



**CITY OF OAKLAND
POLICE COMMISSION SELECTION PANEL**

Meeting Agenda

**Tuesday, May 2, 2017
5:30 PM – 7:00 PM
City Hall, 1 Frank H. Ogawa Plaza, Hearing Room #1
Oakland, CA 94612**

Selection Panel Members: Tal Klement (District 1), James Chanin (District 2), Sarah Chavez-Yoell (District 3), Shikira Porter (District 4), Mary Vail (District 5), Candice Jessie (District 6), Jean Blacksher (District 7), John Jones III (At Large), Arnold X. C. Perkins (Mayor)

- 1. Roll Call**
- 2. Introduction of Members**
- 3. Open Forum**

INFORMATIONAL ITEMS

- 4. Presentation of “Open Meeting” Laws**
The Office of the City Attorney will provide an overview of the Ralph M. Brown Act and Oakland Sunshine Ordinance, and its applicability to the Police Commission Selection Panel.
- 5. Handbook for Board and Commission Members**
The City of Oakland Public Ethics Commission published a Handbook for Board and Commission Members that will be distributed to the Police Commission Selection Panel. The handbook is a guide to conflicts of interest, public meetings, public service ethics, and other City government information.

DISCUSSION ITEMS

- 6. Police Commission Selection Panel Objective and Timeline**
Selection Panel will discuss objective of panel and timeline of actions as established by Measure LL approved by Oakland voters in November 2016.
- 7. Outreach and Application Process**
Selection Panel will discuss initial thoughts about conducting outreach and the application process for individuals to serve on the Police Commission.
- 8. Protocols for Conducting Meetings**
Selection Panel will discuss protocols for conducting future meetings, including meeting schedule, appointing a chairperson, adhering to parliamentary procedures such as Robert’s Rules of Order.

The meeting will adjourn upon the completion of the Selection Panel’s business.

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A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chairperson allocates additional time.

Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email wwoo@oaklandnet.com or call (510) 238-7798 or (510) 238-2007 for TDD/TTY five days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a wwoo@oaklandnet.com o llame al (510) 238-7798 o al (510) 238-2007 para TDD/TTY por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議前五個工作天電郵 wwoo@oaklandnet.com 或 致電 (510) 238-7798 或 (510) 238-2007 TDD/TTY。

BROWN ACT AND OAKLAND SUNSHINE ORDINANCE QUICK OVERVIEW

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April 27, 2017

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Brown Act & Sunshine provide:

“In enacting [the Brown Act], the legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.” (Ralph M. Brown Act – Gov. Code § 54950)

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided [under the Ralph M. Brown Act].” (Gov. Code § 54953.)

“[The Sunshine Ordinance] is intended in part to clarify and supplement the . . . Brown Act . . . to assure that the people of the City of Oakland can be fully informed and thereby retain control over the instruments of local government in their city.” (Sunshine – Oakland Muni. Code § 2.20.010)

- All meetings of a legislative body must be open and public, except for closed sessions authorized by law.
- Closed session authorizations must be narrowly construed.
- All persons must be permitted to attend open and public meetings.
- Voting by secret ballot is prohibited.
- The body must report all actions taken and the vote or abstention of each member present for the action.

(Gov. Code § 54953)

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Legislative Body means:

- Oakland City Council and Board of Port Commissioners
- *Board, commission, task force established by the Charter (e.g., Public Ethics Commission, Civil Service Board, Police and Fire Retirement Board, Selection Panel for Police Commission and Police Commission).*
- Board, commission, task force established by the City Council or Port Board by ordinance, resolution or motion.
- Advisory board, commission or task force created and appointed by Mayor that exists for longer than 12 months.
- Standing committees of the above, with continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution or formal action.

(Oakland Muni. Code § 2.20.030)

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MEETING includes:

- Congregation of a quorum or majority of the Panel:
 - Face to face meetings,
 - Teleconference participation,
 - meal gatherings (before, during or after a meeting).
- Serial communications regarding matters within the subject matter jurisdiction that involve a quorum or more of the Panel.
- Use of intermediaries to discuss, deliberate, take action or develop a consensus on matters within the subject matter jurisdiction of the Panel.

Examples:

- Email communications among a quorum or more of the Panel regarding matters within its subject matter jurisdiction.
- Conversations between a quorum of the Panel at a dinner, conference, party or other social/public event regarding matters within its subject matter jurisdiction.
- Asking council aides, staff or city officials about the positions of other Panel members regarding matters within the Panel's subject matter jurisdiction.

(Gov. Code § 54952.2; Oakland Muni. Code § 2.20.030)

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Provided Panel members do not discuss City business among themselves, a quorum may attend:

- **Conferences open to the public;**
- **Open and public community meetings organized by persons or organizations other than the City;**
- **Open and noticed meetings of another local agency;**
- **Open and noticed meetings of the legislative body of another local agency;**
- **Social or ceremonial events.**

(Gov. Code § 54952; Oakland Muni. Code § 2.20.030)

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Meeting Location and Time

- **Panel meetings must be held within City of Oakland boundaries.**
- **Meetings should be held on weekday evenings “whenever reasonably possible”.**
- **Meetings must be video and audio taped**

(Gov. Code § 54954; Oakland Muni. Code § 2.20.060 & 2.20.160)

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AGENDA REQUIREMENTS

- Purpose
 - Establish the scope of what may be discussed at the meeting – discussions outside the scope of what is described in the Agenda are not permitted;
 - Describe the set of permissible action(s) that may be taken at the meeting.
- Agenda Description.
 - Brief, general description of items, preferably no more than 20 words.
 - Clear and specific language sufficient “to alert a person of average intelligence and education whose interests are affected by the item that s/he may have reason to attend the meeting or seek more information.”
 - Abbreviations and acronyms must be spelled out in titles and text.
 - Time and location of the meeting.
 - Contact information to request disability-related accommodations.

