

EXCERPT FROM NOVEMBER 18 MINUTES

Selection of Alternate Commissioner to Fill Vacancy

To fill the vacancy arising from a Commissioner's resignation, whose letter is available in the agenda packet, the Commission will discuss and consider a vote to select an Alternate Commissioner as a new Commissioner, per Oakland City Charter Section 604(c)(8). This is a new item.

Comm. Garcia resigns his position and Commissioners thank him for his service. The Commission then moved on to elevating a current alternate to the newly empty seat and begins discussing whether the vacant seat should be filled by a Mayoral or Selection Panel alternate appointee.

Comm. Harbin-Forte suggests the elevation process be decided by tenure seniority, which was her basis for voting to fill per her understanding of the prior vacancy for a Mayor's appointee with a selection panel appointee filling the prior vacancy. She also requested that the Commission formalize requested formalizing the process for filling vacancies, and moved to table or tabling this agenda item until the next meeting for further deliberation.

Comm. Jordan stated that seniority was not disagreed with Comm. Harbin-Forte's perspective of tenure as the primary determinant to the last elevation and nominates Comm. Hsieh. Comm. Garcia seconds.

Chair Jackson asks for a nomination of Comm. Peterson, based on seniority. Vice Chair Milele moves the elevation of Commissioner Peterson. Commissioner Harbin-Forte seconds. The Chair invites each of the alternate Commissioner's to speak to their work and qualifications, starting with Comm. Hsieh.

After Comms. Hsieh and Peterson speak, Comm. Gage requests the Commission consider establishing and codifying the elevation process to avoid future issues, so that the Commission can decide whether vacancies be filled by a like-for-like process or seniority or some other system. Chair Jackson commits to reviewing all of the concerns, including whether maintaining the ratio established by Measure LL of having three Mayor's appointees and four Selection Panel appointees as regular commissioners, before proposing a standard procedure, and appoints Vice Chair Milele to assist with the review. Comm. Gage asks to join the Chair and, as does Vice Chair Milele in creating a procedure.

Comm. Harbin-Forte's motion to table the item until the next meeting (w Comm. Garcia as a second) does not pass. (Ayes: Comms. Harbin-Forte, Howell, Vice Chair Milele; Jordan. Nays: Comms. Gage, Garcia, Jordan, Harbin-Forte, Howell, Vice Chair Milele, Chair Jackson. Abstentions: None)

Comm. Jordan's motion to elevate Comm. Hsieh to the vacant position (w Comm. Garcia as a second) does not pass. (Ayes: Comm. Jordan, Comms. Garcia, Harbin-Forte, Vice-Chair Milele. Nays: Comms. Gage, Harbin-Forte, Howell, Garcia, Jordan, Vice Chair Milele, Chair Jackson. Abstentions: None)

Vice chair Milele's motion to elevate Comm. Peterson to the vacant position (w Comm. Harbin-Forte as a second) does passes. (Ayes: Comms. Gage, Harbin-Forte, Howell, Vice Chair Milele, Chair Jackson. Nays: NoneComms. Abstentions: Comm. Jordan)

Public Comment provided by the following speakers:

Rashidah Grinage

Anne Janks

Oscar Yassin

*Mariano Contreras
Assata Olugbala
Bruce Schmeichen
Jennifer Tu
Cathy Leonard*

EXCERPTS FROM TRANSCRIPT OF NOV. 18 MEETING , STARTING ON PAGE 5:

XXXXXX I would, before we take this action, want to give Commissioner Garcia both an opportunity to address the public and fellow commissioner's opportunity to thank him for his service.

Commission staff: He's on with you now.

Chair Jackson Excellent.

Comm. Garcia: Thank you, Chair Jackson. Had some technical issues of getting on this last meeting. As I stated in my resignation letter, I did not make this decision lightly. It's been a challenging year as it has been for many of us. And I just want to say that I'm deeply grateful for having the opportunity to engage in this meaningful work with this fabulous commission over the past year. I think that it's been rewarding to work with people toward a common purpose, and as we all know, substantial work remains in implementing the vision of measure LL. We all want the police department where officers are accountable. I think the commission has made important strides for making sure that OPD recognizes that racism, white supremacy and misogyny run deep, within all police departments, including Oakland's Police Department. And that leaders need to commit to eradicating each of these from police culture in Oakland. I'm looking forward to continuing to support, to work at the commission as a community participant going forward, including the important work to address the community's demand for effective non militarized anti-racist policing in Oakland. Thank you, Madam Chair for your leadership. Wish you all the best, and it's been an incredible journey with you. Thank you.

