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CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**ORDINANCE ESTABLISHING THE OAKLAND PUBLIC SAFETY PLANNING AND OVERSIGHT COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND DEFINING THE DUTIES AND FUNCTIONS OF SAID COMMISSION**

**WHEREAS**, on November 5, 2024, voters approved Measure NN, the Oakland Community Violence Reduction and Emergency Response Act of 2024, a nine year measure with a focus on the following desired goals: (1) reduce homicides, robberies, car jackings and break-ins, domestic violence, and other gun-related violence; (2) reduce response time for 911 emergency calls for service and improve the quality of response; and (3) reduce the incidence of human trafficking, including the sexual exploitation of minors; and

**WHEREAS**, the Act requires the establishment of the Oakland Public Safety Planning and Oversight Commission to replace the Public Safety and Services Violence Prevention Oversight and Accountability Commission; 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; and

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

### **SECTION 1. ESTABLISHMENT**

In compliance with Oakland Community Violence Reduction and Emergency Response Act of 2024 and pursuant to Section 601 of the Charter of the City of Oakland, there is hereby created the Oakland Public Safety Planning and Oversight Commission which shall replace the existing Public Safety and Services Violence Prevention Oversight and Accountability Commission.

## **SECTION 2. DUTIES AND FUNCTIONS**

It shall be the duty and function of the Oakland Public Safety Planning and Oversight Commission to:

- a. Develop and approve a Four-Year Community Violence Reduction Plan. Each Four-Year Community Violence Reduction Plan shall describe: 1) problems/needs to be addressed in this Act's three goal areas as stated herein, using multiple data sources; 2) specific four-year impact goals and outcome metrics for each goal area; 3) theory-of-change or strategy, informed by data and evidence-based practices, designed to achieve the specific four-year impact goals and outcome metrics; 4) formal resource leveraging of and programmatic coordination with other city, county, school district, state, federal, and philanthropic resources to maximize the Four-Year Community Violence Reduction Plan's capacity to achieve four-year impact goals and outcome metrics; 5) four-year budget and spending plan for the Community Violence Reduction Plan; and 6) specific roles and relationships of the City's Violence Prevention Department, Police Department, Fire Department, and other City departments in the development and implementation of each Four-Year Community Violence Reduction Plan.
- b. Recommend to the City Council the adoption of the Four Year Community Violence Reduction Plan which the Council may approve or reject but not modify; if the Council rejects the Plan, it will return it to the Commission with recommended changes and the Commission will submit a new Plan to the Council which the Council may accept or reject but not modify.
- c. Evaluate the implementation and impact of the Community Violence Reduction Plan, and, at the Commission's discretion, retain an independent consultant to assist such evaluation.
- d. Review the seven hundred (700) floor number for sworn police officers, the eight hundred (800) number governing layoffs for police, and the four hundred eighty (480) number governing layoffs for firefighters as set forth in the Oakland Community Violence Reduction and Emergency Response Act of 2024. Upon such review based upon the Four Year Community Violence Reduction Plan, any analysis of the performance of the actions authorized by the Oakland Community Violence Reduction and Emergency Response Act of 2024 and other crime factors and statistics, the Commission may recommend a different number for each category to the City Council and the Council may approve or reject the new number; if the Council rejects the recommendation, the number shall remain unchanged.