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AGENDA REQUIREMENTS, cont'd

- Agenda Publishing/Posting.
 - Agendas must be posted at a public, accessible location. [City Hall, 14th Street display cases].
 - Copies of agendas and agenda-related materials must be placed on file in City Clerk’s Office and Main Library.
 - Agendas and agenda-related materials should also be posted online; but, failure to timely post online due to software/hardware problem is not a defect in noticing.

(Gov. Code § 54954.2; Oakland Muni. Code § 2.20.030)

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PUBLIC TESTIMONY

- **Speaker Cards:** The Panel may require speakers to submit speaker cards for open forum and agenda items.
- **Open Forum:** Must provide opportunity for public comment on non-agenda matters at beginning or end of meeting. Panel Chair can allow open forum speakers to address agenda items.
- Each member of the public that wishes to speak on an item must be allowed to speak prior to Panel vote on the item.
- Members of the public must be allowed to speak on all items appearing on the agenda, even if the Panel removes the item.

(Gov. Code § 54954.3, Oakland Muni. Code § 2.20.150)

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PUBLIC TESTIMONY, cont'd

- **Cannot prohibit speakers from expressing public criticism about City services, procedures, activities, etc.**
- **Public Speaker time.**
 - Two (2) minutes minimum should be allowed for public speakers unless the circumstances described below warrant a reduction.
 - Panel Chair may reduce time to 1 minute maximum -
 - ✓ Time reduction must be “reasonable” and applied uniformly.
 - ✓ What is a ‘reasonable’ depends on several factors, e.g.:
 - Time constraints of the meeting,
 - Number of agenda items,
 - Complexity of the items,
 - Number of persons that have submitted speaker cards

(Gov. Code § 54954.3, Oakland Muni. Code § 2.20.150)

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Notice of Meetings

Regular Meetings: **72 Hours Notice.**

Special Meetings: **48 hours.** Weekends and holidays cannot be counted towards the 48 hours.

Exceptions:

- Agendas and agenda-related materials for a special meeting scheduled on a Monday may be posted **by noon, the prior Friday.**
- Special meeting held offsite requires **10 days notice.**
- Special meeting scheduled in place of a regular meeting that falls on a holiday requires **5 days notice.**

Who may call a special meeting?

- Chair of the Panel (if one is elected)
- Panel by majority vote

(Sunshine § 2.20.070 & 2.20.080; Charter § 208)

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Enforcement & Penalties

Public Ethics Commission (PEC)

- Complaints may be filed with the PEC.
- May investigate and/or conduct public hearing following investigation.
- May issue a cure and correct demand to legislative body.
- May file a civil lawsuit against legislative body.

Civil Actions

- Individuals or district attorney may file action:
 - Injunctive/mandatory/ declaratory relief, or
 - Void the action taken by the legislative body in violation of the Act.
- Legislative body would have opportunity to cure and correct actions.
- Costs and attorneys fees may be awarded.

Criminal Penalties

- District attorney may seek misdemeanor penalties against individual members of the body, who:
 - participate in a meeting of the body where action is taken in violation of the Brown Act,
 - with "intent to deprive the public of information the member knows or has reason to know the public is entitled to receive .
- "Action" = collective decision, commitment or promise reached by the body.

(Gov. Code § § 54959, 54960, 54960.1, 54960.5; Oakland Muni. Code Chapter 2.20, Art. IV)

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References

- Board and Commission Member Handbook
<http://www2.oaklandnet.com/government/o/CityAdministration/d/PublicEthics/o/GL/index.htm>
- Oakland's Sunshine Ordinance
https://www.municode.com/library/ca/oakland/codes/code_of_ordinances?nodeId=TIT2ADPECH2.20PUMEPURE

City of Oakland

Board & Commission Member Handbook



Your Guide to Government Ethics and Sunshine laws,
Commissioner Roles and Responsibilities,
and City Government Information



Public Ethics Commission
1 Frank H. Ogawa Plaza, Room 104
Oakland, CA 94612
Phone: (510) 238-3593
Fax: (510) 238-3315
ethicscommission@oaklandnet.com
Web: www.oaklandnet.com/pec





WELCOME TO OAKLAND CITY GOVERNMENT!

Congratulations on your appointment to one of Oakland’s boards, commissions, or committees. All of these entities are referred to generally in this handbook as “boards.” Oakland relies on its many boards to provide critical guidance in City decisions and to serve as important forums for public participation. With this privilege comes your responsibility to comply with governmental integrity laws and to uphold the public’s trust. This *Handbook for Members of Boards and Commissions* is intended to help you understand this new responsibility and to help guide you in your role as a board member for the City of Oakland.

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CHECKLIST OF ORIENTATION ACTIVITIES

Below is a list of activities for you to accomplish during your first 30 days as a Commissioner:

Step	Action	Completed
1	Take the Oath of Office – City Clerk’s Office 1 Frank Ogawa Plaza (City Hall), 2 nd Floor	
2	File Form 700 – Statement of Economic Interests http://www.fppc.ca.gov/Form700.html	
3	Watch the Public Ethics Commission’s Introduction to the Oakland Government Ethics Act Video www.oaklandnet.com/pec	
4	Take the state’s online AB1234 Ethics Training for local officials http://localethics.fppc.ca.gov/login.aspx	
5	Review your Commission/Board’s applicable laws, by-laws, policies, and procedures with your board/commission staff	
6	Ask questions about your Commission’s procedures and process if you are unclear about the process or information provided to you	
7	Ask the Public Ethics Commission for advice or assistance upon need Website: www.oaklandnet.com/pec Email: ethicscommission@oaklandnet.com Phone: (510) 238-3593 Location: 1 Frank Ogawa Plaza (City Hall), Room 104	

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OAKLAND GOVERNMENT ETHICS ACT

In 2014, the Oakland City Council passed the Government Ethics Act (GEA) which provides a comprehensive framework of ethics laws for public servants in Oakland. Provisions in the GEA include conflicts of interests, misuse of City position/resources, gift restrictions, and more. The GEA mirrors the State of California's Political Reform Act (PRA) and codifies state ethics laws at the local level. Let's take a look at some of these provisions as they pertain to your work as a board member in Oakland.