Chair Jackson: Thank you, Commissioner Garcia. I do want to say that when you first came on, I was very excited and the work that you've contributed thus far has been incredibly important. I do hope that we are not going to lose you as an independent volunteer either for a future ad hoc or for some other meaningful contribution, just not in the way of every two weeks. I'm looking forward to seeing your contributions toward the commission and support of our much larger challenge as you have spoken around racial justice and certainly militarized equipment. And I invite any of the other commissioners to share well wishes or personal anecdotes [inaudible]. I saw a hand up, I think Commissioner Harbin-Forte, but then it left. Yes, Commissioner Harbin-Forte.

| **Vice-Chair Comm. Harbin-Forte Milele:** [crosstalk]. Thank you, Chair Jackson. I want to wish Sergio the absolute very best. Commissioner Garcia, it has been an honor and a pleasure to work with you on the rules committee. Your contributions were always incredibly important and insightful. The guidance you gave and the reminders of our roles were just so incredibly appreciated. I want to wish you the best of luck and I hope you don't go far. We'll be calling on you. Thank you.

Chair Jackson: Thank you. And I see Commissioner Hsieh; and Vice Chair Milele.

Comm. Hsieh: Thank you, Chair. Commissioner Garcia. You were in the panel that I first interviewed on with the selection panel, you and Vice Chair Milele. I can't think that there would be a better choice besides myself. I truly value the work that you have done and brought to the commission. I do think that you have been an outspoken advocate for racial justice on this commission, and I think yours is an incredibly important voice. And I know that the work that you're doing now, in other aspects, not just on this commission, but furthering racial justice are just as important. And you're going to do great work wherever you are. We hope to continue working with you. Thank you so much.

Chair Jackson: I see Vice Chair Milele and commissioner Peterson.

Vice Chair Milele: Yeah. I just want to add, you and I, Commissioner Garcia, we joined together at the same time. I'm especially sad to see you go. I have enjoyed working together on our chief goals ad hoc. Your comments are always very insightful and thoughtful, and I definitely see you standing up for racial justice in all of what you do. I'm sure that that won't end. And I look forward to interacting with you again.

Chair Jackson: Commissioner Peterson.

Comm. Peterson: Yes. I just want to say thank you as well for your work on the chief's performance goals, the ad hoc. And I do wish you well, I wish we had more time to work together, but I'm sure our paths will cross again in the future. Take care.

Chair Jackson: Commissioner Gage.

Comm. Gage: Thank you, Chair. Commissioner Garcia, thank you for your service. It's been a pleasure working with you. I'm sorry to see you go. And I truly wish you the best. We're living in some interesting and challenging times, and it's certainly understandable to want to prioritize ones time as best as one can. Thank you for the time you spent working on behalf of the city. And I hope we are not seeing the last of you tonight.

Chair Jackson: Is there anyone else on the panel that would like to speak? Otherwise, we will move ahead to our selection process. Okay. I see no more hands up. Okay. We have a vacancy to fill with... Excuse me. Commissioner Gage. Excuse me, Garcia. Sorry.

Comm. Garcia: I just want to say thank you all for those incredibly thoughtful comments and this is not goodbye. I'm not going anywhere. I'm still here in Oakland and I'm looking forward to working with you all as a member of the public. Thank you so much.

Chair Jackson: Thank you very much, Commissioner Garcia. My apologies, I ran to the next subject too quickly. Appreciate you. Our next act is to fill the seat of the Commissioner Garcia by one of the alternate commissioners. And I am happy to take nominations for either or both or... How would you all like to move forward? Commissioner Harbin-Forte.

Comm. Harbin-Forte Yes. My question is really one of process and I think the last vacancy we had was a mayor's vacancy. And I think that we agreed that we would not try to do like for like, and that the person going in ended up being the more senior of the two alternates. I'm hoping that we can go with that same process tonight and that we can select the more senior. I'd also like to have us formalize what we did with filling the last vacancy. And if it perhaps takes tabling this, so that we can get some rules in

place, but I would like for us not to feel that we have to compare and contrast the eligible candidates. If we do it on a seniority basis, that would be a fair way of doing it. And we would always know basically, who's next in line. We wouldn't have to feel as though we are rejecting one candidate over another. And I think that for the collegiality of the commission, that should be a process that we established and we already have precedence for that, based on filling commissioner Jackson's vacancy. I'm not sure what the process is or should be, but I would move that the process be that we fill the vacancy... We consider filling the vacancies and in the future vacancies, based simply on seniority on the commission.

