

# **Oakland Public Safety and Services Violence Prevention (Measure Z) Oversight Commission**

## **ARTICLE I: Establishment and Governing Law**

- 1) Name  
Public Safety and Services Violence Prevention Oversight Commission (“SSOC”)
  
- 2) Authority, Statutory Requirements: and Other Laws and Polices  
The voters of the City of Oakland adopted the 2014 Oakland Public Safety and Services Violence Prevention Act, also known as the Safety and Services Act or Measure Z, in the November 4, 2014 General Municipal Election to maintain the parcel tax and parking tax surcharge for a period of ten years to improve police, fire and emergency response services and community strategies for at risk youth and young adults. Voter approval of the Safety and Services Act also created the Public Safety and Services Violence Prevention Oversight Commission (SSOC).

In addition to the voter approval of the Safety and Services Act, the Oakland City Council passed Ordinance 13303 C.M.S. to create additional membership terms for the SSOC.

The Commission shall comply with all applicable laws, including, but not limited to, the City of Oakland Charter, the Establishing Ordinance and membership ordinance, the Oakland Sunshine Ordinance (Ordinance No. 11957 C.M.S., adopted January 14, 1997), the Ralph M. Brown Act (Government Code sections 54950 et seq.), the Political Reform Act of 1974 (Government Code sections 81000 et. seq.), the Public Records Act (Government Code sections 6250 et seq.), and the Oakland Conflict of Interest Code (Ordinance No. 11979 C.M.S., as amended). If any conflict exists between any of the foregoing laws and these bylaws, the applicable law shall control over the bylaws.

## **ARTICLE II: Duties, Functions, and Commissioner Appointments**

- 1) Duties and Functions  
The Commission shall fulfill duties and functions as set forth in the Safety and Services Act which are as follows:
  - (a) Evaluate, inquire, and review the administration, coordination, and evaluation of strategies and practices mandated in this Ordinance.
  - (b) Make recommendations to the City Administrator and, as appropriate, the independent evaluator regarding the scope of the annual program performance evaluation. Wherever possible, the scope shall relate directly to the efficacy of strategies to achieve desired outcomes and to issues raised in previous evaluations.
  - (c) Receive draft performance reviews to provide feedback before the evaluator finalizes the report.

- (d) Report issues identified in the annual fiscal audit to the Mayor and City Council.
- (e) Review the annual fiscal and performance audits and evaluations.
- (f) Report in a public meeting to the Mayor and the City Council on the implementation of this Ordinance and recommend ordinances, resolutions, and regulations to ensure compliance with the requirements and intents of this Ordinance.
- (g) Provide input on strategies: At least every three (3) years, the department head or his/her designee of each department receiving funds from this Ordinance shall present to the Commission a priority spending plan for funds received from this Ordinance. The priority spending plan shall include proposed expenditures, strategic rationales for those expenditures and intended measurable outcomes and metrics expected from those expenditures. The first presentation shall occur within 120 days of the effective date of this Ordinance. In a public meeting, the Commission shall make recommendations to the Mayor and City Council on the strategies in the plans prior to the City Council adoption of the plans. Spending of tax proceeds of this Ordinance must be sufficiently flexible to allow for timely responsiveness to the changing causes of violent crime. The priority spending plans shall reflect such changes. The Commission will recommend to the Mayor and City Council those strategies and practices funded by tax proceeds of this Ordinance that should be continued and/or terminated, based on successes in responding to, reducing or preventing violent crime as demonstrated in the evaluation.
- (h) Semi-Annual Progress Reports: Twice each year, the Commission shall receive a report from a representative of each department receiving funds from this Ordinance, updating the Commission on the priority spending plans and demonstrating progress towards the desired outcomes.

2) Number, Appointing Authority and Qualifications:

The SSOC Commission membership shall be as described in the Safety and Services Act and Ordinance 13303, which specifies as follows:

- (a) The Commission shall consist of nine (9) members.
- (b) The Mayor and each councilmember shall recommend one member of the SSOC each. All commissioners shall be appointed by the Mayor and confirmed by the City Council in accordance with City Charter Section 601.
- (c) The Safety and Services Act specifies that at least two (2) members will have experience working with service eligible populations, two (2) members will reflect the service-eligible populations, and two (2) members will have a professional law enforcement or criminal justice background, while all other members will have general experience in criminal justice, public health, social services, research and evaluation, finance, audits, and/or public policy.
- (d) As established in Ordinance 13303 C.M.S., Commission members shall be appointed to one- or two-year staggered terms and shall be limited to no more than three (3) consecutive terms.
- (e) Vacancies and Holdover Status on the SSOC shall be conducted according to Section 2.F. and 2.D of Ordinance 13303 C.M.S.

