



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Alexa Jeffress  
Director, Department of  
Economic and Workforce  
Development

**SUBJECT:** Supplemental Report for  
Special Event Ordinance  
Amendments

**DATE:** June 23, 2022

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City Administrator Approval

Date: Jun 24, 2022

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## **RECOMMENDATION**

Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:

- (1) An Ordinance Amending (1) Oakland Municipal Code Chapter 9.52 (The Special Events Permitting Ordinance) To Transfer Responsibilities From The Oakland Police Department (OPD) To Civilian Staff, Amend Security Protocols, Create Tiers For Differing Events, Streamline The Permit Review Process And Amend The Appeals Process And (2) Oakland Municipal Code Chapter 12.08 (The Encroachments Ordinance) To Align With The Changes To Chapter 9.52; And
- (2) An Ordinance Amending Oakland Municipal Code Chapter 5.52 (Private Patrol Services And Private Watchman Ordinance) To Update Language In Compliance With The City's Gender-Inclusive Language Policy Including Changing The Term "Watchman" To "Guard;" And
- (3) An Ordinance Amending The City Of Oakland Master Fee Schedule (Adopted By Ordinance No. 13678 C.M.S., As Amended) To Modify City Of Oakland Special Event Permit Fees.

## **REASON FOR SUPPLEMENTAL**

At the special City Council meeting on June 21, 2022, staff presented amendments to the City of Oakland's (City's) Special Events and Street Closure Ordinances, Oakland Municipal Code (OMC) 9.52 and OMC 12.08, to move the permitting of events from the Oakland Police Department (OPD) to civilian staff pursuant to Resolution No. 88236 CMS. Additionally, staff outlined amendments to the Master Fee Schedule to reflect a new one-stop shop approach to special event permitting and a lower fire inspection fee for community events that support historically marginalized communities.

Oakland City Council  
July 5, 2022

Following staff's presentation, the City Council passed a motion to continue the item to the next regular City Council meeting both to allow for the adoption of amendments to the Master Fee Schedule, which may only take place at a regular meeting, and to facilitate additional amendments related to special event application fees and security requirements for events. This supplemental report summarizes staff's updates to application fees and security requirements for the City Council's consideration.

## **EXECUTIVE SUMMARY**

### A. Updates to Application Fees

Following the discussion at the June 21<sup>st</sup> City Council meeting, staff has made the following amendments to how application fees are determined:

1. refined the definition of a "community event;"
2. authorized free events organized by non-profits or small organizations to qualify as "community events" for one year, after which they must satisfy the full definition of a "community event" to align with the City's equity goals; and
3. introduced a fifty (50) percent application fee discount for a "community event."

#### *(1) Refined Definition of Community Event*

Specifically, staff proposes updating the definition for a "community event" to an event that is:

1. Free for attendees; and
2. Is organized by either: a 501(c)3 organization under the Internal Revenue Code; OR an organization with an annual budget of no more than \$500,000; and
3. Either is located in areas that fall within the lowest quartile of the California Healthy Places index OR have a majority of vendors that reside in areas that fall within the lowest quartile of the California Healthy Places.

This updated definition makes explicit how an event qualifies as a "community event" and in the process lowers barriers to entry for both events taking place in under-resourced neighborhoods and for events composed of Oakland residents from under-resourced neighborhoods.

#### *(2) Free Events Organized by Non-Profits and Small Organizations Qualify as "Community Events" for One Year*

In addition to updating the definition of a "community event," staff recommends that for a one-year period events can qualify as a "community event" if they meet the first two criteria: being a free event and being organized by a non-profit or small organization; thereafter, staff recommends requiring events to satisfy all three criteria to qualify as a "community event." The benefits of this proposal are two-fold:

1. This one-year period will put local organizations on notice that to continue qualifying for discounted fees they must ensure their event satisfies equity criteria. This one year gives local organizations an opportunity to start tracking the composition of their vendors to ensure that their event supports under-resourced Oakland communities and if needed conduct outreach to entrepreneurs in those communities.

2. The one-year period will also provide time for the City to fill the special activity permit technician vacancy. This position will be critical in verifying the additional documentation that applicants will need to submit to qualify as a “community event” based on the composition of their vendors.

*(3) Fifty Percent Application Fee Discount for Community Events*

Finally, in addition to the discounted fire inspection fees already included in staff’s initially recommended legislation, staff recommends that “community events” also qualify for a fifty (50) percent discount on special event application fees as outlined in **Figure One** below.

**Figure One: Proposed Discounted Special Event Application Fee for Community Events**

<b>DISCOUNTED APPLICATION FEE FOR COMMUNITY EVENTS</b>	
TIER 1 (less than 300 people)	\$38.58
TIER 2 (300 or more people)	\$197.93
TIER 3 (2,500 or more people/parade)	\$810
TIER 4 (marathons)	\$2,281.95

Please note the City Council must balance any subsidy via the General-Purpose Fund. Accordingly, staff recommends the City Council budget at least \$100,000 in the upcoming Mid-Cycle Budget should the City Council adopt the proposed discounted application fees for “community events.”

**B. Updates to Security Requirements**

In addition to application fee adjustments, staff has updated special event security requirements following the June 21<sup>st</sup> City Council meeting. First, staff recommends deleting the phrase “if there is intelligence indicating that there will be conflict at the event” as a factor in determining security at an event. This deletion will minimize statutory ambiguity and avoid overburdening marginalized communities. Second, staff proposes amending OMC 9.52.080(A)(1) to state that the City Administrator will determine the level of security required at an event based on the recommendations of the OPD’s risk assessment. Similarly, staff also proposes adding under OMC 9.52.080(A)(2) that for the City to require law enforcement as a form of security at an event, the City Administrator must make a written finding that law enforcement is required for the event to take place safely.

The latter two amendments preserve the City’s authority to require law enforcement as a form of security at events provided that the event meets the security factors outlined under OMC 9.52.080 and the City Administrator confirms OPD’s analysis in a written finding. This adds transparency to the process, builds in an extra layer of review and eliminates the potential for or appearance of a conflict of interest in law enforcement requiring fellow law enforcement to staff events.

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For questions regarding this report, please contact Greg Minor, Assistant to the City Administrator, at (510) 238-6370.

Respectfully submitted,



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