

DRAFT
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER KAPLAN

RESOLUTION AMENDING THE COUNCIL'S TEMPORARY RULES OF PROCEDURE SET FORTH IN RESOLUTION NO. 88266 C.M.S, WHICH ESTABLISHES GUIDELINES FOR COUNCIL AND COUNCIL COMMITTEE MEETINGS, TO AMEND RULE 25, THE "HIGH-STAKES POLICY" WHICH REQUIRES, AMONG OTHER THINGS, THAT COUNCILMEMBERS, THE MAYOR OR CITY OFFICIALS APPOINTED TO REPRESENT THE CITY ON MULTIJURISDICTIONAL BOARDS/COMMISSIONS RECEIVE COUNCIL AUTHORIZATION BEFORE THEY CAST VOTE(S) ON MATTERS THAT COULD HAVE A SIGNIFICANT ECONOMIC OR POLICY IMPACT ON THE CITY, OR ON ANY MATTER OF PARTICULAR CONTROVERSY, TO EXEMPT MATTERS THAT WOULD PURELY BENEFIT/BRING REVENUE TO THE CITY OF OAKLAND

WHEREAS, City Charter section 210 mandates that the Council provide by resolution for the order of business and rules of procedure for the conduct of Council meetings, and the Council has adopted Rules of Procedure Resolution for the Conduct of City Council Meetings and a Code of Ethics, among other things, to provide for in-depth study of policy proposals, for problem-solving opportunities among staff, Council members and the public and development of policy alternatives for matters to be considered by the City Council and reasonable time for public input and comment on matters before the City Council; and

WHEREAS, the current Temporary Council's Rules of Procedure are codified in Resolution No. 88266 C.M.S.; and

WHEREAS, Rule 25 of the Council's Rules of Procedure Resolution provides, among other things, that Councilmembers, the Mayor and City officials who represent the

Council as delegates or alternates on any board, agency, authority, joint powers authority, commission, etc., "shall receive City Council 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 or any matter of particular controversy" and "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 they serve; and

WHEREAS, periodically such boards, commissions, agencies, joint powers authorities, etc., with delegate members of the City Council, engage in and give direction regarding "high-stakes" negotiations for leases, licenses, contracts and other transactions that have a significant economic or policy impact on the City of Oakland, or pertain to controversial issues for residents of the City; and;

WHEREAS, the Rule 25 currently requires Council member delegates and alternates (1) formally notify the City Council when high-stakes negotiations commence, (2) provide substantive, informative reports in real-time and annual reports on general business, and (3) participate in training regarding their duties and obligations of representation within 30 days of appointment; and

WHEREAS, the Council has determined that it is in the City's best interests for the City Administrator to designate staff to represent and attend meetings to remain informed of proceedings in order to brief the Council, and for the City Administrator and City Attorney to retain any appropriate professionals or experts to advise and support City representatives in high-stakes negotiations; and

WHEREAS, it is important for representatives on various boards to work effectively and expeditiously to pursue funding/revenue for vitally needed Oakland resources, and to avoid delays that could impede the City's ability to obtain funding for projects needed by our communities; and

WHEREAS, City representatives on multijurisdictional boards must have the ability to act on matters that will purely benefit/bring revenue to the City without prior Council authorization because the City could otherwise lose opportunities to obtain revenue for the City; and

WHEREAS, it is necessary to amend Rule 25 to exempt actions that will purely benefit/bring revenue to the City from the Council pre-authorization requirement; and

WHEREAS, given time constraints and many varied procedures that impact and govern decision-making by multijurisdictional boards, agencies, joint powers authorities, etc., this amendment will enhance the City's ability to obtain revenue from multijurisdictional boards, agencies, joint powers authorities, etc.; now, therefore, be it

RESOLVED: That Rule 25 of the Council's Rules of Procedure Resolution, which is codified in No. 88266 C.M.S. is amended as follows (with new underscored and deleted text in strikethrough):

Rule 25. Voting by Delegates and Alternates to Boards, Commissions and Other Bodies - City Councilmembers, the Mayor or City officials who represent the City as a delegate or alternate before any board, agency, authority, joint powers authority, commission, etc. shall receive City Council 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, or on any matter of particular controversy. Should time be of the essence, resulting in the representative's inability to obtain prior City Council authorization, the representative shall obtain approval from the appropriate City Council committee (e.g., the committee which has subject matter jurisdiction over the issue in question). Thereafter, the representative shall report back to the full Council, at the next regularly scheduled meeting of the Council, the action taken.

City Council delegates and alternates shall: (i) within 30 days of appointment to represent the City on such bodies, participate in training provided by the City Administrator or designee on the duties and obligations of representation; (ii) provide the City Council and/or the appropriate Council committee with an annual report or briefing on general business regarding the issues, activities and agenda of the body on which the representative serves; (iii) work with the City Administrator or his or her designee to notify the City Council via an Informational Memorandum, Information Report to the subject matter committee. or closed session briefing when appropriate under the California Brown Act (Gov. Code Sec. 54950, et seq.) and Oakland Sunshine Ordinance (O.M.C. Chap. 2.20), as soon as high-stakes negotiations or transactions commence; (iv) provide the City Council real-time reports on high-stakes negotiations or transactions.

In the event that a representative determines that casting a vote as directed by the Council would not be in the best interest of the City because of changed circumstances or new information that was not available at the time authorization was granted, the representative may change his/her vote(s). The representative shall, however, attempt to carry forth the general intent of the Council when casting a changed vote. Thereafter, the representative shall report back to the full Council, the action taken and the basis upon which the vote was changed.

"High-Stakes" negotiations/transactions shall be defined as any negotiations or transactions by a board, commission, agency, joint powers authority. etc. with Council appointed Councilmember, Mayor or City official delegates or alternates involving: licenses, leases, contracts or other transactions that could or will have a economic impact of \$1,000,000.00 or higher on the City of Oakland or a significant policy impact or a matter of particular controversy.

Rule 25 shall not apply to matters under consideration by a multijurisdictional board/commission/agency/joint powers authority, etc. that would purely benefit/bring revenue to the City. Such revenue matters are exempt from Rule 25.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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