Conflicts of Interests and Personal Gain

The laws pertaining to conflicts of interest are too broad and complex to permit a detailed discussion in this Handbook. However it is important for people participating in City government to have a basic understanding of conflict laws so they know how to spot a potential conflict situation, should one arise.

Most financial conflict of interest laws are contained in the California Political Reform Act of 1974 ("PRA"). Basically, the PRA states that a financial conflict of interest may exist when a person influences a decision that will materially affect an economic interest connected to you or your immediate family. Let's take a look at these highlighted terms:

A person "influences" a government decision when he or she makes or participates in making it; or when he or she attempts to use his or her official position to affect the outcome of the decision. It is often not enough just to refrain from voting on a matter that may involve a conflict of interest – the law requires that you completely refrain from all participation or attempts to influence the outcome!

The law identifies six basic kinds of "economic interests:"

- business entities in which you, your spouse or your dependent children have an investment;
- real property in which you, your spouse or your dependent children have an investment;
- sources of income paid to you or your spouse 12 months before the governmental decision was made;
- business entities in which you hold a position of management, employment or executive responsibility;
- persons who have given or promised you gifts totaling \$250 or more within 12 months before the time you make a governmental decision; and
- the personal finances of you and your immediate family.

If a decision before your board or commission may have an effect on any of the above economic interests which you or your immediate family may have, contact the Public Ethics Commission for advice before you participate in any way.

Filing Statements of Economic Interest (Form 700)

The PRA requires every city in California to adopt a conflict of interest code. The underlying principle behind this code is to ensure that decisions are made by public officials openly, honestly, and free from the motivation of personal gain. Most members of Oakland's boards and commissions have been identified as decision-makers subject to its conflict of interest code. A list of these boards and commissions can be found in Appendix C.

If you are a member of one of the public bodies listed on Appendix C, you are required to file periodic "Statements of Economic Interests," (otherwise known as a "Form 700"). A Form 700 must be completed and filed with the Office of the City Clerk at the following times:

- Within 30 days after assuming office.
- Annually on April 1 of each year.
- Within 30 days of leaving office.

You may file electronically through the City Clerk's office (Elections web-page). Alternatively, you may file a hard copy with the City Clerk, located on the first floor of City Hall. Instructions and the period covered by each type of statement are included with the forms used for filing.

Form 700's are kept available for public inspection by the Oakland City Clerk. State law permits a penalty of \$10 per day for late filings, and failure to file the form is subject to a maximum fine of \$5,000 per violation. Also remember that you must complete and return your forms even if you have "no reportable interests" to disclose.

For most people, filling out a Form 700 can usually be an easy experience provided you read the instructions carefully. However, if questions arise, please contact the Public Ethics Commission or the California Fair Political Practices Commission for advice.

Gift Restrictions

One of the most common issues which people encounter is whether it is permissible to accept gifts while serving on a board or commission. The basic rule is that if you are a member of a board or commission whose members are required to file a Form 700, you may not accept gifts from any single source totaling more than \$250 in a calendar year.

The Oakland Government Ethics Act also imposes a \$50 annual gift limit from restricted sources who are individuals that (1) are doing business with or seeking to do business with the department your board oversees or (2) in the prior 12 months attempted to influence you in any legislative or administrative action.

Any gift that you receive of \$50 or more must be disclosed on your Form 700.

There are exceptions to the above gift rules, such as gifts from family members, personalized plaques and trophies valued at less than \$250, informational material provided to assist you in your official duties, and free admission or discounts to informational conferences or seminars. Contact the Public Ethics Commission for a list of gift exceptions.

Confidential Information

During the term of your service, you will gain access and receive a considerable amount of information from staff to assist you in the decisions you will be tasked to make. Some of that information may prove to be very valuable to those seeking to do business with the City or seeking to influence a decision before your board. A public servant cannot disclose any confidential information acquired during the course of their official capacity for the purpose of private gain or interests.

For example, your committee just received an advance copy of a Request for Proposals (RFP) from department staff for the provision of consulting services. The RFP will not be available to the public until next month. Your husband's business partner is a consultant. You are prohibited from telling your husband's business partner about the RFP until it is made public.

Misuse of City Resources/Position

As a board member, you play an important role in City government and have a certain measure of power. It is important that you understand how you will use it to ensure that your actions are done in the interest of building and preserving public trust. The Government Ethics Act includes provisions that prohibit board members from using their position for private gain.

One provision forbids you to have a financial interest in any contract made by you or a board or commission on which you serve as a member. This means that your board or commission cannot make or recommend a grant or a contract to a company or organization in which you or an immediate family member has an interest or serves as an officer or director.

Another provision forbids public servants from engaging in employment or activities that are incompatible with their public duties.

Keep in mind that the position you hold is one of public trust. When in doubt, the better course of conduct often is to avoid even the appearance of a conflict and to recuse yourself from participation.

Revolving Door Rules

Upon leaving public service, including a volunteer board/commission seat, a public servant may not, for one year after termination of his or her service, communicate with any officer or employee of the board/commission on which you served if the communication is on behalf of any other person and with the intent to influence a government decision.

Fair Process

It is important that public servants refrain from any action that can be perceived as giving privilege or special access to certain individuals. In particular, you may not receive anything of value from someone in exchange for an intended vote or official action. That is a bribe!

SUNSHINE ORDINANCE

All of Oakland's boards and commissions are required to conduct their meetings in public. Most of the work and all of the decisions you will be making will take place at these public meetings. It is therefore important that you understand how "open meeting" laws work, and how to prepare for meetings so you may participate effectively.