Chair Jackson: Okay. And what is the will of the rest of the commissioners? I totally understand it. I see a hand from Commissioner Jordan.

Comm. Jordan: Yeah. I think that that is a way to go. That was not necessarily my understanding about how that worked out last time. And if I remember correctly, there was actually... Both alternates were nominated. I think, yes, it would be great to go through life with never having felt judged or measured against another person or any of that. I don't think that my being appointed to this seat was based purely on seniority. And from my perspective, that's not how I'd like to continue this moving forward. And to that end, I'd like to actually nominate Commissioner Hsieh.

Chair Jackson: Okay. Is there a second for Commissioner Hsieh?

Comm. Garcia: I second.

Chair Jackson: Okay. It's been properly moved and seconded. Although commissioner HarbinForte did not specify, I believe I want to ask for a nomination of Marsha Peterson who is the slightly more senior commissioner.

Comm. Harbin-Forte: Yeah. Yes. My comments had to... And I'm wondering even almost if we should just table the selection and try to work out a process or procedure, because I think that it would behoove us to not have the alternate commissioners feel that they have to compete against each other. And I will say that with respect to the last vacancy, I voted on seniority lines because Commissioner Jordan had more time on the commission. But it was not a rejection of Commissioner Peterson. I think it would be helpful if we were to take some time to think about what a fair process is, fulfilling the vacancies and put something in place so that, in future commissions and future vacancies, we will always know that it's just going to be the most senior person. That way there's no, this person is better, this commission is better or anything other than sort or comparing contributions. If it's appropriate and we may need, I'd move that we even table the selection until perhaps the next meeting and try to work on a procedure. And also even in terms of now, do we take all nominations now from the floor nominations and sections? Let's do this. I don't know whether we need Connor, I guess, on rule of order, on terms of whether or not there can be a motion to table at this point when there's been a motion and a second of what the appropriate procedure is. But I really would not like for us to do this tonight.

| Chair Jackson: And to your point, we have two incredibly qualified people. And I understand that point, Connor given the fact that we have a motion that has been properly seconded, do we go to public comment and then have more discussion? Or what do we do?

Commission Counsel: Thank you, Chair. I think what I'm hearing from Commissioner Harbin-Forte is what would be described as a motion to be postponed indefinitely. I would recommend that you see if there is a second to that motion. And if there is, you take Commissioner Harbin-Forte's motion first. If it

passes, then the effect is to "Table this item until the next meeting." If after Commissioner Harbin-Forte's motion, if it does not pass, then, yes I think you can continue to take nominations for Commissioner Peterson. And if there is one, see if there's a second, you can go to both of the alternates, if they want to give brief speeches. Go to public comment and then take a vote. So I just want to reiterate the immediate next step. I would ask if there is a second to what I think is Commissioner Harbin-Forte's motion to postpone indefinitely, subject to any correction that she wants to make or clarification to what I've just advised.

Chair Jackson: Okay. Thank you very much, Connor. Is there a second to Commissioner HarbinForte's motion and I see hands up that have already spoken, but didn't put their hands down. So I cannot tell at this point, if these are new hands. I see Commissioner Peterson's hand up, Commissioner Garcia's hand up and Commissioner Gage's hand up. Now I just see Commissioner Garcia and Gage and Commissioner Peter... Okay, her hand keeps going up and down. So I have Commissioner Garcia and Commissioner Gage.

Comm. Garcia: I don't want to make this out of order. I think Connor has spoken so

Chair Jackson: Okay.

Comm. Garcia: ... Just defer my comment for now until we see if we get a second.

Chair Jackson: Okay. All right. So you are not seconding at this point. Commissioner Gage?

Comm. Gage: Thank you Chair. I'm in the same position as Commissioner Garcia. I'll defer comment until...

Chair Jackson: Okay. So it sounds like maybe since there isn't second, we should go to public comment.

Comm. Garcia: I can second, Chair Jackson.

