

**CITY OF OAKLAND**  
**POLICE COMMISSION**  
**RULES OF ORDER**

**ORIGINAL VERSION APPROVED 12.27.2017**  
**AMENDED 8.23.2018**  
**AMENDED 9.13.2018**  
**AMENDED 5.19.2019**  
**AMENDED 2.25.2021**  
**AMENDED 12.16.2021**

## **CHAPTER 1 – DEFINITION OF TERMS**

**Rule 1.1** **Definition of Terms**. The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Oakland Police Commission to be effective.
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Oakland Police Commission.
- C. "Agenda" means the agenda of the Oakland Police Commission.
- D. "Chair" shall mean the Chairperson of the Oakland Police Commission.
- E. "Vice Chair" shall mean the Vice Chairperson of the Police Commission of the City of Oakland.
- F. "Charter" shall mean the Charter of the City of Oakland.
- G. "Commission" shall mean the Oakland Police Commission.
- H. "Committee" shall mean a sub-group of Commission members not comprised of a quorum of Commissioners; Committee of the Commission.
- I. "Ad Hoc Committee" shall have the same meaning as in Section 2.45.010 of the Enabling Ordinance: "a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue."
- J. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item.
- K. "Council" shall mean the Oakland City Council.
- L. "Informational Item" shall mean an item of the agenda consisting only of an informational report that does not require or permit Commission action.
- M. "Municipal Code" shall mean the Oakland Municipal Code.
- N. "Open Meetings Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance").
- O. "Rules" shall mean the Rules of Order of the Commission;
- P. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.
- Q. "Sunshine Ordinance" shall mean Oakland Municipal Code Chapter 2.20.
- R. "CPRA" shall mean the Community Police Review Agency of the City of Oakland.
- S. "Department" shall mean the Oakland Police Department.
- T. "Police Chief" shall mean the Chief of Police of the Oakland Police Department.
- U. "Regular Commissioner" shall mean one of the seven (7) regular commissioners currently serving a term on the Commission.

- V. "Alternate Commissioner" shall mean one of the two (2) alternate commissioners currently serving on the Commission.

## **CHAPTER 2 – ORGANIZATION AND MEETINGS**

**Rule 2.1. Adoption of Rules of Order.** The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission. When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

**Rule 2.2. Amendment to Rules.** All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

**Rule 2.3. Election of Officers.** At the first regular meeting of the Commission held in February of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning at the conclusion of the meeting at which they are elected, and ending at the conclusion of the first regular meeting held in February of the following year, or until the election of a new Chair or Vice Chair, whichever occurs later. If more than one commissioner is nominated for an office, the nominees may each speak regarding their qualifications and willingness to serve and answer questions of commissioners or the public. The Commission may discuss the nominations and, when the vote for each office is called, the nominee receiving the majority of the votes shall fill the office. If a vacancy occurs in the office of the Chair for any reason, the Vice Chair shall become Chair, and a new election for Vice Chair shall be held. If a vacancy occurs in the office of the Vice Chair for any reason, a new election for Vice Chair shall likewise be held.

**Rule 2.4 Removal of Officers.** Any Commissioner may move that a vote of "No Confidence" be taken as to the Chair or Vice Chair of the Commission. A vote of No Confidence supported by at least five (5) Commissioners shall result in removal from the office held. If the Chair is removed under this Rule, the Vice Chair shall become Chair, and a new election for Vice Chair shall be held. If the Vice Chair is removed under this Rule, a new election for Vice Chair shall likewise be held.

**Rule 2.5. Meetings and Rules of Procedures.** Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Thursdays of each month in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which

shall be seconded and passed by a majority vote. The Chair shall set the order of business for Commission meetings.

**Rule 2.6. Alternative Meeting Place.** In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

**Rule 2.7. Special Meetings of the Commission.** The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance, may call a special meeting of the Commission, separate from the Commission's regular meetings. In addition, as required by Section 2.45.090(B) of the Enabling Ordinance, at least twice each year, the Commission shall hold one of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings, and they shall comply with all requirements of Section 2.45.090, including having an agenda item titled "Community Roundtable" or something similar.

**Rule 2.8. Parliamentary Procedure and Parliamentarian.** The rules of parliamentary procedure as set forth in *Robert's Rules of Order Newly Revised (latest edition)* for Small Boards shall govern all meetings of the Commission unless otherwise provided herein. The Commission's Legal Counsel, or such other person as may be designated by the presiding officer upon approval of the Commission, shall serve as the official parliamentarian for meetings of the Commission.