There are two laws that help ensure that public meetings are properly announced and conducted. The Ralph M. Brown Act is a state law that applies to all public bodies in the State of California. The Oakland Sunshine Ordinance is a local law that supplements the Brown Act and provides even greater public access to the workings of Oakland government.

What Constitutes a Public Meeting

Under the Oakland Sunshine Ordinance, a "meeting" is defined as "any congregation of a majority of the members of a local body at the same time and location. . . to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the local body."

This means that a meeting can occur at any time when a majority of members come together, even informally during a conversation following a formal meeting!

Keep in mind:

- A majority of the members of a local body are not permitted to use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the local body.
- A meal gathering conducted before, during or after a public meeting is considered a part of the public meeting and must be properly noticed and made open to the public.
- A "meeting" can occur if a staff or member of a public body calls, faxes or e-mails other members to develop a consensus regarding an item of business, even if the members never communicate to each other directly.

Majority Rule: If a majority of your members strike up a conversation or email exchange about your board/commission's work, you are in violation of Sunshine laws. Always be aware of your majority number and avoid talking with more than a minority of members. For example, if you have seven members on your board, then four members constitute a majority and you may talk about a board-related issue, other than scheduling, with no more than two other board members.

The Sunshine Ordinance does **not** include in its definition of a "meeting" individual conversations between members of a public body and a constituent; attending community meetings or conferences; or attending purely social, recreational, or ceremonial occasions (just so long as you do not discuss business items within the jurisdiction of your board or commission).

Meeting Agenda

Agenda Requirements

Meeting agendas serve as the official “guide” for every public meeting. They must specify the date, time, and location of the meeting and give a brief general description of each item of business to be transacted or discussed. Usually, City staff works with the Chairperson and members of a public body to determine what items will be placed on future meeting agendas.

If an item is not on the agenda for a regular meeting, there may be no action or discussion about it at the meeting.

In rare, emergency situations, two-thirds of the members present at the meeting (or if less than two-thirds of the members are present, then all of the members) could determine that there is a need to take immediate action which came to the attention of the local body after the agenda was posted. To meet the requirements of this exception, the action must be:

1. required to avoid a substantial adverse impact if the meeting were continued;
2. related to federal or state legislation; or,
3. related to a purely ceremonial or commendatory action.

If an item is not on the agenda for a special meeting, there may be no action or discussion on the item, period.

Check with the assigned staff member of your board for more information about agenda noticing requirements.

Conduct of a Public Meeting

The Brown Act and Sunshine Ordinance do not expressly provide how a public meeting must be conducted. There are many issues that can arise before or during a public meeting that you are likely to encounter. The following is a brief summary of those issues:

- **Agenda Packages** – An agenda or “meeting” package is usually assembled by City staff and sent to all board and commission members before the meeting. It typically contains the agenda, reports, and any other material which provides background information or recommendations concerning the subject matter of any item on the agenda. The agenda package may also include any other material that is forwarded to the local body before the posting of the meeting agenda.

Perhaps the most important thing to know about agenda packages is to read them before the meeting. Board and commission members are encouraged to contact City staff prior to the meeting if you have questions or need clarification about any item.

- **Quorum** – Unless otherwise provided in the city ordinance or resolution creating the public body, a majority of the members typically constitutes the quorum. A quorum is necessary before a local body can take any formal action; a majority of a quorum is required to take action on behalf of the local body.

Any member who recuses himself or herself due to a conflict of interest on an item should not be counted in establishing a quorum.

- **No Barriers to Attendance** – No local body shall conduct a meeting, conference, or other function in any facility that is inaccessible to persons with physical disabilities or where members of the public must pay or purchase something to gain entrance.
- **Meetings Must Be Tape Recorded** – All local bodies in Oakland must tape record their regular and special meetings. All tape or video recordings are public records that must be available for inspection during regular business hours. Any person may tape record, photograph, or videotape any meeting as long as such recording does not disrupt the proceedings.
- **Right to Public Comment at a Meeting** – Every meeting at which action is proposed to be taken must provide an opportunity for members of the public to directly address the public body before action is taken on each item. In addition, every meeting agenda must provide an opportunity for members of the public to directly comment on anything within the body's subject matter jurisdiction. This is usually accomplished by providing an "Open Forum" as a standing item on every regular and special meeting agenda.

During open forum, member of a public body may ask a question for clarification, make a brief report or announcement, refer a matter to City staff, or direct City staff to place on a future agenda any item or matter brought up during a meeting that is not listed on the agenda.

While the local body may adopt reasonable rules regulating the order and decorum of public testimony, the local body may not prohibit criticism of its policies, procedures, programs, or services, or of its acts or omissions. This generally applies to criticisms offered by a member of the local body as well. Any time constraints that are imposed on public testimony must be adopted at the outset and uniformly applied.

- **Cancellation or Continuation of an Agenda Item** – An item on the agenda may be cancelled or continued by a vote of the local body at the meeting, or by issuing formal notice of the cancellation or continuance if known far enough in advance of the meeting. Any continued item must specify the time and place of the meeting at which the item will be heard, and should be placed on the next meeting agenda.
- **Conditions on the Right to Attend or to Speak at a Public Meeting** – A public body may request that members of the public wishing to speak provide their names on a speaker's card to facilitate staff responses or for inclusion in the minutes of the meeting. However, the public cannot be required to give names or sign a register as a condition to attend a public meeting.

ROLES AND RESPONSIBILITIES

While this handbook is intended to provide a basic overview of the operating guidelines and legal requirements that are common to all City boards and commissions, it is by no means an exhaustive guide to your participation in City government. Most of your actions will be guided by your own good judgment and common sense. The following is intended to serve as general guidelines when dealing with others who participate in City government.