(f) As established in Ordinance 13303 C.M.S., Section 2.E., a member may be removed pursuant to Section 601 of the City Charter. Among other things, conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the SSOC, shall constitute cause for removal.

3) Compensation

Members of the SSOC shall serve without compensation.

4) Oath of Public Office

Acceptance of the Oath of Public Office constitutes a Commission member's sworn responsibility of public trust. Members are required to serve well and to faithfully discharge their duties and responsibilities diligently and consistent with the laws of the City of Oakland and all pertinent state and federal laws.

5) Rules, Regulations and Procedures; Voting Requirements

Except for the two-thirds vote requirement in Article IX hereof, all actions by the SSOC shall be by a majority vote of those present at a meeting at which a quorum exists.

Rules, regulations, and procedures for the conduct of SSOC business shall be established by a vote of the members.

The Commission must vote to adopt any motion or resolution.

6) Conflict of Interest

All members shall adhere to the requirements stated in the Safety and Services Act, Section 4.A.2 related to conflicts of interest. No member of the Commission shall cast a vote on or participate in a decision-making capacity on the provision of services by that member or any organization that the member directly represents, on any matter which would provide a direct financial benefit to such member or a member of his or her immediate family, or on any other matter which would result in the member violating any conflict of interest law or regulation.

### **ARTICLE III: Officers**

Officers shall be a Chairperson and Vice Chairperson chosen from members of the SSOC.

1) Chairperson

The Chairperson shall preside at all SSOC meetings and shall submit such agenda, recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the SSOC. The Chairperson shall sign all documents necessary to carry out the business of the SSOC.

2) Vice Chairperson

The Vice Chairperson shall assist the Chairperson as directed and shall assume all the obligations and authority of the Chairperson in the absence or recusal of the Chairperson.

3) Election of Officers

The Officers shall initially be elected by vote from among the members of the Commission at the Commission's first regular meeting after adoption of these bylaws, or as soon thereafter as possible.

4) Removal of Chairperson

An affirmative vote of the SSOC members can remove any Officer from office.

5) Officers' Terms of Office

The Officers shall hold office for one year. Their terms shall expire one year and one meeting after their election. No person shall be elected as an Officer for longer than his or her SSOC term of office.

6) Officer Vacancies

If the office of the Chairperson becomes vacant, the Vice Chairperson shall become Chairperson. If the office of the Vice Chairperson becomes vacant for any reason, the SSOC shall vote to elect a successor from among the SSOC members at the next regular meeting, and such office shall be held for the unexpired term of said office.

#### **ARTICLE IV: Planning and Oversight Staff**

1) City Administrator

The Commission shall receive staff support from the City Administrator's Office, as determined by the City Administrator.

2) Legal Advisor

The Oakland Office of the City Attorney ("OCA") is the Commission's legal advisor. The OCA shall provide the Commission with legal assistance as determined by the OCA. Any member of the Commission may consult informally with any OCA attorney assigned by the OCA to the Commission on any matter related to SSOC business. However, a request from a SSOC member for assistance from the SSOC's assigned attorney requiring significant legal research, a substantial amount of time and attention, or a written response, may be made only through the Commission Chairperson with the designated SSOC staff member or by a vote of the SSOC.

3) Commission Staff

Commission members may consult staff of the City Administrator's Office informally, but any request for substantial assistance or a written report must be authorized by a vote of the SSOC.

4) Custodian of Records

Pursuant to section 20.020.240 of the Sunshine Ordinance, the Commission shall maintain a public records file that is accessible to the public during normal business hours. The City Clerk shall be the official custodian of these public records, which shall be maintained in the manner consistent with records kept by the City Clerk on behalf of all other standing Commissions.

- 5) If authorized by the City Administrator, a designated member of City staff shall act as Custodian of Records to the Commission. The Custodian of Records shall keep the records of the Commission, shall record all votes, and shall prepare minutes and keep a record of the meetings in a journal of the proceedings.

### **ARTICLE V: Ad Hoc Committees**

1) Ad Hoc Committees

The Chairperson, at her or his discretion, may establish ad hoc committees to perform specific tasks. An ad hoc committee shall dissolve when the task is completed and the final report is given. Any ad hoc committee may not have more than 4 SSOC members.

