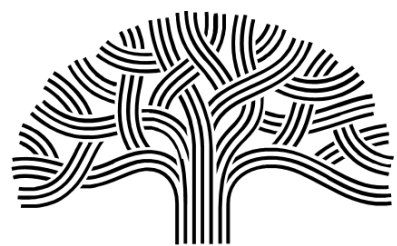


Proposed Amendments to Council Rules of Procedure

Council President Nikki Fortunato Bas,
District 2

Rules & Legislation Committee
January 19, 2023



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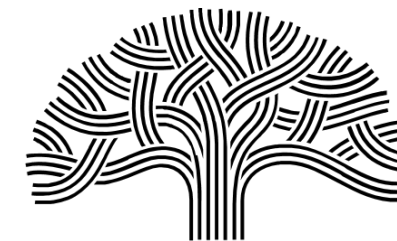
Council Rules of Procedure

City Charter Section 210 mandates Council establish Rules of Procedure for conduct of meetings and order of business.

State of California Declaration of a State of Emergency will expire on February 28, 2023, and AB 2449 requires a return to in-person meetings by March 1, 2023.

These amendments seek to ensure:

- opportunities for public access and participation,
- greater transparency in the legislative process,
- gender-inclusive language, and
- more clarity so that the Rules are easier to navigate and understand.

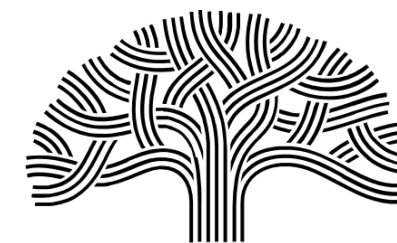


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Rule 3 – Definition of Terms

The following definitions are added:

- ***Informational Item*** shall mean an agenda item consisting only of an informational report that does not require or permit Council action.
- ***Advisory Resolution*** shall mean a resolution solely intended to proclaim the Council's support for or opposition to actions being taken or contemplated by another authority or organization, or to recognize the achievements of an individual or organization, or similar resolution that requires little or no further action by the City to effectuate the intent of the resolution.
- ***Non-Advisory Resolution*** shall mean any resolution that is not an Advisory Resolution. A Non-Advisory Resolution is a resolution that requires substantial action or implementation by the City to effectuate the intent of the resolution, or requires substantive review by the City Attorney.



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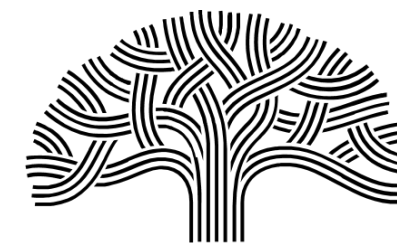
Rule 3 – Definition of Terms (cont'd)

- **Consent Calendar** shall mean the portion of a Council agenda designated for the discussion and consideration of Consent Items.
- **Non-Consent Calendar** shall mean the portion of a Council agenda designated for the discussion and consideration of Non-Consent Items.
- **Special Meeting** shall mean a meeting of the Council or of a Standing Committee occurring on a date and time other than the regular, established time for that meeting.
- **Council-Approved Meeting Calendar** shall mean a schedule of Council and Standing Committee meetings for the calendar year, (1) which shall be approved and may be amended by Council resolution, (2) which reflects Regular Meetings for the year, as well as any cancellations or variations due to foreseeable events such as City holidays, Council recesses, and 5th Tuesdays, and (3) which shall include key deadlines for submitting agenda materials (see Rule 26).



Rule 3 – Definition of Terms (cont'd)

- ***Scheduling Request Form*** shall mean the form attached hereto as Attachment A, which shall be used to request scheduling a proposed agenda item by the Rules and Legislation Committee to help ensure the timely and orderly submission and scheduling of such requests.
- ***Agenda Report Template*** shall mean the template attached hereto as Attachment B, which shall be used to generate reports to accompany ordinances and Non-Advisory Resolutions in accordance with Rule 26(D).



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Rule 4 – Standing Committees

Under the Temporary Council Rules during COVID, Committees meet on the second and fourth Mondays and Tuesdays. These amendments would go back to the pre-COVID meeting schedule with five Committee meetings on Tuesdays and keeping Rules Committee on Thursdays.

The Regular Meetings of the Standing Committees shall be as follows:

- The Second and Fourth Tuesdays
 - Finance and Management Committee at 9:30 a.m.
 - Public Works and Transportation Committee at 11:30 a.m.
 - Community and Economic Development Committee at 1:30 p.m.
 - Life Enrichment Committee at 4:00 p.m.
 - Public Safety Committee at 6:00 p.m.
- Thursdays (weekly)
 - Rules and Legislation Committee at 10:30 a.m.