Expression of Personal Opinion

Individual members of boards and commissions should not present their personal views or recommendations as representing the board or commission unless their respective board or commission has voted to approve such a position or action. Members expressing views not approved by the majority of a board or commission should clearly state that their opinions are being expressed "personally" or as a "private citizen".

You may not use your board/commission title to obtain special treatment by the City or any other entity for your own personal benefit; doing so could be considered a misuse of your position in violation of the Government Ethics Act.

Role of the City Council and Mayor's Office

Most of Oakland's boards and commissions were established to provide information and advice to the City Council or the Office of the Mayor. As the elected representatives of the people of Oakland, the City Council and Mayor have the ultimate responsibility for making decisions that affect the City. It is important to remember that not all of the recommendations from advisory bodies may be accepted by the City Council and Mayor in carrying out their respective duties. Often final decisions must take into account a broader range of issues than the sometimes limited jurisdiction of an advisory body. While disagreements can and do arise, it is important that the established laws and policies of the City be followed.

Role of City Staff

City staff serves in a support capacity to Oakland's boards and commissions. Staff is usually responsible for ensuring that meeting notices are properly and timely distributed, and provides Oakland's public bodies with the professional expertise for which they were hired. While highly dedicated to the boards and commissions they serve, City staff is ultimately responsible to the administrative departments of the City. Staff cannot and should not be directed to perform tasks that conflict with their established duties and work priorities. In no event may staff be directed to perform work for the personal advantage of board or commission members.

Frequently City staff provides recommendations to public bodies on a variety of issues. These recommendations are often based on the technical requirements of the law or established City policy. While a board or commission is not always expected to adopt staff's recommendations, they should always be carefully considered before taking formal action.

Collaborating with the Public

The earlier discussion in the section entitled "Public Meetings" highlighted specific requirements for keeping public meetings open and available to members of the public. But there is more to serving as a board or commission member than mere compliance with the law. Good public service demands that people be treated fairly, honestly and with the utmost of courtesy. It is crucial for you to keep an open mind in all your deliberations, and to consider all opinions expressed at a public meeting before making a decision. This not only encourages greater public participation, but rewards you with information and opinions you may not have previously considered.

Just as people have a right to expect the highest standards of decorum from their representatives, no one is expected to suffer from undue abuse or physical or verbal threats. California law permits the removal of any person who willfully engages in disorderly conduct and disrupts the peace and good order of a public meeting. Check with your Commission's assigned City Attorney as situations arise.

Attendance, Resignation and Removal

Oakland's boards and commissions simply cannot function without your attendance and active participation. If you are required to miss a meeting, please inform City staff and the chairperson with as much advance notice as possible. Some boards and commissions have specific requirements about missing more than a certain number of meetings without excuse or good reason. In some cases, failure to regularly attend meetings could result in your removal from the board or commission.

Occasionally people are required to resign their seats on a public body before the end of their appointed term. If this should occur, you should submit a letter stating your intention to resign and an effective date of your resignation to the Office of the City Clerk, the board and commission on which you serve, and a copy to City staff.

The Oakland City Charter provides that members of City boards and commissions may be "removed for cause" after a hearing and upon the affirmative vote of at least six City Councilmembers. While there is no definition of what specific conduct would lead to such an action, board and commission members should realize that certain conduct, such as a constant failure to attend meetings without a legitimate excuse, could result in removal from office.

CITY GOVERNMENT STRUCTURE

Structural Overview

The City of Oakland has a Mayor/Council form of government. The Mayor is elected at-large for a four-year term, and can be re-elected only once. The Mayor is not a member of the City Council; however, he or she has a right to vote as one if the Council members are evenly divided on certain issues. The City Council is the legislative body of the City and is comprised of eight Council members. One Council member is elected “at large,” while the other seven Council members represent specific districts. All Council members are elected to serve four-year terms. Every two years, the City Council elects one member to serve as President of the Council, with another member selected annually to serve as Vice Mayor.

The City Administrator is appointed by the Mayor and is subject to confirmation by the City Council. The City Administrator is the Chief Administrative Officer of the City and is responsible for day-to-day administrative and fiscal operations of the City.

Mayor



Libby Schaaf

The Mayor is Oakland’s chief elected officer. He or she is specifically responsible for presenting a balanced budget to the City Council, recommending legislation and measures for consideration by the City Council, appointing the City Administrator (subject to City Council confirmation), and generally promoting programs for the social, physical, economic and cultural development of the City.

City Council



The City Council is the legislative body of the City, vested with the regulatory and corporate powers of the municipal corporation. The City Council establishes local policy and, together with the Mayor, is ultimately responsible to the people for the actions of the City. The City Council establishes priorities and direction for the City through the legislative process, adopts and monitors the annual operating and capital improvement budgets, makes appointments to various advisory committees and commissions, and serves as the Redevelopment Agency Board of Directors.

City Administrator



Sabrina Landreth

The City Administrator is responsible for the proper and efficient administration of City affairs. He or she directly manages several departments and divisions including the Budget Office, the Office of Information Technology, Office of Personnel, Citizens Police Review Board, ADA Programs, Contract Compliance, Intergovernmental Affairs, Risk Management, Oakland Sharing the Vision, Equal Access programs and communications including the City’s cable television station, KTOP. The City Administrator also provides

support to City Council and Committee meetings by coordinating responses to City Council requests for information and action.

City Attorney



Barbara Parker

The elected City Attorney provides legal services, advice and representation to the Mayor, City Council, City Administrator, City departments, and City boards and commissions, and serves as general counsel for the Oakland Redevelopment Agency and the Oakland Housing Authority and co-counsel to the Oakland-Alameda County Coliseum Authority. The legal services provided by the City Attorney's office include a wide variety of specialized legal and financial functions such as claims investigation, adjustment and negotiations, court appearances, calendaring, litigation and pre-trial discovery.