**Rule 2.9. Motions.** If any Commissioner makes a motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by another Commissioner.

**Rule 2.10. Speaking Time Limits for Commissioners.** The Chair shall recognize a Commissioner before the Commissioner may speak. No Commissioner shall speak for more than five (5) minutes on any matter without the consent of the Chair or a majority vote of the Commission.

**Rule 2.11. Number of Regular Commissioners and Alternate Commissioners.** Pursuant to Section 604(c) of the City Charter, the Commission consists of seven (7) Regular Commissioners and two (2) Alternate Commissioners.

**Rule 2.12. Quorum.** Pursuant to Section 604(d)(3) of the City Charter, five (5) Commissioners shall constitute a quorum. If a quorum is not established by the Regular Commissioners in attendance, the Chair may designate one or more Alternate Commissioners to establish a quorum and cast votes.

**Rule 2.13. Voting.** Every official act of the Commission shall be adopted by majority vote of the Commissioners present at the meeting and eligible to vote. The Commissioners shall vote in alphabetical order according to their surnames, with the presiding officer of the Commission voting last. Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting. Any Commissioner seeking to abstain shall state the grounds for the abstention. Voting by proxy is prohibited.

**Rule 2.14. Rights of Commissioners When Less Than Quorum.** In the absence of a quorum, no information may be presented to and no official action shall be taken by the Commissioners present except to order a call of the Commission, to reschedule the meeting, to recess the meeting, or to adjourn the meeting.

**Rule 2.15. Commission Chair.** The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. The Chair shall represent the Commission in meetings or communications with public officials, the press, and the public. Consistent with Oakland Municipal Code Chapter 2.45, the Chair may create such ad hoc committees to perform such advisory functions as the Chair shall determine, and may appoint Regular or Alternate Commissioners to such ad hoc committees. Each Regular and Alternate Commissioner appointed by the Chair to an ad hoc committee shall possess full voting authority on each such committee. The Chair shall have the authority to appoint a former Commissioner to an ad hoc committee as an ex officio non-voting member of the ad hoc committee, if such former commissioner has subject matter expertise or other relevant knowledge or expertise that would assist the ad hoc committee in its work. The ex officio member of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Regular Commissioner or Alternate Commissioner. The Chair shall also have authority to appoint as non-voting members of an ad hoc committee such members of the public as the Chair deems fit and proper. Such public members of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Regular Commissioner or Alternate Commissioner. The Chair shall have authority to remove any Regular Commissioner, Alternate Commissioner, former commissioner, or public member from any ad hoc committee.

**Rule 2.16. Commission Vice Chair.** In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

**Rule 2.17. Agenda Items.** The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any Regular Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General, CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit

suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by anyone other than a Regular Commissioner or Alternate Commissioner must be pre-approved by a Commissioner. Submissions must be made on the form provided by the Commission and submitted to the Commission Chair or the Executive Assistant of the Commission. Forms shall be available at each Commission meeting, on the Commission's website, or at the offices of the CPRA.

**Rule 2.18. Agenda Matter Suggestions List.** Each month, the Executive Assistant or other individual designated by the Commission Chair shall enumerate suggested agenda matters received on the Commission's forms on an "Agenda Matter Suggestions List." The Agenda Matter Suggestions List shall be submitted to Regular Commissioners as a properly-noticed agenda item. At the first Commission meeting each month, Regular Commissioners shall decide whether any matters suggested for future agendas shall become matters to be reviewed, researched, discussed and considered by the Commission as agenda items. A matter shall be moved from the Agenda Matter Suggestions List to a "Pending Agenda Matters List," by majority vote of the Commission.

**Rule 2.19. Pending Agenda Matters List.** The Pending Agenda Matters List shall include items moved from the Agenda Matters Suggestions List, and The Pending Agenda Matters List shall also include the duties or deliverables which are required to be performed or provided by the Commission pursuant to Measure LL and the Police Commission Enabling Ordinance. Any listed duty or deliverable required to be performed or provided by the Commission shall include the due date, or estimated due date, for each task or deliverable.

**Rule 2.20. Priority Items on Pending Agenda Matters List.** A Regular Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The matter shall be made a Priority Item by majority vote of the Commission.