Chair Jackson: Thank you. All right, so it has been moved and seconded. We need to go to public comment before we can vote on that first motion to table. So Rania, if you can take us there, please.

Commission staff: Absolutely. Thank you Chair Jackson. Members of the public wishing to make public comment on this item, please raise your hand and I will call on you in the order that they appear. Give me one second, I will also start the timer for us. (silence) Thank you for your patience. I see five hands up, Ms. Rashidah Grinage you are first up. I have unmuted you my end, when you're ready.

Rashidah Grinage: Thank you. First of all, I wanted to commend Commissioner Garcia' for his work on the commission, I was very sad to learn that he was resigning. I know I speak for many who felt that his contributions were extremely important and valuable, so very sad that he is resigning. On the issue of replacement, I think another way to approach it rather than seniority is the nominating selection in terms of whether or not the candidate was... Or the commissioner was appointed by the Selection Panel or the Mayor. I think it's important to keep a balance on the Commission in accordance with the original design of Measure LL. And so I think that people who were appointed by the Selection Panel should be replaced by a nominee

Commission staff: We've lost your Rashidah. Chair Jackson, I'm just noting that Ms. Grinage was halfway through and she has clicked off. So moving on, Anne Janks when you're ready, I've unmuted you.

Anne Janks: Good evening. First of all, I wanted to thank Commissioner Garcia for his time and the work that he's done on the Commission. And I wanted to remind him that there is a robust tradition of former Commissioners continuing to help both with outreach on policing issues in the community and occasionally even on Ad Hocs. And I hope that in that more kind of limited time duration, we'll see him again on Commission work, but thank you very much. Secondly, in watching the Commission, we've had some extraordinary Mayoral appointments, and I think it's often not really possible to tell by watching the Commission, who's a Mayoral appointee and who's a Selection Panel appointee sometimes. But nonetheless, that structure is really important to the community's understanding of the Commission and the community's trust of the Commission. And I think that the precedent of replacing a Selection Panel appointed Commissioner with a Mayoral appointed Commissioner, and then that means the Mayor gets to appoint another alternate, would not serve the community's trust. I also just don't want to set a precedent that says we're always going to go by seniority for the reasons that I've already stated. I think this has to be a case by case situation, and I hope that, that'll be considered. Thank you very much.

Commission staff: Thank you Ms. Janks. Reisa Jaffe, you're up next. When you're ready Reisa.

Reisa Jaffe: Yes. Thank you so much. I too want to thank Commissioner Garcia for your service. I have no opinion on the people who are being... My comment is general. I am seriously concerned about the idea of it being based only on seniority. That should absolutely not be the criteria that is used. I have the same concerns that have been expressed about replacing a Selection Panel with a Mayoral, that should never happen. Also, we've seen this... When people apply for jobs, some people are good interviewers and then some people aren't, but their capacity to do the job is not necessarily clear. And then when you actually are doing the job, so there's an opportunity when a person is actually now being here, to weigh what has their input been. So all things being equal, there are other factors and maybe seniority is part of it. But I do think the Selection Panel versus the Mayoral Panel is a factor that needs to be considered. I just really hope that you'll not land on seniority as the factor. That just should not be it. Thank you.

Commission staff: Thank you, Reisa. Oscar Yassin, I see you're up next. When you're ready, I've unmuted you my end.

Oscar Yassin: Thank you. Can you hear me?

Commission staff: I can.

Oscar Yassin: Yeah, I want to say basically what everyone else is saying, but I want to go a little further. The Charter... The Measures is very clear that there's supposed to be a balance three to four, but we have to recognize that that balance, Mayoral to community was a concession. People wanted an all civilian... All community appointed Commission and that couldn't happen because of the power structure and the way it exists. And so that was a concession. If you were ever going to err, err on the side of the community. That was the intent, was to have a community driven Commission. I also want to argue strenuously against the idea of experience and seniority being something to desire and to create in the Commission. No one should be on that Commission for longer than one term. It creates a power vacuum, a power drag, an imbalance, where people who have been on longer, understand the rules better and can push their way through and make their sort of vision, the one that gets moved forward.

That's not good. That's not what this Commission is about. This Commission is a citizens... It's a residence commission and it's meant to give everyone a chance, a shot at being able to influence things for a brief time and not to become a static member of a body like that. Where they begin to sort of feel like they are a commissioner by trade and not by just appointment. Thank you.