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Rule 7 – Order of Business at Council meetings

1. Call to Order by Council President
2. Roll Call
3. Action on Special Orders / Presentations of the Day (with accompanying agenda materials as required by Sunshine Ordinance)
 - i. Ceremonial presentations, including proclamations, individual recognitions, etc.; and
 - ii. Reports / presentations from the Mayor.
4. Approval of Council minutes
5. Modifications to the Agenda and Procedural Items
6. Adoption of items on the Consent Calendar (after hearing public speakers and Councilmembers)
7. Oral Report of Final Decisions in Closed Session by City Attorney

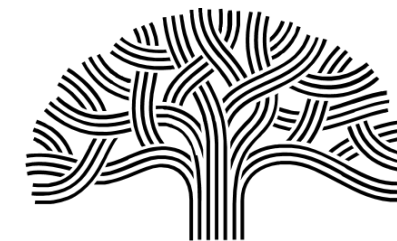


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Rule 7 – Order of Business at Council meetings (cont'd)

For Regular Meetings, action on Non-Consent Items will commence at 5:00 p.m., or as soon thereafter as reasonably practicable

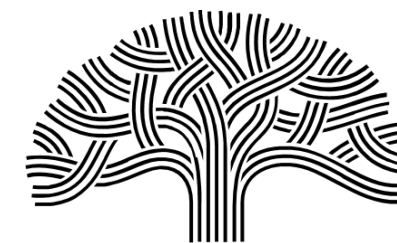
8. Consideration of items with statutory Public Hearing Requirements
9. Action on Other Non-Consent Items
10. Council Acknowledgements / Announcements (Note: Announcements are no longer at the beginning of the meeting.)
11. Open Forum (Note: Open Forum no longer commences for 15 minutes at the beginning of the meeting.)
12. Adjournment – 10 p.m. unless Council passes a motion by an affirmative vote of five (5) Councilmembers to extend the time for the meeting



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Rule 8 – Actions and Procedures at City Council

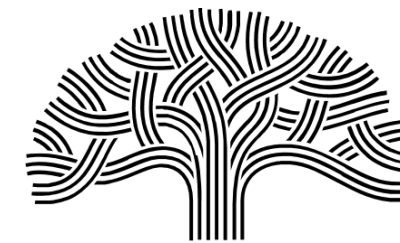
- Under the Temporary Rules during COVID, regular Council meetings are on first and third Tuesdays at 1:30pm via Zoom.
- These amendments propose that regular Council meetings would be on first and third Tuesdays at 4pm in Council Chambers at City Hall with hybrid option for public to participate via Zoom.
- Non-consent items would be heard no earlier than 5pm.



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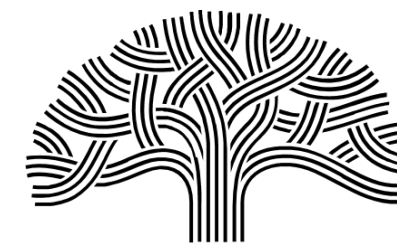
Rule 12 – Speaker Cards and EComments

- These proposed Council Rules would go back to allowing comments on each agenda item. Changes to deadlines for receiving speakers' cards are underlined below.
- Speakers' cards must be received by the City Clerk: (1) prior to Council action on Modifications to the Agenda for items agendized ~~from 5:30 to 6:30 p.m.~~ before the Non-Consent Calendar, and (2) ~~by 8:00 p.m. for items agendized for 6:30 p.m. or thereafter~~ prior to the introduction of the first Consent Item, unless consent to speak is given by the presiding officer or a majority of the Council.



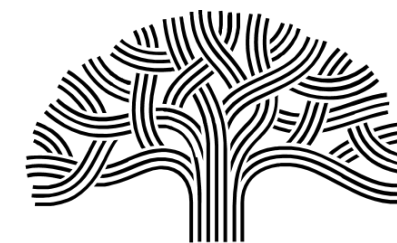
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- **Rule 13 – Open Forum** would be at the end of the meeting, and ceding time to other Open Forum speakers would not be permitted. The time allotted for Open Forum speakers would revert to the pre-COVID Council Rules – one (1) minute each to speak and a maximum of three (3) minutes, in the discretion of the presiding officer.
- **Rule 14 – Time limits for public speakers.** Currently, speakers may speak up to 2 minutes during public comment at beginning of meeting. Proposed Rules would allow for more opportunities to comment on agenda, up to a certain amount of time if signed up to speak on multiple items. Ceding time to other speakers is not permitted for Consent Calendar or Open Forum speakers.
 - Standing Committee meeting
 - Non-Consent Calendar at a Council meeting
 - Before the Non-Consent Calendar at a Council meeting
 - Ceding Time
 - Rules and Legislation Committee



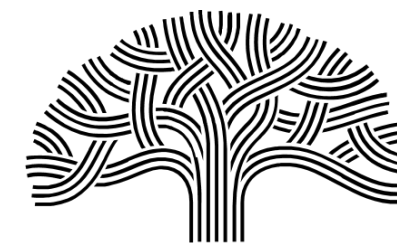
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- **Rule 15 – Presiding officer’s role regarding public speakers.** May refuse the floor to any person and rule them out of order if: (1) speaking beyond allotted time, (2) remarks are not relevant to agenda item or (3) remarks are disruptive, abusive or constitute hate speech.
- **Rule 16 – Temporary Suspension of a Council Rule**
The amendments would add this new rule that: The Council may suspend one or more of these Rules of Procedure, including Rule 14 (time limits for public speakers), on a temporary, ad hoc basis for a single meeting only if the Council passes a motion by an affirmative vote of six (6) Councilmembers, including a finding or findings of necessity, provided the temporary suspension otherwise complies with applicable law, including but not limited to the City Charter, Brown Act, and Sunshine Ordinance.