**Rule 2.21. Creation of Commission Meeting Agendas.** At the first Commission meeting each month, the Regular Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from "Priority Items" ready for presentation and discussion, from other matters from the Pending Agenda Matters List, or from any other matters deemed appropriate. Each agenda shall include status reports from the chairs of as many ad hoc committees as the Chair deems appropriate. Additional matters may arise between the time that an agenda is created and when an agenda must be finalized and disseminated. The Chair, in consultation with the Vice Chair, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints, and otherwise advancing the best interests of the Commission.

**Rule 2.22. Public List of Pending Agenda Matters and Priority Items.** The Executive Assistant, or other person designated by the Chair, shall maintain a running list of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission's website and distributed concurrently with any Agenda Matters Suggestions List prior to any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The Executive Assistant or other person designated by the Chair shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

**Rule 2.23. Limitations on Action or Discussion of Items at Commission Meetings.** Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at a Commission meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

**Rule 2.24. Consent Calendar.** The Consent Calendar may include routine matters that are expected to be non-controversial and on which there are no scheduled speakers. The Consent Calendar may also include those matters that have been the subject of a public hearing conducted by a Council-approved standing committee of the Commission, a matter previously considered in closed session by the Commission, a matter to reschedule a monthly meeting of the Commission, or a matter to approve minutes of a prior meeting. There will be no separate discussion of Consent Calendar items unless a member of the Commission so requests, in which event the Commission shall remove that item from the Consent Calendar and consider those items separately

**Rule 2.25. Minutes of Proceedings.** The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all Commissioners. When approval of minutes of multiple prior meetings is calendared as an action item on the agenda, one motion to approve all such minutes as a group may properly be made, seconded, and voted on.

**Rule 2.26. Alternate Commissioners.** Alternate Commissioners shall be allowed to attend meetings in open session, shall be accommodated the same seating as Regular Commissioners, and shall be allowed to participate in open session discussions, including the asking of questions of any presenters or Commission staff members. Alternate Commissioners do not vote unless designated by the Chair, in the Chair's sole discretion, to establish a quorum, in which case, Alternate Commissioners may temporarily cast a vote. When any Regular Commissioner has been suspended by the Council, an Alternate Commissioner shall be selected by the Chair to replace the suspended Commissioner for the duration of the suspension.

Alternate Commissioners shall be eligible to serve on any Commission standing or ad hoc committee, including any Discipline Committee. Alternate Commissioners appointed to standing, ad hoc, or Discipline Committees shall have the same full voting authority as any Regular Commissioner would have.

### **CHAPTER 3 - PROCLAMATIONS**

**Rule 3.1. Proclamations.** Any Regular Commissioner may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation. Any desired Proclamation shall be submitted to the Chair so the item may be placed on a Commission meeting agenda. Commission approval is not required for the issuance of a Commissioner Proclamation.

### **CHAPTER 4 - CHIEF OF POLICE FOR CAUSE ASSESSMENT AND REMOVAL**

**Rule 4.1. Initiating A For Cause Assessment.** Section 604(b)(10) of the City Charter authorizes the Commission to remove the Chief of Police only after adopting a finding or findings of cause, as defined by City ordinance. In exercising its removal authority, the Commission will follow the process for notification, substantiation and documentation as defined by ordinance, and will consider issues of performance in closed session. The Commission may, by majority vote of no fewer than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by ordinance. The Commission will follow the process for notification, substantiation and documentation as defined by ordinance.

**Rule 4.2. Vote to Remove Chief of Police.** In closed session when consistent with the Brown Act, after an assessment has been received and considered, the Commission may remove the Chief of Police if the Commission makes a finding of just cause on an affirmative vote of no fewer than five (5) Commissioners.

**Rule 4.3. Failed Vote to Assess or Remove Chief of Police.** A failed vote to initiate an assessment or to remove the Chief of Police for just cause shall not preclude a subsequent motion on the same action at a later time.

### **CHAPTER 5 - COMMISSION'S REMOVAL OF A COMMISSIONER**

**Rule 5.1. Bases for Removal.** Pursuant to Section 604(c)(10) of the City Charter, any Commissioner may be removed by a majority vote of the Commission only for

conviction of a felony, conviction of a misdemeanor involving moral turpitude, a material act of dishonesty, fraud or other act of moral turpitude, substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or absence from three consecutive regular Commission meetings or five regular meetings in a calendar year except on account of illness or when absent by permission.