City Auditor



Brenda Roberts

The City Auditor is an elected officer of the City whose office performs audits and reviews of the records, procedures and activities of City departments. The City Auditor also prepares impartial financial analyses of selected proposed major expenditures, conducts surveys, reviews and performance audits deemed to be in the best public interest, and publicly reports to the City Council on the implementation of the City Auditor's recommendations. The City Auditor provides a professional service to City government to help ensure that City operations are effective and efficient, and to act as a deterrent to fraud, waste and mismanagement of City resources.

City Clerk



LaTonda Simmons

The Office of the City Clerk produces and distributes the weekly City Council meeting and committee agendas and maintains the official minutes of the Oakland Redevelopment Agency (ORA), City Council and all City Council Committees. The City Clerk is responsible for administering municipal elections and assisting candidates in meeting their legal responsibilities before, during and after an election, and the office receives and maintains Form 700s (Statements of Economic Interests) that are filed by all City public servants. Finally, the City Clerk's office maintains public records, such as the minutes, reports, ordinances and resolutions adopted by the City Council, as well as other municipal records.

APPENDIX A

Robert's Rules of Order

Some public boards and commissions conduct their meetings according to a specific set of bylaws. Often those bylaws, or the board or commission's own rules of conduct or procedure, state that meetings shall be conducted under the Robert's Rules of Order. This appendix is intended to give you a summary of some of the most important Rules.

The most common application of the Rules is in making and voting on motions. A motion is simply a proposal that is recognized by the presiding officer. It can be changed (amended) or withdrawn before it is finally voted upon. The following are the usual steps followed in making and voting on a motion.

1. A member is recognized and states his or her motion;
2. Another member seconds the motion;
3. The members debate the motion;
4. The chair or presiding officer calls for a vote; and,
5. The chair or presiding officer announces the result of the vote and/or that the motion has carried or failed.

After a motion has been made but before it is voted upon, any member may move to amend a pending motion. The important thing to remember is that a pending motion may only be amended by adding or deleting words or phrases; you cannot use the amendment procedure to substitute a new or different motion in its place. Once an amendment is proposed or seconded, a vote is taken on whether to accept the amendment before voting on the underlying motion.

Many boards and commissions have bylaws or informal agreements that determine how voting occurs. Several of the most common ways are:

1. By Voice – The Chairperson asks those in favor to say, “aye” and those opposed to say “no.” Any member may move for an exact count.
2. By Roll Call or Ballot – Each member responds “yes” or “no” as the vote is taken. These methods are used when a record of each person's vote is desired or required.
3. By Unanimous Consent – When a motion is not likely to be opposed, the Chairperson says, “If there is no objection ...” The membership shows agreement by its silence, however if any member objects, then the item must be put to a vote.

The Chairperson may properly seek unanimous consent (“If there is no objection...”) on relatively non-controversial matters as an alternative to the formal motion process. Typically this process is used to adopt minutes, adjourn, extend a speaker's time, and other similar matters. It can be very effective in helping to move quickly through parts of an agenda.

Anyone who has attended public meetings for very long will eventually encounter various motions or actions that are technically not appropriate under the Roberts Rules of Order. Here are some of the most common:

1. "I so move." This motion sometimes comes after a long discussion or speech. The problem is that the discussion or speech may not precisely set forth what the board or commission is being asked to consider. It is always better to make a clear and accurate motion.
2. "Call The Question." Most people intend this motion as a request (and sometimes as a demand) to automatically end debate and put the item to an immediate vote. The problem is that it takes a two-thirds vote to terminate a discussion. Furthermore, state and local laws require members of the public to have an opportunity to address a public body before voting occurs. The better course of action is to permit everyone to discuss a motion or item before the vote is taken. (If there are too many speakers, consider limiting the time each speaker may have *before* the discussion begins.)
3. "I Move To Table." A "motion to table" or "lay on the table" is permitted only to temporarily interrupt an agenda to consider another matter (usually an emergency) out of turn. It is *not* the appropriate motion to use to kill or defeat a motion that is under consideration.
4. "Point Of Personal Privilege!" This exclamation is sometimes used to interrupt a speaker whenever another member's name is mentioned in a context the other member doesn't like or agree with. Actually, a motion for privilege can pertain to the rights of the board or commission as a whole as well as an individual (for example: "Point of privilege, Madam Chair: Can we turn down the heat in this room?"), but it should only be used sparingly when a speaker's remarks refer to another member. Absent a grievous attack on your character, simply seek recognition from the Chairperson and wait your turn to speak or respond.

APPENDIX B

USEFUL TELEPHONE NUMBERS

Mayor's Office	238-3141
City Council	238-3266
City Administrator	238-3301
City Clerk	238-3612
City Attorney	238-3601
City Auditor	238-3378
Office of Information Technology	238-2274
Police Department (Non-Emergency)	777-3333
Financial Services Agency	238-2220
Fire Services Agency	238-3856
Department of Human Resources	238-3112
Human Services	238-3121
Housing and Community Development	238-3015
Parks & Recreation Agency	238-7275
Planning and Building	238-3443
Public Ethics Commission	238-3593
Public Library	238-3134
Public Works Agency	238-3961
Community & Economic Development Agency	238-3344
Oaklanders Assistance Center	238-7366
City Hall Security	238-3995

APPENDIX C

BOARDS REQUIRED TO FILE FORM 700s

Alameda County-Oakland Community Action Partnership Administering Board
Bicyclist and Pedestrian Advisory Commission
Board of Port Commissioners
Budget Advisory Committee
Business Tax Board of Review
Cannabis Regulatory Commission
Children's Fairyland Board of Trustees
Children's Fund Planning and Oversight Committee
Citizen's Police Review Board
Civil Service Board
Commission on Aging
Commission on Persons with Disabilities
Community Policing Advisory Board
Cultural Affairs Commission
Head Start Advisory Panel
Housing and Residential Rent and Relocation Board
Landmarks Preservation Advisory Board
Library Advisory Commission
Oakland-Alameda Coliseum JPA Commission
Oakland Animal Services Community Advisory Commission
Oakland Housing Authority Board of Commissioners
Parks and Recreation Advisory Commission
Police and Fire Retirement System Board
Privacy Advisory Commission
Public Ethics Commission
Public Safety and Services Violence Prevention Oversight Commissions – 2014
Wildlife Prevention Assessment District Advisory Board
Workforce Investment Board
Youth Advisory Commission

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**CITY OF OAKLAND
POLICE COMMISSION SELECTION PANEL**

Objective and Timeline

Selection Panel Objective: By a two-thirds vote, submit a slate of four (4) Commissioners and one (1) alternate to the City Council to accept or reject.