Commission staff: Thank you Mr. Yassin. Mariano Contreras, when you're ready, I've unmuted you my end.

Mariano Contreras: Yes, thank you. And also many, many thanks to Commissioner Garcia for his service on the Commission. I too am saddened that he had to resign. But I truly understand the work that he's doing elsewhere and that affects our brown community. In terms of the replacement procedure, I also agree with the previous speaker Oscar, that the original... The Measure LL had stated very clearly after a concession, that there would be four representatives selected by the public community Selection Panel and three Mayoral appointees. What was left kind of unclear was the process for replacement, but [inaudible], there was always the practice of replacing a select... Community select with another community select. And that's the way the practice has taken place, which respects the original intent to Measure LL. So I really hope that tonight you look at what 83% of the voters who voted for it and that we respect that process. Thank you so much.

Commission staff: Thank you, Mariano. Ms. Assata Olugbala, I see you up next. Oh my God. Let me start the timer again. Ms. Olugbala, when you're ready, I've unmuted you.

Assata Olugbala: Yes. I don't see any difference between the Mayor's appointees and the Selection Panel appointees. I've seen a tremendously flawed Selection Panel. I've been in many of their meetings and I've seen the sabotage by the Coalition for Police Accountability on Ginale Harris and Omar Farmer. Luckily he's been appointed to one of the Police Commissions. Very good. But I don't see no difference between these people. If... I'm more upset with the Selection Panel, the so-called independent, and how they've been so prejudice in the selection process that I don't support them at all. I don't see any difference. And the way that it's been unfair to Ginale Harris, particularly who is still wanting to be on it. Ginale Harris would never resign. Ain't been here, but a hot second, and people talking about your work and what you've done. I don't want to stay on that too long, but I'm glad you're going. Because Ginale Harris should be sitting up there and all this debate about the Mayor's appointee. What's the difference? Show me a define example, how there's been a difference of Commissioners based on they've been appointed by the Mayor or selected by the Selection Panel. I don't see it. And if you're going to do it, you going to have somebody else resign. Watch and see. Somebody else is going to resign soon. This man is stepping away. Ain't did nothing and you all acting like he's been a participant. Ginale Harris would never do that.

Commission staff: Thank you, Ms. Olugbala. Up next, Bruce Schmiechen. When you're ready, I've muted you.

Bruce Schmiechen: Thank you. Yeah, I think it's... First of all, I do want to thank Commissioner Garcia and I understand... You know, I have to say, I have enormous respect for everybody who served on this and I've had criticisms of some, but in terms of public service, in terms of the difficulty of the position, in terms of the work, it's an extraordinary ask for people to serve. And I really, really appreciate everyone who's stepped up and... As well as folks who've decided that life is forcing them to change and they can't serve any longer. But that's... And so thank you. But I think that in terms of the succession process, it's real clear that there was a clear intent in Measure LL. The Selection Panel... I think, we see a new

Commissioner, the Selection Panel chose Commissioner Howell, who I'm really looking forward to his contributions and I think it's a tribute to the Selection Panel that they made that choice. But I think it's real clear in terms of the intent of Measure LL that there be at the minimum, because it was a compromise as was referred to, a balance on the Commission between Mayoral appointees and Selection Panel appointees. And I think it's absolutely essential to the Measure that was 82% supported, that the spirit of that Measure clearly is to try to maintain that balance. And so I think it's real clear what should be done. Thank you so much.

Commission staff: Thank you, Mr. Schmiechen. Up next JTU Phone. I've unmuted you when you're ready.

Jennifer Tu: Thank you. This is Jennifer Tu from district four and I wanted to echo the previous speakers in thanking Commissioner Garcia for his service. And I wanted to take a moment to encourage all the Commissioners to exercise your discretion and continue to hold that ability to use your discretion in situations like selecting... In selecting a new Commissioner. There may be situations that come up that we can't predict today beyond the Measure LL Mayoral versus Committee selection, which is definitely a fair point. But beyond that, you might even find yourself wanting to balance for gender, for race, for where someone is, whether or not someone is a lawyer or not. And so I just really want to encourage the Commission to retain your ability to make decisions in a contextualized way. Thank you.

Commission staff: Thank you, Jennifer. And finally, Cathy Leonard when you are ready, you've been unmuted.

