



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Daniel Hamilton  
Chief Resilience Officer

**SUBJECT:** Adopt An Ordinance Establishing  
Wildfire Prevention Commission

**DATE:** April 18, 2025

City Administrator Approval

  
Jestin Johnson (May 1, 2025 21:18 PDT)

Date: **May 1, 2025**

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt An Ordinance Establishing The Wildfire Prevention Commission, Providing For The Appointment Of Members Thereof, And Defining The Duties And Functions Of Said Commission**

## **EXECUTIVE SUMMARY**

On November 5, 2024, Oakland voters approved the Wildfire Prevention Financing Act of 2024 (Measure MM), an Ordinance to adopt a special tax to support wildfire prevention efforts in Oakland's Wildfire Prevention Zone. Section 4.59.030 (A) requires the City Council to enact additional legislation establishing community oversight and accountability over the use of these funds, either through the establishment of a new commission or board or through assignment to an existing commission. No existing commission in Oakland sufficiently matches the structure and membership necessary to fulfill the requirements of the Ordinance, and thus, staff is proposing the creation of a new Wildfire Prevention Commission to fulfill the requirements of Section 4.59.030 (A).

The purpose of the proposed Wildfire Prevention Commission (WPC) is to review the annual operating use of the Special Tax Proceeds, estimated at \$2.7 million annually, in reducing wildfire risk; make advisory recommendations to the City Council regarding use of the funds; study best practices from surrounding jurisdictions; participate in regional wildfire prevention forums; and support outreach and public education efforts in the Wildfire Prevention Zone and Citywide. To the extent practicable, at least half of the members of the WPC should reside or own property within the Wildfire Prevention Zone.

Consistent with these conditions and based on experience in the operation of other Boards and Commissions supporting the City of Oakland, this Agenda Report sets forth a recommended structure for the creation and function of the WPC.

## **BACKGROUND / LEGISLATIVE HISTORY**

Wildfires are a natural part of California's landscape, and the potential risk of wildfires impacting communities in and adjacent to forested areas is at an all-time high. In the last few years,

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California has experienced the deadliest and most destructive wildfires in its history. The Oakland firestorm of 1991 was one of the largest urban wildfires in the Bay Area. The fire started on the border of Oakland and spread throughout the Oakland and Berkeley hills. Ultimately, twenty-five lives were lost, 150 people were injured, over fifteen hundred acres of land were burned, and over 3,000 homes were destroyed. The high winds, steep terrain, and heavy fuel load made fighting this historic blaze a major challenge. The economic loss from the fire was estimated at \$1.5 billion.

On November 19, 2019, the City Council adopted [Resolution No. 87940 C.M.S.](#) declaring Wildfire Prevention a top priority for the City of Oakland, and the City Administrator established a Wildfire Prevention Working Group. This group consists of multiple City Departments working together to identify opportunities to reduce wildfire risk in the wildland-urban interface (WUI) areas of Oakland that are identified by the State of California to be in a Very High Fire Hazard Zone. These agencies include OFD, OPW, the Department of Transportation (OakDOT), Planning and Building Department (PBD), Oakland Police Department (OPD), and the City Administrator's Office.

On November 5, 2024, Oakland voters approved the Wildfire Prevention Financing Act of 2024, an Ordinance to adopt a special tax to support wildfire prevention efforts in Oakland's Wildfire Prevention Zone. Section 4.59.030 (A) requires the City Council to enact additional legislation establishing community oversight and accountability over the use of these funds, either through the establishment of a new commission or board or through assignment to an existing commission.

## **ANALYSIS AND POLICY ALTERNATIVES**

Staff conducted a thorough review of existing Boards and Commissions to determine if a suitable structure, focus, and membership were appropriate for the purpose and intent of the legislation. No such board or commission was found to be suitable. With this option eliminated, the sole remaining alternative is the creation of a new Commission to fulfill these requirements. Staff set forth a proposed structure to reflect the requirements not only of the Wildfire Prevention Financing Act of 2024, but also pursuant to Section 601 of the Charter of the City of Oakland. This newly created Wildfire Prevention Commission will continue as long as the taxes imposed by the Wildfire Prevention Financing Act of 2024 are collected.

The policy options and alternatives for the WPC are described below sequentially in relation to the proposed Ordinance.