**Rule 5.2. The Removal Process.** The Chair, or the Vice Chair if the Chair is the subject of the removal process, shall provide written notice to the Commissioner sought to be removed, stating all bases upon which removal appears to be warranted. The removal notice shall also advise the Commissioner that, pursuant to Section 604(c)(10) of the City Charter, the matter is being referred to the Public Ethics Commission to investigate all allegations which if true, could be cause for removal of the Commissioner under Section 601 of the Charter, and that the Public Ethics Commission can refer the findings to the Council for the Council to determine whether the Commissioner should be removed, The removal notice shall also advise the Commissioner that a written response may be submitted to the Chair, or the Vice Chair, as appropriate, no later than seven (7) days from the date of the removal notice. After a hearing, the Commissioner may be removed by a vote of no fewer than four (4) Commissioners. If a Commissioner is removed pursuant to this Rule, the Commission shall report such removal to the Council, the Mayor, and the Selection Panel, so that the appropriate appointing authority can replace the removed Commissioner.

**Rule 5.3. Replacing a Removed Commissioner.** A removed Commissioner shall be ineligible to conduct Commission business. As occurs when the Council suspends a Regular Commissioner pursuant to Section 604(c)(10) of the Charter, the Commission shall select an Alternate Commissioner to replace any Regular Commissioner who has been removed. If an Alternate Commissioner is removed, the Commission shall notify the Council, the Mayor, and the Selection Panel of the removal decision so that the appropriate appointing authority can replace the Alternate Commissioner.

## **CHAPTER 6 - RULES OF CONDUCT GOVERNING COMMISSION MEETINGS**

**Rule 6.1. Open Forum and Time Allotted.** Open Forum shall be listed at the beginning and at the end of the Agenda. Open Forum at the beginning of the meeting shall be limited to fifteen (15) minutes. Open Forum at the end of the meeting will not have a time limit. During Open Forum, whether at the beginning or the end of the meeting, the public shall be granted two (2) minutes to address the Commission on items that are not on the agenda, but that may be of interest to the public and that are within the subject matter jurisdiction of the Commission. The Chair, in the Chair's discretion, may reduce a speaker's time to one (1) minute if the Chair publicly states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting, the number and complexity of the agenda items, and the number of persons wishing to address the Commission in Open Forum. Persons wishing to speak during

Open Forum must complete a speaker card.

**Rule 6.2. Public Comment on Agenda Items and Time Allotted.** The Commission values and encourages public comment and participation. Members of the public shall be granted two (2) minutes to speak on each agenda item before the Commission takes any action on that item. Public comment shall be confined to the specific agenda item under discussion. The Chair, in the Chair's discretion, may reduce a speaker's time to one (1) minute if the Chair publicly states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting, the number and complexity of the agenda items, the number of persons wishing to address the Commission on the agenda item, and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two minutes to speak. The Chair, in the Chair's discretion, may request that speakers representing similar views designate a spokesperson in the interest of time, and may, in the Chair's discretion, grant that spokesperson three (3) minutes to address the agenda item. Persons wishing to speak must complete a speaker card for each agenda item the public member wishes to address. Multiple agenda items cannot be listed on one speaker card.

**Rule 6.3. Addressing the Commission and Commissioner Responses.** Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling or screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussion with speakers during public comment.

**Rule 6.4. Audience Conduct.** The public has the right to criticize policies, procedures, programs, services, actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. To foster an atmosphere of collaboration, the Commission expects that such criticism will be delivered in a respectful fashion, and that such criticism be directed toward matters that are within the subject matter jurisdiction of the Commission. Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission meeting; but persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

**Rule 6.5. Power and Duty to Remove Disruptive Persons.** To ensure efficient and collaborative meetings, the Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after

being warned that such conduct could lead to their removal:

- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, being rude or disrespectful toward other participants in the meeting, or otherwise refusing to comply with these Rules of Conduct Governing Commission Meetings;
- B. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
- C. Disobedience of any lawful order of the Chair, which shall include, but not be limited to, an order to be seated.

## **CHAPTER 7 - COMMISSIONER CONDUCT**

**Rule 7.1. Commissioner Conduct.** All Commissioners are public officials and have a responsibility to conduct themselves with the highest integrity and leadership. Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group. They must act in the public interest, not their private interests or any special interests. They must strictly adhere to all legal and ethical requirements and avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. In both public and private interactions, Commissioners must carefully follow the Commission's Code of Conduct. Each Commissioner must review the Code of Conduct, sign the document acknowledging their understanding and compliance, and provide the signed copy to the Commission's Secretary.