Cathy Leonard: Good evening, everyone. I pretty much agree with what has been said so far in terms of having a balance between Mayoral appointments and Selection Committee appointments. Basing... Excuse me, basing selection just on seniority, I just don't think that's a fair process. We should look at the candidates or you should look at the candidates and decide who's the best person to fill that next seat. That's the way it should be done. We should adhere to the spirit of Measure LL. And also I'll say for, I don't know how many times I have to say this, the people on the Selection Committee, there were four who voted against Ginale Harris. The people who were members of the Coalition for Police Accountability, they don't have votes. They're not on the Steering Committee. That's like saying that I'm a member of Kaiser and anything that Kaiser does, I've got to be held accountable for it. It doesn't make any sense at all. So let's not vote on the basis of seniority. Let's put... Base it on qualifications and move forward. Thank you so much. Good night.

Commission staff: Thank you, Ms. Leonard. Chair Jackson, seeing no more hands raised, it's back to you.

Chair Jackson: Okay. Thank you very much. So at this point, we need to vote on the recommendation to or the... Excuse me, the motion to table this item. And so I would like to go through the Commissioners' votes. Commissioner Gage? Do you vote to table this item?

Comm. Gage: Apologies Chair, I believe Commissioner Harbin-Forte is trying to get your attention.

Chair Jackson: Okay. But we have a properly motioned and second on the tabling. So is Commissioner Harbin-Forte, are you trying to change something?

Comm. Harbin-Forte: I am just trying to clarify something that the misinformation that is out there regarding the balance, because the balance under Measure LL is three Mayors appointees and four

Selection Panel appointees. This would result in five Selection Panel appointees and two Mayor's appointees. So I agree with everything... With everyone that we should stay with the spirit of Measure LL. It was passed by 83% of the voters. And those 83% said three Mayor, four Selection Panel. It didn't say five Selection Panel. Had we followed the procedure of doing like-for-like at the last fill... When we filled a vacancy, Commissioner Peterson would already be on the Commission and Commissioner Jordan would not be on the Commission. The only way to rectify that now would be for Commissioner Peterson to go on because she should have been on before. The other reason I'm select... I'm suggesting we table, is we should really figure out what is the fair procedure. If we agree that it's going to be like-for-like, once we get the balance back to three and four, then maybe that's the way we do it. But right now to say that it shouldn't be... We shouldn't replace with a Mayor's appointee when clearly that would be entirely contrary to Measure LL. I think that we... I just think that we need to think about this because there are long term implications. We need to think about what this means for the Commission. And maybe... Again maybe we do, we start here... Henceforth, to do like-for-like, after we rectify the imbalance. And I'm very troubled and I think every Commissioner ought to be troubled by doing something that is holy contrary to the intent of Measure LL.

Chair Jackson: Thank you, Commissioner Harbin-Forte. So now we have to vote on the motion that is on the table and it's been properly seconded, and that is to table the election. So I'm going to take the roll and we will see where we move forward from there. Commissioner Gage?

Comm. Gage: No.

Chair Jackson: Commissioner Garcia?

Comm. Garcia: No.

Chair Jackson: Commissioner Harbin-Forte?

Comm. Harbin-Forte: Yes.

Chair Jackson: Commissioner Howell?

Comm. Howell: Yes.

Chair Jackson: Commissioner Jordan?

Comm. Jordan: No.

Chair Jackson: Commissioner Milele?

Vice Chair Milele: Yes.

Chair Jackson: And I vote, no. So the motion passes... No motion fails. So I think that we need to clarify, we had a properly moved and seconded motion for Commissioner Hsieh. Do we have a motion on the table for Commissioner Peterson?

Comm. Harbin-Forte: Aye.

Chair Jackson: I see a hand up for the [inaudible].

Comm. Harbin-Forte: Okay. I don't know if Commissioner Milele's hands were up.

Chair Jackson: Yes.

Comm. Harbin-Forte: I'll wait.

Chair Jackson: [crosstalk]. Thank you.

Vice Chair Milele: Yes. I would like to nominate Commissioner Peterson.

Chair Jackson: Okay. Thank you.

Comm. Harbin-Forte: I will second.

Chair Jackson: Thank you. So it has been properly moved and seconded that both Commissioner Peterson and Commissioner Hsieh are appropriately moved for the consideration of a full Commission. At this point, the way in which we have historically done elections is to have each person speak a bit about the qualifications and what they've done on the Commission. Not to exceed two minutes. And then we can take a vote from there. Since you were nominated first Commissioner Hsieh, I'll give the floor to you.

