



OAKLAND REDISTRICTING COMMISSION

RESOLUTION NO. 21-001

**INTRODUCED BY THE BYLAWS AND RULES OF PROCEDURE AD HOC
COMMITTEE**

**RESOLUTION AMENDING THE RULES OF PROCEDURE FOR
THE OAKLAND REDISTRICTING COMMISSION.**

WHEREAS, on November 4, 2014, Oakland voters approved Measure DD establishing an independent Redistricting Commission with 61.45% in favor of the measure; and

WHEREAS, Measure DD established a 15-member Redistricting Commission tasked with re-drawing the boundary lines for City Council and Oakland Unified School Board of Directors districts following the U.S. Census; and

WHEREAS, Measure DD created Section 220 of the Oakland City Charter; and

WHEREAS, Oakland City Charter Section 220(F) states the Commission shall adopt permanent regulations governing its operations in consultation with the City Attorney; and

WHEREAS, the Oakland Redistricting Commission held its first meeting on October 14, 2020, and assigned the task of developing rules of procedure to an Ad Hoc Committee of Commissioners; and

WHEREAS, the Ad Hoc Committee in consultation with City staff developed rules of procedure for consideration; and

WHEREAS, at its meeting on November 12, 2020, the Oakland Redistricting Commission adopted its Rules of Procedure as proposed by the Ad Hoc Committee; and

WHEREAS, on January 13, 2021, the Oakland Redistricting Commission experienced its first vacancy for an Alternate Commissioner position, after one of the original incumbents was promoted to serve as a Commissioner; and

WHEREAS, Oakland City Charter Section 220 is absent in addressing a process for replacing Alternate Commissioner positions; and

WHEREAS, after consulting with city staff, the Ad Hoc Committee is recommending an amendment to the Rules of Procedure; and

WHEREAS, the Oakland Redistricting Commission desires to amend its Rules of Procedure to address filling vacancies of Alternate Commissioner positions; now therefore be it

RESOLVED: That the Oakland Redistricting Commission hereby amends its Rules of Procedure to add, delete, modify sections as set forth below (section numbers, titles and definition terms are indicated in **bold type**; additions are indicated by underscoring, deletions are indicated by ~~strike through type~~; portions of the provisions not cited or shown in underscoring or strike-through are not changed).

Rule 1. Definition of Terms

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

- a) **Agenda** shall mean the agenda for the Oakland Redistricting Commission.
- b) **Alternate Commissioner** shall mean a non-voting member of the Redistricting Commission.
- c) **Chair** shall mean the chairperson of the Oakland Redistricting Commission.
- d) **Charter** shall mean the Charter of the City Oakland.
- e) **Commission** shall mean the Oakland Redistricting Commission.
- f) **Commissioner** shall mean a voting member of the Oakland Redistricting Commission.
- g) **Committee** shall mean a sub-group of the Commission not comprising of a quorum of members.
- h) **Member** shall mean Commissioners and Alternate Commissioners collectively.
- i) **Municipal Code** shall mean the Oakland Municipal Code.

j) ***Sunshine Ordinance*** shall mean Oakland Municipal Code Chapter 2.20.

k) ***Vice Chair*** shall mean the vice chairperson of the Oakland Redistricting Commission.

Rule 2. Meetings

Except as otherwise determined by the Commission, regular meetings shall be held at 5:00 p.m. on the second Wednesday of each month in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California 94612. Meetings shall conclude no later than 8:00 p.m., unless extended by majority vote of the Commissioners in attendance.

Rule 3. Roberts Rules of Order

The business of the Commission shall be conducted, so far as it is practicable, in accordance with parliamentary rules as contained in Roberts Rules of Order Revised, except as modified by these rules and in accordance with state open meeting laws and local sunshine ordinance. The City Attorney, 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 4. Voting Order

The Commissioners shall vote in alphabetical order according to their surnames, with the Vice Chair, Chair or presiding officer of the Commission voting last.

Rule 5. Election of Chair and Vice Chair

The Commission shall appoint a committee comprised of no more than four (4) members to propose a rotating schedule for Commissioners appointed as Chair and Vice Chair. The term for Chair and Vice Chair shall be three months. Commissioners may serve multiple terms as Chair or Vice Chair. One (1) Commissioner can serve as Chair during a three-month term, and no more than two (2) Commissioners can serve as Vice Chair during a three-month term. The Commission shall consider adoption of the proposed schedule at the first Commission meeting in January. If such meeting is cancelled for any purpose, the Commission shall consider adoption at the next scheduled meeting. By majority vote, the

Commission may direct the committee to consider additional factors or criteria in proposing the rotating schedule for Chair and Vice Chair.

The Chair of the Commission shall perform the following duties:

- a) Chair and preside at all regular and special meetings of the Commission.
- b) The Chair may call a special meeting of the Commission.
- c) The Chair may create ad hoc committees to perform such advisory functions as they shall determine, and may appoint and remove members from such committees.
- d) Represent the Commission in meetings or communications with local officials and the public.

In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair. If two Commissioners are assigned as co-Vice Chairs, the co-Vice Chairs shall select which co-Vice Chair shall serve as the presiding officer and may rotate duties during a meeting after announcing such a rotation to the Commission and public.

Rule 6. Quorum

Pursuant to Charter Section 220(D)(3), nine (9) Commissioners shall constitute a quorum.