### ***Duties and Functions***

The duties and functions of the WPC are specified in Measure MM, and thus, no alternatives are presented for consideration. The following duties and functions are required:

- Advise on the implementation of a comprehensive Vegetation Management Plan (VMP).
- Review the annual operational use of the Special Tax proceeds in reducing wildfire risk;
- Make advisory recommendations to the City Council regarding the use of funds, including policy recommendations to further wildfire prevention efforts;

- Study best practices from other jurisdictions, participate in regional wildfire prevention forums, and support outreach and public education efforts in the Wildfire Prevention Zone and citywide; and
- Receive informational reports from City staff on annual expenditures and measures taken under the Vegetation Management Plan

### ***Membership and Quorum***

The Working Group discussed the desired characteristics of potential Commission members, shared those ideas with the Oakland Firesafe Council for input, and ensured they are clear and consistent with commonly accepted trainings, certifications, and education.

The membership of the WPC shall be determined via the following procedures:

- a. The Commission shall be composed of seven (7) members who shall be appointed by the Mayor and confirmed by the Council. Councilmembers from Districts 1, 4, 6, and 7 (all districts included in the Wildfire Prevention Zone) and the At-Large Councilmember shall each recommend to the Mayor a representative for appointment. To the extent practical, commission appointments shall reflect the geographical diversity of the City, with the goal of at least half of the members residing or owning property in the Wildfire Prevention Zone.
- b. At least one commissioner shall be a current or former firefighter or other person educated in wildfire prevention. To the extent practical, all commissioners shall have qualifications relevant to the work of the board, such as, but not limited to, the following:
  - Associates Degree in Fire Science Technology;
  - Landscape Architect Certification;
  - Firefighter 1 Certification, Office of the State Fire Marshal
  - Arborist Certification, International Society of Arborists;
  - Professional Forester Registration, California State Board of Forestry and Fire Protection
  - Fire Inspector 1 Certification or proof of completion of the entire 1 series, Office of the State Fire Marshal
  - Completion of Office of the State Fire Marshal S-190 Course (Introduction to Wildland Fire Behavior & S-290: Intermediate Wildland Fire Behavior)
  - Firefighter for at least 5 years
- c. Four (4) members shall constitute a quorum.
- d. Each commission shall serve as a volunteer without pay.
- e. The members shall be appointed to overlapping terms of three (3) years beginning on June 1<sup>st</sup> of each year and ending on May 31 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 an 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 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 Wildfire Prevention Commission shall serve more than (2) consecutive terms. If a member serves a year or less of 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.

### ***Vacancy and Removal***

The procedures for vacancy and removal are set forth consistent with the City Charter and existing commissions serving the City of Oakland. Vacancies and removal of Commission members of the WPC shall be determined via the following procedures:

- a. A vacancy on the Wildfire Prevention 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 the 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 a cause for removal and will be defined in the adopted bylaws of the Wildfire Prevention Commission.

### ***Commission Governance, Staffing, and Subcommittees***

The procedures for commission governance, staffing, and subcommittees are not specified in the legislation, providing the Council with flexibility to determine appropriate standards by which the WPC conducts its responsibilities. Staff reviewed similar requirements for boards and commissions in Oakland, with relatively consistent rules for these aspects of governance. Based on this review and consistent with the expectations of the Committee, the following procedures for commission governance, staffing, and subcommittees are proposed:

- a. Officers and Elections

At the first regular meeting, and subsequently at the first regular meeting of each year, members of the Wildfire Prevention Commission shall elect a chairperson and a vice chairperson.

b. Meetings and Voting

The Wildfire Prevention Commission shall meet at an established regular interval, day of the week, and time in Oakland City Hall. Such meetings shall be designated as 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 Wildfire Prevention Commission members, and all meetings of the Commission shall comply with the Ralph M. Brown Act and the City's "Sunshine Ordinance" (Chapter 2.20 of the Oakland Municipal Code).

The Wildfire Prevention 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 of the Wildfire Prevention Commission shall be approved by a majority of members present, provided a quorum exists.

Staff assistance may be provided to the Wildfire Prevention 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.

c. 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.

