed by Oakland Animal Services or have any financial interest, employment, or policy-making position in any commercial or for-profit animal care facility, research center, or other organization that sells animals, including breeding, sales and research; or profit from decisions made by the Commission. Veterinarians are excluded from this prohibition.

**Section 4.**

a. A vacancy on the Animal Services 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 Charter Section 601, a member may be removed for cause, after a hearing, by the affirmative vote of at least six (6) Council members.

**Section 5.** At the first regular meeting of each year, members of the Animal Services Commission shall elect a chairperson and a vice chairperson to serve for one (1) year terms. The Animal Services Commission shall meet at an established date, time and location suitable for its purpose. Such meetings shall be designated regular meetings. Other meetings called by the Mayor or City Administrator and meetings scheduled for a time or place other than for regular meetings shall be designated special meetings. Written notice of special meetings shall be provided to the Animal Services 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).

**Section 6.** The Animal Services 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. The Animal Services Commission shall make reports, findings and recommendations either to the City Administrator or the City Council, as appropriate. An annual report will be presented in writing to the City Council. Recommendations from the Animal Services Commission shall be carefully and fully considered by the City Administrator. If rejected by the City Administrator, the Animal Services Commission may submit recommendations to the Council for consideration, as appropriate.

**Section 7.** Staff assistance may be provided to the Animal Services Commission as determined by the City Administrator pursuant to his authority under the Charter to administer all affairs of the City under his jurisdiction.

**Section 8.** The City Clerk shall codify this ordinance upon approval of the code numbering as to form by the City Attorney.

**Section 9. 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 10. 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, \_\_\_\_\_, 2015

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN,  
KALB, KAPLAN, REID, AND PRESIDENT GIBSON  
MCELHANEY

NOES-  
ABSENT-  
ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the  
Council  
of the City of Oakland,  
California

Date of Attestation: