

Subject: Amended Council Rules of Procedure

Date: May 9, 2024

TO:	Honorable Mayor, City Council, and Members of the Public	FROM:	Councilmember Janani Ramachandran, District 4
			Councilmember Kevin Jenkins, District 6
SUBJECT:	Resolution Amending the Council's Rules of Procedure	DATE:	May 9, 2024

RECOMMENDATION:

We respectfully recommend that the City Council: **Adopt a RESOLUTION AMENDING AND RESTATING THE COUNCIL'S RULES OF PROCEDURE IN THEIR ENTIRETY IN ORDER TO INCREASE PUBLIC ACCESS AND PARTICIPATION BY, AMONG OTHER THINGS: 1) CHANGING THE TIMES FOR COMMENCING CITY COUNCIL MEETINGS; 2) AMENDING PUBLIC COMMENT PROCEDURES; 3) REQUIRING THAT ITEMS NOT CONSIDERED BY A STANDING COMMITTEE BE SCHEDULED TO THE NON-CONSENT CALENDAR OF CITY COUNCIL AGENDAS; AND 4) MAKING NON-SUBSTANTIVE TECHNICAL EDITS.**

EXECUTIVE SUMMARY:

This is a follow-up resolution to Council amendments to the Rules of Procedure passed unanimously on December 19, 2023. This legislation states, "Whereas, the City will work to maximize the number of Council items reviewed by the relevant subject matter Committee prior to Council consideration in an effort to encourage robust Council and public discussion of items at Committee, which in turn will streamline the discussion at City Council meetings and expand the time for public participation on non-consent items. In March 2024, the Council will consider shifting to a Consent Calendar without public comment because items will have been discussed and debated by Committees; such Consent Calendars are utilized by other jurisdictions including San Francisco."

In December 2023, Councilmembers unanimously expressed a desire to consider shifting to a Consent Calendar that only has items that have gone to committee, and a Consent Calendar that eliminates public comment. The primary reason why this was not implemented in the original legislation was to allow for a few months for Council, the Clerk's office, and members of the public to adjust to the initial set of other changes that were implemented in the December 2023 legislation.

City Charter Section 210 mandates that Council establish Rules of Procedure for conduct of meetings and order of business. The Council Rules of Procedure were updated in February 2023 following three years of conducting Council meetings on Zoom during COVID-19. The Council resumed in-person meetings in March 2023, allowing for hybrid public participation. Since then, we have sought ways to streamline our meetings in an orderly and efficient manner to facilitate sound City Council and public deliberation and decision making.

The Council Rules of Procedure amendments passed in December 2023 implemented changes that brought greater efficiency to Council processes, and greater access to meaningful public

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participation. This resolution is a follow up to this December 2023 legislation. One of the primary goal of these amendments is to implement Council's stated goals of moving towards a Consent Calendar during regular Council meetings that is comprised only of items that have been discussed and debated by Standing Committees, where members of the public have been already afforded an opportunity to comment on, therefore eliminating the need for public comment on the Consent Calendar. This will maximize the number of Council items reviewed by the relevant subject matter Committees prior to consideration by the full Council in an effort to encourage robust Council and public discussion of items at Committee. This will also reduce the number of items that have often in the past come to the Consent calendar on an "emergency" basis by bypassing Committee, thus eliminating the ability for the public to meaningfully submit public comment in Committee, where the details of proposed legislation are being discussed, debated, and amended. Therefore, these amendments will streamline the discussion at City Council meetings and also expand the time for public participation on non-consent items that will demand an active vote from Councilmembers.

There are other jurisdictions, including San Francisco, that successfully conduct their meetings in this manner as well.

The overarching goal of these amendments continue to be the same as those passed by Council in 2023, to ensure: (1) reasonable time for public input and comment on agenda items at the Committee and City Council meetings; and (2) an agenda that is managed more efficiently and effectively and for more predictable discussion times for debate regarding agenda items in order to avoid long waits by the public as the Council conducts its business in order to provide opportunity for all members of the public to engage in the deliberation of the Council's most important business.

This resolution also proposes several non-substantive technical amendments that are being proposed in an effort to clean-up and clarify existing Rules of Procedure and provisions of the Charter and Oakland Municipal Code.

BACKGROUND:

Below are highlights of proposed amendments:

- **Rule 3:**
 - o This amendment modifies the definition of Consent and Non-Consent Items, to clarify that the Rules Committee can no longer send items straight to Council's Consent Calendar pursuant to Rule 28 (which allows it to bypass being heard by Committee). However, the Rules Committee may continue to send items to City Council meetings on an emergency basis pursuant to Rule 28 to the Non-Consent calendar if a valid reason is presented.
 - o This amendment also removes the requirement that an item on the Consent Calendar must have received unanimous recommendation for approval by members present at the Committee vote.

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- **Rule 7:**
 - *Rule 7(3):* This amendment codifies Council's existing practice of not permitting more than two Ceremonial Items per Council meeting.

- **Rule 8:**
 - *Rule 8(1):* This amendment resumes Council's previous practice of starting Council meetings at 4:00 pm on the first and third Tuesday of each month. The start time for items being heard on Non-Consent remains 5:00 pm. The reason for moving Council meetings from 3:30 pm back to 4:00 is that without public comment on the Consent calendar and only two ceremonial items per meeting, one and a half hours is likely not necessary before hearing the Non-Consent calendar.
 - *Rule 8(6):* This amendment changes the ability for Councilmembers to pull an item off the Consent Calendar and move it into the Non-Consent Calendar by a simple motion and second. Instead, pulling an item off Consent will require a majority vote of all Councilmembers present.
 - *Rule 8(2):* This non-substantive amendment clarifies Council's existing practice of being able to schedule an item to future City Council meetings by a majority vote during Council meetings.
 - *Rule 8(4):* This non-substantive amendment clarifies staff's existing responsibility to include certain sets of information in the agenda materials for each action or informational item.