This policy supports three of the four citywide legislative priorities of the City. It enhances **holistic community safety** through the increased involvement in critical wildfire risk reduction activities to be implemented with the Measure MM funding. It improves the City's **vibrant, sustainable infrastructure** through the improvement of green infrastructure, including improving wildland and urban forest health. Finally, it improves **responsive, trustworthy government** by creating an oversight Commission that will add accountability for the use of this public funding for improved wildfire resilience and risk reduction.

**FISCAL IMPACT**

Fiscal impacts from the adoption of this proposed Ordinance will be limited to the costs associated with staffing the new Commission, including presentation development and delivery by staff in Oakland Public Works, Oakland Fire Department, and the City Administrator's Office for required reviews and consultations. These costs are an allowable expense under Measure MM, and are expected to be included in the Council's consideration and adoption of the Fiscal Year 2026-2028 Budget.

**PUBLIC OUTREACH / INTEREST**

Significant public engagement and outreach was conducted as part of the crafting of Measure MM. This outreach was included during public development and review processes leading to the City Council's passage of [Resolution No. 90324 C.M.S.](#), placing Measure MM on the ballot.

The City Administrator and Fire Department staff meet regularly with the Oakland Fire Safe Council and several Neighborhood Councils and Associations located in the Wildfire Prevention Zone to discuss prevention strategies and policy, including the renewal of a special tax to implement the new VMP upon its adoption. Since the Oakland Hills Fire, neighborhood networks have prioritized wildfire prevention, including organizing community education forums, grassroots outreach, large-scale volunteer efforts to remove hazardous vegetation from Oakland Parks and roadways, and participating in the City's CORE Program (Citizens Organized to Respond to Emergencies) program. Hundreds of CORE Captains have established Emergency Preparedness networks throughout the area with guidance from OFD's Emergency Services Management Division. Due to the Regional significance of this issue, the City also participates in a Regional Wildfire Prevention Coordinating Group via MOU with several other East Bay jurisdictions, with Oakland's seat filled by Council Member Ramachandran.

### **COORDINATION**

The City Administrator's Office coordinated with the Wildfire Prevention Working Group in the development of this proposed Commission, which includes the Fire, Public Works, Transportation, Planning and Building, and Police Departments, as well as the City Council offices representing the Wildfire Prevention Zone, and the City Attorney's Office.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The Wildfire Prevention Financing Act of 2024 is expected to generate approximately \$2.67 million per year to fund prevention activities to reduce the risk of wildfire initiation and severity in Oakland. The establishment of the Wildfire Prevention Commission called for in this Ordinance will not have a significant economic impact beyond this new revenue generation, as implementation costs are limited to staff time necessary to support and present to the newly formed Committee as needed.

***Environmental:*** Wildfires produce toxic levels of smoke in the short term that increase our carbon footprint, and the aftermath leads to a reduction in the tree canopy, which reduces carbon sequestration over the long term. The runoff from a major wildfire enters the water system, polluting creeks that support critical habitat. The recovery efforts after a wildfire, in constructing new homes and other facilities, require a huge consumption of natural resources. Establishment of this Commission will aid efforts to reduce these environmental impacts.

***Race & Equity:*** The effects of natural disasters have historically impacted communities of color disproportionately and, in the instance of a major wildfire in Oakland, would have a direct impact on the already limited housing supply. If significant Oakland Hills communities lost their housing due to a wildfire, the cost of housing in Oakland would increase, and the likelihood of increased gentrification in the neighborhoods that remain after a wildfire would be very high, as those residents seek new housing in other parts of the City. Also, the cost of recovery from a wildfire, including restoring roadways, infrastructure, and diverting public safety resources to those areas that are impacted, would reduce service levels and the availability of resources for the rest of

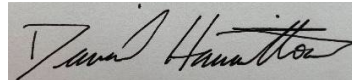
the City. Establishment of this Commission will aid efforts to reduce the potential occurrence of these racial inequities.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt An Ordinance Establishing The Wildfire Prevention Commission, Providing For The Appointment Of Members Thereof, And Defining The Duties And Functions Of Said Commission;

For questions regarding this report, please contact Daniel Hamilton, Chief Resilience Officer, at (510) 238-6179.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel Hamilton", is placed over a light gray rectangular background.

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Daniel Hamilton  
Chief Resilience Officer  
Office of the City Administrator

Reviewed by:  
Joe DeVries  
Deputy City Administrator