Timeline:

When	Who	What
By Tuesday, August 8	Selection Panel to Submit Slate of Commissioners and Alternate	Names of four (4) Commissioners and one (1) Alternate
Upon Receipt of Slate of Commissioners and Alternate	City Administrator	Conduct Background Checks of Commissioners/Alternate
September 19 City Council Mtg (report due August 28) Or October 3 City Council Mtg (report due Sept 11)	City Administrator	Resolution / Report enabling City Council to accept or reject the slate of Commissioners
Within 60 days of Completion of Background Checks and City Council's Receipt of Slate of Commissioners and Alternate	Selection Panel / Mayor	Police Commission members are appointed.

*Each year the Selection Panel shall re-convene, as needed, to designate replacements for the five (5) Commissioner (four (4) regular members and one (1) alternate) vacancies initially filled.

Qualifications of Police Commissioners:

Measure LL requires that the Police Commissioners be Oakland residents, at least 18 years of age, and that the Commission include “members with knowledge and/or experience in the fields of human resources practices, management, policy development, auditing, law, investigations, law enforcement, youth representation, civil rights and civil liberties, as well as representation from communities experiencing the most frequent contact with the [Oakland Police] Department.”

Measure LL also *prohibits* the following from serving as Commissioners:

- a. current sworn police officer;
- b. current City employee;
- c. former Department sworn employee; or
- d. current or former employee, official or representative of an employee association representing sworn police officers.

(Section 604(c)(1) of the City Charter.)

Police Commission CITY of OAKLAND



Application for Position of Commissioner

Applicant Information

Full Name: _____ Date: _____
Last First M.I.

Address: _____
Street Address Apartment/Unit #

City State ZIP Code

Phone: _____ Email: _____

References

Please list three professional references who are familiar with your qualifications and who can answer questions about your ability to serve as Commissioner.

Full Name: _____ Relationship: _____
Company: _____ Phone: _____
Address: _____

Full Name: _____ Relationship: _____
Company: _____ Phone: _____
Address: _____

Full Name: _____ Relationship: _____
Company: _____ Phone: _____
Address: _____

Previous Employment

Company: _____ Phone: _____
Address: _____ Supervisor: _____
Job Title: _____

Responsibilities: _____

From: _____ To: _____ Reason for Leaving: _____

SAMPLE – FOR DISCUSSION PURPOSES ONLY

Company: _____ Phone: _____
Address: _____ Supervisor: _____
Job Title: _____

Responsibilities: _____
From: _____ To: _____ Reason for Leaving: _____

Company: _____ Phone: _____
Address: _____ Supervisor: _____
Job Title: _____
Responsibilities: _____
From: _____ To: _____ Reason for Leaving: _____

Military Service

Branch: _____ From: _____ To: _____
Rank at Discharge: _____ Type of Discharge: _____
If other than honorable, explain: _____

City of Oakland Residency

Check all that apply:

Are you a registered voter in the City of Oakland?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Are you a resident of the City of Oakland?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Application Considerations

Check all that apply:

Are you seeking consideration as a Council Appointee?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Are you seeking consideration as a Mayor Appointee?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Supplemental Questionnaire

The purpose of this supplemental questionnaire is to assess your qualifications, training and experience. Your answers to these questions, along with your completed application, will be used by the Selection Panel to select the most suitably qualified candidates. Applications submitted without a completed supplemental questionnaire will not be considered. Respond to each question, but limit each response to one 8.5" x 11" sheet of paper (single or double spaced) per question. Responses more than one page will not be considered. Responses must be legible.

1. *Please state how your qualifications represent the communities of interest, neighborhoods, and the diversity in ethnicity, race, age, sex, sexual orientation, gender identity, types of disabilities, and other relevant demographic qualities of the City of Oakland.*
2. *Please state why you are interested in serving as a Commissioner.*
3. *Please state how your business and/or professional experience qualifies you for the position of Commissioner.*
4. *Please state how your involvement in any civic and/or volunteer activities qualifies you for the position of Commissioner.*
5. *Please describe any other qualifications and/or experience that qualifies you for the position of Commissioner.*
6. *Please attach a current resume.*

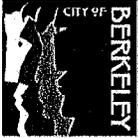
Disclaimer and Signature

I certify that I am over eighteen years of age and that my answers are true and complete to the best of my knowledge. My signature below also indicates that I acknowledge that, by applying for the position of Commissioner, I will be subject to a background check.

Please note: Once submitted, your application form, along with all attachments, becomes a public record.

Signature: _____

Date: _____



APPLICATION FOR APPOINTMENT TO BERKELEY
BOARDS AND COMMISSIONS

NAME: _____

RESIDENCE ADDRESS: _____
Street City Zip

BUSINESS NAME/ADDRESS: _____
Street City Zip

EMAIL ADDRESS: _____

OCCUPATION/PROFESSION: _____

HOME PHONE: _____ BUSINESS PHONE: _____

I am interested in being considered for appointment to the following Berkeley board(s)/commission(s):

Name of board/commission: _____

Name of board/commission: _____

List any qualifications (work experience, education, attributes and training) which you feel would provide positive input to the work of the commission and the reason why you are interested in being appointed:

Please use another sheet of paper, if necessary.