### **ARTICLE VI: Meetings**

1) Quorum

Ordinance 13303 C.M.S. created quorum for the SSOC as five (5) members. A quorum shall be called for prior to any official business being conducted at the meeting. If there is no quorum at that time, no official action may be taken at that meeting. In the event that a quorum is not established within thirty (30) minutes of the noticed start time of the meeting, the Chairperson, in her or his discretion, may cancel the meeting or may allow the meeting to make place without any official action being taken at the meeting without a quorum.

2) Voting

Each member of the Commission shall have one vote. Consistent with Article II, Section 5, a motion shall be passed or defeated by a simple majority of those members present and voting at a meeting where a quorum has been established.

3) Public Input

(a) Public Input on Items Officially Noticed for the Agenda

At every regular meeting, members of the public shall have an opportunity to address the SSOC on matters within the SSOC's subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment. Members of the public wishing to speak and who have filled out a speakers card, shall have two (2) minutes to speak unless the chairperson otherwise limits the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

(b) Public Input on Items Not Officially Noticed for the Agenda (Open Forum)

Matters brought before the Commission at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon or discussed by the SSOC at that meeting unless action or discussion on such matters is permissible pursuant to the Brown Act and the Sunshine Ordinance. Those non-agenda items brought before the SSOC which the SSOC determines will require consideration and action and where action at that meeting is not so authorized shall be placed on the agenda for the next regular meeting.

(c) Identification of Speaker

Persons addressing the SSOC shall be asked to state their names and the organization they represent, if any. They shall be asked to confine their remarks to the subject under discussion, unless they speak during the Open Forum portion of the agenda.

4) Regular Meetings

The Commission shall meet regularly on the fourth Monday of each month, at the hour of 6:30 pm, in Oakland, California. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be rescheduled at least two meetings prior to the meeting for a business day thereafter that is not a legal holiday. A notice, agenda, and other necessary documents shall be delivered to the members, personally or by mail, at least seventy-two hours prior to the meeting.

5) Notice and Conduct of Regular Meetings

Notices and agendas of all regular SSOC meetings requiring notice shall be posted in the City Clerk's Office and on an exterior bulletin board accessible twenty-four hours a day. Notice of regular meetings shall be posted at least seventy-two hours before the meeting. Action may only be taken on items for which notice was provided in compliance with the Sunshine Ordinance and the Brown Act.

6) Minutes

Minutes shall be taken at every SSOC meeting. Minutes shall be prepared in writing by the Custodian of Records. Copies of the minutes of each SSOC meeting shall be made available to each member of the SSOC and the City. Approved minutes shall be filed in the official SSOC file.

## **ARTICLE VII: Agenda Requirements**

1) Agenda Preparation

The agenda is prepared through the joint effort of the Chairperson and SSOC Staff, with appropriate legal review. At the outset of a SSOC meeting, the Commission may remove items from the posted agenda, but may not add items to the posted agenda or otherwise modify it. Nothing in this Article VII shall change the requirements for agenda noticing and modification to the agenda as required by the Brown Act, Sunshine Ordinance or other applicable law.

## **ARTICLE VIII: Parliamentary Authority**

1) Robert's Rules of Order, Ronr, Eleventh Edition

The business of the SSOC shall be conducted, to the extent possible, in accordance with parliamentary rules as contained in Robert's Rules of Order, Ronr, Eleventh Edition, except as modified by these rules and in accordance with State open meeting laws and local open meeting laws, including, without limitation, the Brown Act, the Oakland Sunshine Ordinance, and the Establishing Ordinance. Failure of compliance with Robert's Rules of Order, Ronr, Eleventh Edition, shall not constitute cause for invalidation of any SSOC action of which a majority of SSOC members clearly expressed approval.

2) Representation of the Safety and Services Oversight Committee

Any official representations on behalf of the SSOC before the City Council or any other public body shall be made by a member of the SSOC specifically so designated by vote of the SSOC.

## **ARTICLE IX: Amendment of Bylaws**

The Commission may adopt bylaws amendments at any regular meeting of the SSOC by vote of two-thirds of the members present at which a quorum exists; provided such proposed amendments are circulated in writing to all SSOC members at least ten (10) calendar days prior to such meeting, and three (3) calendar days' public notice shall be posted.

*Adopted at May 18, 2015 meeting*