Rule 7. Rights of Commissioners less than a Quorum

In the absence of a quorum, no information may be presented 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 or to adjourn.

Rule 8. Alternate Commissioners

Alternate Commissioners may participate in all Commission discussion, express their favor or disfavor for all items before the Commission, and be assigned to a committee.

Rule 9. Commissioner Protocols at Meetings

The Chair shall recognize a member before the member addresses the Commission. No member shall speak for more than ten (10)

minutes on any matter without the consent of the Chair or a majority of the Commissioners in attendance.

Rule 10. Member Absences

If any member cannot attend a meeting, the member shall notify the Chair and City staff of their absence prior to the start of the meeting. Members submitting adequate notice as determined by the Chair or presiding officer shall be noted as an excused absence for purposes of the meeting minutes. Members that do not submit prior notice will be noted as an unexcused absence for purposes of the meeting minutes.

Members recording three (3) unexcused absences may be subject to removal as stipulated in Charter Section 220(K)(1).

Rule 11. 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 a Commissioner.

Rule 12. Agenda

City staff in consultation with the Chair and Vice Chair shall set the Agenda for Commission meetings. If a member requests an item be added to a meeting Agenda, the member shall notify City staff no less than a week prior to the meeting date.

Rule 13. Disclosure Requirements by Commissioners

Under a standing Agenda item, members shall verbally report any contacts with the purpose of influencing the decision-making authority of the Commission. Contacts shall include, but is not limited to, verbal or written communications from a City Council Member, School Board Member, locally elected official, public entity, partisan lobbyist, or individual speaking on behalf of the aforementioned offices or entities.

Rule 14. Commissioner Vacancy Procedures

A ~~member~~ Commissioner voluntarily resigning from the Commission shall immediately submit written notice to the Chair and City staff of their decision. Should the resignation of a Commissioner occur more than fifteen (15) days before the next scheduled meeting, the Chair shall call a Special Meeting of the Commission to fill the vacancy.

Per Charter Section 220(K)(2), a vacancy of a Commissioner shall be filled by one of the Alternate Commissioners within fifteen (15) days. Alternate Commissioners shall be awarded no less than three (3) minutes to address the Commission on their desire to serve as a Commissioner. Upon conclusion, a majority vote of the Commissioners present is required to appoint an Alternate Commissioner as a Commissioner.

Rule 15. Eligibility

In the event a member is no longer eligible to serve on the Commission based on the criteria listed in Charter Section 220(J)(5), the member shall immediately submit written notice to the Chair and City staff by submitting their resignation.

Rule 16. Removal

Removal of a member shall follow the procedures listed in Charter Section 220(K)(1).

Rule 17. Open Forum

Open Forum shall be listed at the beginning of the Agenda. The public shall be awarded two (2) minutes to address the Commission under Open Forum. The Chair or presiding officer may adjust the speaking time for Open Forum; however, the public shall be awarded at minimum one (1) minute to address the Commission.

Rule 18. Speaking Time Limits on Agenda Items

The public shall be awarded two (2) minutes to address the Commission on each Agenda item. The Chair or presiding officer may adjust the speaking time for Agenda Items; however, the public shall be awarded at minimum one (1) minute to address the Commission.

Rule 19. Speaker Cards

Persons wishing to address the Commission must complete a speaker card for each agenda item they wish to speak on. Speaker cards shall not be required for teleconference meetings.

Rule 20. Ceding Time

A speaker may extend their speaking time on Agenda items if other speakers who have submitted their names to speak agree to cede their time to the recipient speaker. The recipient speaker will receive one (1) minute speaking time from each ceding speaker, up to a maximum of five (5) minutes. At the Chair or presiding officer's discretion, a speaker may be allotted more than five (5) minutes based on ceded time. The recipient speaker must submit the ceding speakers' speaking cards, and the ceding speakers must be present at the time the recipient speaker speaks. Ceding time shall not be awarded for teleconference meeting or during Open Forum.

Rule 21. Addressing the Commission

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 and/or screaming. Members of the public should address their questions or remarks to the Chair or presiding officer. Other members and City staff will respond to questions only when requested to do so by the Chair. Members and City staff shall refrain from entering into any debates or discussion with speakers during public comment.

Rule 22. Audience Conduct

The public has the right to criticize policies, procedures, actions or omissions of the Commission or City staff. The public should not vocally oppose statements made by anyone while they speak. 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.

Rule 23. Removal of a Disruptive Person

The Chair or presiding officer shall possess the power and duty to order removal 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, or otherwise refusing to comply with the Commission's Rules of Procedures;
- 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 be not limited to, an order to be seated.

Rule 24. Multiple Vacancies of the Commission-Alternate Commissioner Vacancy Procedures

Pending legal review. An Alternate Commissioner voluntarily resigning from the Commission shall immediately submit written notice to the Chair and City staff of their decision. In the event an Alternate Commissioner seat becomes vacant, the Commission, by a majority vote, may appoint a committee comprised of no more than three (3) members to review the eligible applicant pool and nominate a candidate to fill the Alternate Commissioner vacancy. Approval of the committee's nominee requires the affirmative votes of nine Commissioners. Should the Commission not approve the nominee, the committee may nominate additional eligible candidates from the applicant pool until the vacancy is filled.

ADOPTED ON THIS 10th DAY OF MARCH, 2021.