- e. Monitor the allocation and use of all revenues generated by the Oakland Community Violence Reduction and Emergency Response Act of 2024. All revenues generated by the act, after payment of administrative costs, shall be spent on direct services, programs, and strategies designed to achieve the violence reduction and public safety goals and metrics established in the Four-Year Community Violence Reduction Plans developed by the Commission. Such direct services, programs, and strategies include but are not limited to: (1) 911 dispatch and emergency responders; (2) community ambassadors; (3) community policing; (4) community reentry services; (5) crime lab operations; (6) crime reduction teams; (7) violence reduction intervention and response; (8) education training and employment services; (9) group violence intervention; (10) hospital-based violence intervention; (11) intensive case management; (12) intelligence-based policing; (13) mental health services; (14) mentoring for vulnerable and justice-involved youth; (15) non-sworn mobile crisis responders; (16) police recruitment, retention and training; (17) public safety technology enhancements; (18) victim services; (19) violence interruption; and (20) violent crime and human-trafficking investigations.
- f. Submit any policy recommendations to the Mayor and City Council to ensure the City of Oakland's compliance with the purpose and intent of the Oakland Community Violence Reduction and Emergency Response Act of 2024, including recommendations for corrective actions, if any.
- g. Review and provide comments on all nonconfidential reports and recommendations concerning potential suspension and/or reduction of the number of law enforcement personnel and suspension of the tax.
- h. At least every three (3) years, the department head or his/her designee of each City department receiving and/or disbursing funds generated by this Oakland Community Violence Reduction and Emergency Response Act of 2024 shall present to the Commission a priority spending plan for funds received from this Oakland Community Violence Reduction and Emergency Response Act of 2024. The priority spending plan shall include proposed expenditures, strategic rationales for those expenditures and intended measurable outcomes and metrics expected from those expenditures, all of which shall be incorporated into the Four Year Community Violence Reduction Plan. The first presentation shall occur within 120 days of the effective date of the Oakland Community Violence Reduction and Emergency Response Act of 2024. Twice each year, the Commission shall receive a report from a representative of each City department receiving funds from this Oakland Community Violence Reduction and Emergency Response Act of 2024 on the status of the priority spending plans and the demonstrated progress towards the desired outcomes.

- i. Submit reports to the public that the Commission determines are appropriate to serve its purposes.

### **SECTION 3. MEMBERSHIP AND QUORUM**

- a. The Commission shall be composed of five (5) members who shall be appointed by the Mayor and confirmed by the Council pursuant to Section 601 of the Charter. The composition of the Commission should be reflective of the diversity of Oakland and shall include members who have expertise in criminal justice, public safety, public health, social services, emergency services, and community violence intervention and prevention programs and/or research, finance and evaluations in those areas. At least one member shall have lived experience with service-eligible populations, and one member shall have professional law enforcement experience, preferably at a command officer level, and/or academic expertise in law enforcement.
- b. Four (4) members shall constitute a quorum.
- c. Each commission member shall serve as a volunteer without pay.
- d. Conflicts of Interest: Each Commission member shall certify that the member and the members immediate family members, business associates and employers have no financial interest in any program, project, organization, agency or other entity that is seeking or will seek funding approval under the Oakland Community Violence Reduction and Emergency Response Act of 2024. Financial interest includes, without limitation, salaries, consultant fees, program fees, commissions, gifts, gratuities, favors, sales income, rental payments, investment income or other business income. A Commission member shall immediately notify the City Administrator and the Chair of the Commission of any real or possible conflict of interest between membership on the Commission and work or other involvement with entities funded by the taxes provided for in this Ordinance. Any dispute about whether a conflict of interest exists shall be resolved by the Public Ethics Commission.
- e. The members shall be appointed to overlapping terms of three (3) years beginning on March 1st of each year and ending on February 28<sup>th</sup> 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 the 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 initial 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 Oakland Public Safety Planning and Oversight Commission shall serve more than two (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 Public Safety Planning and Oversight 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. Excessive absences shall be cause for removal and will be defined in the adopted bylaws of the Oakland Public Safety Planning and Oversight 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 Public Safety Planning and Oversight Commission shall elect a chairperson and a vice chairperson.

- b. **MEETINGS AND VOTING**

The Public Safety Planning and Oversight 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 Public Safety Planning and Oversight 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 Commission shall participate in an annual joint meeting on the subject of public safety with the City Council and other public safety-related boards and commissions. At said joint meeting, representatives of relevant departments, including the Chief of Police, shall report on the progress of all of the City's efforts to reduce violent crime.

The Public Safety Planning and Oversight 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 by the Public Safety Planning and Oversight Commission shall be approved by a majority of members present provided a quorum exists.

c. **STAFF**

Staff assistance may be provided to the Public Safety Planning and Oversight 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.

**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

3397362/LL

## **NOTICE AND DIGEST**

### **AN ORDINANCE ESTABLISHING OAKLAND PUBLIC SAFETY PLANNING AND OVERSIGHT COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND DEFINING THE DUTIES OF SAID COMMISSION**

This Ordinance establishes the Oakland Public Safety Planning and Oversight 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 NN . It further provides for the appointment, term, composition, membership qualifications, and the general rules and procedures for the Commission's meetings and deliberations.