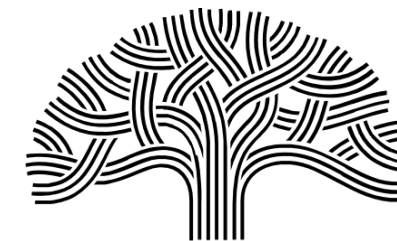
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- **Rule 26** – Procedure for Councilmember to Place Items on an Agenda (proposed new rule)
 - Councilmembers, City Staff, City Attorney, and Mayor shall make all reasonable efforts to submit new proposals to an appropriate Standing Committee, rather than submitting proposal directly to City Council, and are expected to plan accordingly.
 - Councilmembers who intend to make a motion to substantively modify legislation during a meeting should discuss their proposed modification with City staff and/or City Attorney **prior to the meeting**, to allow for adequate input and advice.
 - Requests for informational reports minimized and consistent with Council-Approved Meeting Calendar -- due dates for reports to City Administrator (4 weeks before meeting), reports to Clerk and agenda distribution (10 days before meeting).



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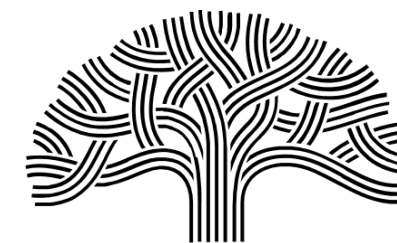
- Legal and Fiscal Review of Ordinances and Resolutions
 - *Advisory Resolutions.* Draft titles to City Attorney at least two (2) full working days prior to scheduling deadline. Substantive draft of Resolution to City Attorney at least two (2) full working days prior to deadline for submitting legislation to Clerk.
 - *Ordinances and Non-Advisory Resolutions.* Substantive drafts to City Attorney & City Administrator at least three (3) weeks prior to scheduling to facilitate legal & fiscal review prior to scheduling.
 - If sponsor unable to comply with guidelines because legislation requires immediate & urgent consideration, notice must be given to City Attorney & City Administrator as early as possible, and Rules Committee may schedule item only if committee determines that item should be scheduled for specified reason, stated on the record.
 - Sponsors of legislation shall submit a memorandum or report, substantially in the format of and including information in Agenda Report Template, and shall do so no later than deadline for submitting legislation to Clerk.



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- **Rule 28 – Procedure to Add, Remove Agenda Items**

- The proposed Council Rules *maintain* the changes (underlined below) in the Temporary Rules, which have been in place.
- To add/remove items after the Rules Committee has met and before an agenda is published, or when there is no intervening Rules meeting to add/remove an item, the Sponsor must request and receive authorization from: Rules Chair, Council President and either Mayor and/or City Administrator; for Standing Committee agendas, authorization must also be received from committee's chair. Requests must be emailed to the City Administrator by 12pm the day before agenda publication.



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- **Rule 29 – Tie Breaking Votes by Mayor**

If Councilmembers are evenly divided in their vote on an item, the Mayor will break the tie. For the purposes of determining whether Mayor is eligible to cast a tie-breaking vote, abstentions and absences shall count as a “No” vote, but a legally-required recusal shall not count as a “No” vote.

- **Rule 31 – Code of Conduct**

Code of Conduct moved from appendix to Rules in new Rule 31, for easier navigation and reference. The amendments provide greater clarification and changes are underlined below:

5. Learn and study the background and purposes of important items of business before voting, including reviewing agendas and agenda materials, and reading eComments, sufficiently in advance of meetings to allow for consultation and coordination with other Councilmembers, staff, legal counsel, and/or members of the public as permitted by law.



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- **Rule 31 – Code of Conduct (cont’d)**

11. Faithfully attend all sessions of the Council unless unable to do so because of disability or some other compelling reason; and inform, as soon as possible, the Council President or Committee Chair when unable to attend a scheduled meeting, or needing to arrive late or leave early.

13. Abide by federal and state law, the City Charter, City legislation and City Council policies.

Subsection 13 is added to the existing duties in order to harmonize the Code of Conduct with the Censure Procedures (Rule 32(B)).

- **Rule 31 – Censure of Councilmembers**

The Censure procedures are moved from an appendix to the Rules in new Rule 32, for easier navigation and reference.



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