- **Rule 11:**
 - This non-substantive amendment clarifies the existing powers of Committee Chairs to have discretion on the amount of speaking time allotted for Councilmembers.

- **Rule 12:**
 - This non-substantive amendment clarifies that Speaker Cards must be received for Action on Special Orders / Presentations of the Day and the Council Minutes, before the City Clerk begins reading the item into the record.
 - For all items that Speaker Cards are submitted for, the requirements remain the same. Cards must be received either one and a half hours after the Council meeting begins, or before the Clerk begins the reading of the first item into the record, whichever occurs first.

- **Rule 14:**
 - *Rules 14(3) and 14(4):* These non-substantive amendments clarify the Council President or Committee Chair's discretionary ability to instruct public speakers who have submitted three or more speakers' cards to address all the items at once at Council and Committee meetings.
 - *Rule 14(5):* This amendment states that the Consent Calendar portion of the meeting does not include an opportunity for members of the public to address the

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Council by public comment. However, this provision does not apply to Special Council meetings, where public comment on Consent Calendar items is permitted.

- **Rule 18:**

- This non-substantive amendment clarifies existing provisions of the City Charter that require that the City Council consider certain ballot measures proposed by Councilmembers at no fewer than two City Council meetings.

- **Rule 19:**

- This amendment states that, subject to Rules Committee's scheduling authority, all Board and Commission appointments must be scheduled to be heard by the Rules Committee as a substantive item before going to City Council. Once heard by Rules, such appointments may be sent to the Consent Calendar for full Council approval.

- **Rule 24**

- *Rule 24(1)(c)*: This amendment changes the requirements for a requestor to ask the Rules Committee to send an item directly to City Council on an emergency basis and bypass Committee. Currently, the rule states that requestors (who include City staff, members of the public, Councilmembers, the Mayor, City Attorney, City Auditor, or City Administrator) may ask the Rules Committee to bypass committee and send the item straight to Council, and does not require the requestor to provide a reason in writing for the request. This amendment will require the requestor to submit a written request for bypassing Committee and the foreseeable consequences for failing to do so, and will also only permit the item to go to the end of the Non-Consent calendar at a Council meeting.
- *Rule 24(2)*: This amendment clarifies the existing power of the Rules Committee to schedule an item to the Non-Consent Calendar of a Council meeting if the item was previously scheduled to a Committee that was cancelled, or otherwise not heard because the committee ran out of time or lost quorum.
- *Rule 24(3)*: This amendment states that a requestor who seeks for the Rules Committee to schedule an item with urgency with less than the notice period required by the Sunshine Ordinance, to provide a reason in writing that complies with O.M.C. 2.20.080.D.2, and the Rules Committee states that required finding on record.

- **Rule 29**

- This non-substantive amendment clarifies the procedures regarding the Mayor's tie-breaking vote. It states that if the item has been continued to a subsequent meeting to allow the Mayor to vote, the presiding officer has discretion to allow additional public comment and additional Council discussion of the item; however, Councilmembers still may not change their vote unless the item has been properly noticed for reconsideration.

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COORDINATION:

We are deeply grateful to the City Attorney's office for their input on these amendments, and for their rigorous research into ensuring these amendments comply with existing law, and will produce equitable and efficient outcomes. The City Attorney's office had worked very closely with Council President Bas and Councilmember Ramachandran in the first iterations of these amendments in 2023, and continue to be an invaluable resources to the authors, Councilmember Jenkins and Councilmember Ramachandran, in this follow-up resolution.

We have also worked closely with the City Clerk and City Administration to solicit feedback throughout this process and thank them for their efforts. Together, we have all been evaluating and analyzing the patterns of meetings that have happened since Council resumed in-person meetings with hybrid public participation in March 2023.

We are grateful to members of the public who have provided input over the course of the past year on these amendments, and look forward to continue to stay engaged on this issue. The authors would like to remind the public that the Rules of Procedure is a living document – and always subject to change. Any rules that may not end up serving the intended goals may be amended and revised at any time – it is the precisely the process of intentional and creative trial and error that often leads to the most impactful policy outcomes.

SUSTAINABLE OPPORTUNITIES

This legislation would provide for more orderly and efficient Council meetings and would continue to promote transparency and public participation in the Council's legislative process.

Transparency and public participation in Council meetings and the legislative process can result in increasing economic opportunities and racial equity for Oaklanders, including those who have been most deeply impacted by historic systems of non-inclusivity and lack of access to the public process.

ACTION REQUESTED OF THE CITY COUNCIL

We respectfully recommend that the City Council Adopt a RESOLUTION AMENDING AND RESTATING THE COUNCIL'S RULES OF PROCEDURE IN THEIR ENTIRETY IN ORDER TO INCREASE PUBLIC ACCESS AND PARTICIPATION BY, AMONG OTHER THINGS: 1) CHANGING THE TIMES FOR COMMENCING CITY COUNCIL MEETINGS; 2) AMENDING PUBLIC COMMENT PROCEDURES; 3) REQUIRING THAT ITEMS NOT CONSIDERED BY A STANDING COMMITTEE BE SCHEDULED TO THE NON-CONSENT CALENDAR OF CITY COUNCIL AGENDAS; AND 4) MAKING NON-SUBSTANTIVE TECHNICAL EDITS.

Respectfully submitted,

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Janani Ramachandran
Oakland City Councilmember District 4

Kevin Jenkins
Oakland City Councilmember District 6

Attachment: Legislation