The following individuals are qualified to comment on my capabilities:

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NO.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Applicant: _____ Date: _____

PLEASE COMPLETE DEMOGRAPHIC SURVEY ON REVERSE SIDE OF THIS APPLICATION

Return this form to the City Clerk Department: 2180 Milvia Street, Berkeley, 94704

*The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions except the Youth Commission and Commission on Status of Women to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at [http://www.cityofberkeley.info/Clerk/Home/Conflict of Interest Code.aspx](http://www.cityofberkeley.info/Clerk/Home/Conflict%20of%20Interest%20Code.aspx).

Please indicate gender: Male Female
 Please indicate whether you are currently a student: Yes No
 Please indicate the racial / ethnic category which you most closely identify with below
 (response optional - please check only one category):

- WHITE** (Not of Hispanic origin.): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- BLACK** (Not of Hispanic origin.): All persons having origins in any of the Black racial groups of Africa.
- HISPANIC**: All persons of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish culture or origin, regardless of race.
- ASIAN / PACIFIC ISLANDER**: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, and Samoa.
- AMERICAN INDIAN / ALASKAN NATIVE**: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition. Please identify the tribe which you are affiliated with.
- OTHER / BI-RACIAL**: Persons who do not identify with any of the above categories or who have mixed or unknown racial/ethnic origins.



APPOINTMENT FORM - BOARDS AND COMMISSIONS
 (For Mayor and Council use only)

Mayor/Councilmember _____

NAME OF APPOINTEE _____

RESIDENCE ADDRESS _____
Street City Zip

BUSINESS NAME/ADDRESS _____
Name Street City Zip

EMAIL ADDRESS _____

OCCUPATION/PROFESSION _____

HOME PHONE: _____ BUSINESS PHONE: _____

Check appropriate box: New Appointment Reappointment Temporary Appt.

Temporary Appt.: From (date) _____ To (date) _____

Please send mail to: Home Business

Please indicate the name of the board/commission to which you are appointing this individual

Board/Commission Name: _____

*****Please indicate the SPECIAL CATEGORY being fulfilled, if appointment is to ANY of the following boards or commissions:** Elmwood BID Advisory Board, Loan Administration Board, Human Welfare & Community Action Commission, Solano Avenue BID Advisory Board.

Special Category _____

Signature: _____ Date: _____
Mayor/Councilmember

For Mayor/Councilmember and City Use Only:

Interview Date	Appoint. Date	Process Date



POLICE COMMISSION APPLICATION FORM

DATE: _____

Check One: New Appointment
Re-Appointment

YOUR NAME: _____

HOME ADDRESS: _____

HOME PHONE: _____ WORK PHONE: _____

OCCUPATION: _____

HOW LONG HAVE YOU BEEN A RESIDENT OF THE CITY OF RICHMOND? _____

REASONS FOR INTEREST IN APPOINTMENT: _____

FRATERNAL AND/OR CIVIC ORGANIZATIONS: _____

EDUCATION: _____

REFERENCES (Minimum 5—List Name, Address & Phone Number)

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

NOTE: All Police Commissioners are required to complete an eight (8) hour Police Department orientation and a minimum of twenty (20) hours participation in the Ride Along program. Please call the Police Commission Office at 307-8032 for additional information regarding these requirements.

Applicant's Signature: _____

DELIVER OR MAIL TO:

CITY CLERK
1401 MARINA WAY SOUTH
P.O. BOX 4046
RICHMOND, CA 94804
(510) 620-6513

Rev. 5/05



Board of Supervisors
City and County of San Francisco **SAMPLE**
1 Dr. Carlton B. Goodlett Place, Room 244 **OR DISCUSSION PURPOSES ONLY**
(415) 554-5184 FAX (415) 554-7714

Application for Boards, Commissions, Committees, & Task Forces

Name of Board, Commission, Committee, or Task Force: _____

Seat # or Category (If applicable): _____ District: _____

Name: _____

Home Address: _____ Zip: _____

Home Phone: _____ Occupation: _____

Work Phone: _____ Employer: _____

Business Address: _____ Zip: _____

Business E-Mail: _____ Home E-Mail: _____

Pursuant to Charter Section 4.101 (a)2, Boards and Commissions established by the Charter must consist of electors (registered voters) of the City and County of San Francisco. For certain other bodies, the Board of Supervisors can waive the residency requirement.

Check All That Apply:

Registered voter in San Francisco: Yes No If No, where registered: _____

Resident of San Francisco Yes No If No, place of residence: _____

Pursuant to Charter section 4.101 (a)1, please state how your qualifications represent the communities of interest, neighborhoods, and the diversity in ethnicity, race, age, sex, sexual orientation, gender identity, types of disabilities, and any other relevant demographic qualities of the City and County of San Francisco:

Business and/or professional experience:

Civic Activities:

Have you attended any meetings of the Board/Commission to which you wish appointment? Yes No

For appointments by the Board of Supervisors, appearance before the RULES COMMITTEE is a requirement before any appointment can be made. *(Applications must be received 10 days before the scheduled hearing.)*

Date: _____ Applicant's Signature: (required) _____

(Manually sign or type your complete name.
NOTE: By typing your complete name, you are hereby consenting to use of electronic signature.)

Please Note: Your application will be retained for one year. Once Completed, this form, including all attachments, become public record.

FOR OFFICE USE ONLY:

Appointed to Seat #: _____ Term Expires: _____ Date Seat was Vacated: _____

01/20/12

Item #7
May 2, 2017
Police Commission Selection Panel

There are no materials provided for Discussion Item #8 – Protocols for Conducting Meeting