Comm. Hsieh: Thank you. I'm humbled to be considered. This is a title to me, to be perfectly honest. I'm here to do work. I'm here to put forth the vision of an accountable police department. To set up policies and procedures. To save lives. I've been trying to do that as much as I can on the Ad Hocs that I'm on. I'm working right now on the 15-01 Ad Hoc, trying to build in the support and the language to best support a police department that is community focused and solely supporting the community. There's still a lot of work left to do. I'm happy to do it in whatever capacity this commission wants me to do it as. The role that I've taken on the spot is up in October. I really don't think there's ever going to be enough time to do the work that needs to be done, but I'll do it regardless of whatever capacity I'm in. Thank you.

Chair Jackson: Thank you, Commissioner Hsieh. Commissioner Peterson?

Comm. Peterson: Well this is not the position I thought I find myself in this evening. I don't feel comfortable in this kind of contention, but be that as it may, as a citizen of Oakland born and raised here, I have a complete concern and passion for the work that we are doing on the Police Commission. I just presented closed session document on the IG selection that I prepared in many hours of volunteer time. It was a pleasure to do so because like Commissioner Hsieh, I'm here to do the work. I'm not here to fight or compete with Commissioners. I'm also taking the lead. I took the lead with the IG closed session, preparation and presentation. I'm also taking the lead with the chief performance goals. Been working pretty much with Commission Milele on moving that forward. My background in labor and employment, I think will serve me well in that capacity as well. And I've been asked to be the liaison to the Public Safety Commission and I've coordinated that with talks with previous Commission... The previous Commissioner who held that position. So I'm here to do the work. Yes, the mayor did appoint me. If there is such a thing as keeping the balance and there would be a five to two imbalance. Well, it is

what it is. It speaks to that. What should happen next, but whatever does happen, I'm still on the commission. I'm willing to do the work. And I thank you for the opportunity to serve.

Chair Jackson: Thank you, Commissioner Peterson. So we have heard from both alternates who, one has to have a title, but neither seem to be impressed with a title. And that's a wonderful position to be in. I see Henry, Commissioner Gage's hand is up.

Comm. Gage: Thank you Chair. Yes, I'm seeking recognition. A few brief comments to make before we proceed. This is the second time now we've had this exact debate. And as mentioned by Commissioner Harbin-Forte, our current status is five two, Selection Panel to Mayoral appointees. And we arrived at this breakdown because we voted to select a Selection Panel appointee to replace the Mayoral appointee who resigned before attending a meeting. That's status quo. That's how we got here. In the early days of this Commission, there was a lot of fear about the Mayor exercising outside of his control over Commissioner selection. And I think it's fair to say that our experience to date has shown that those fears appear to be misplaced. I agree with the commenters who have stated that there really hasn't been a discernible difference in Commissioner performance based on appointing ability. The issue I want to raise is that I don't like the idea of asking Commissioners to evaluate the relative qualifications of a peer before selecting a new voting member of the Commission. I don't like that idea. In my opinion, the duty of evaluation of potential commissioners has been provided to the Selection Panel and I prefer to keep it there. Flaws and all. I'm going to maintain the position I articulated the first time we had this debate and say that we should respect the balance outlined in the Charter. And we should note that voting Commissioners be replaced by alternates based on the appointing authority of the departing Commissioner. Excuse me. Leave it there. I'd like to avoid these kinds of conversations of relative comparisons in the future and just do a straight like-for-like replacement for future vacancies. Because we don't... We just don't need to spend this kind of time every time someone resigns or departs for whatever reason. Thank you. As a final statement, if Commissioners are sympathetic to this argument, I would like to know simply because I do think it's important that if we decide to move forward in that way, we should memorialize it in some form. Because again, this is the second time we've done this and I prefer to not do it a third.

Chair Jackson: To your point Commissioner Gage, I actually agree with the community who has said that in most instances, they can't tell the difference. That is the ultimate compliment to all of us. That it doesn't matter how we got here, that we are doing the community's work. That said it's not the Commission's responsibility to maintain the balance. But here we are with an opportunity to do so. I am looking forward to the contributions of both Commissioners Peterson and Hsieh. But if what we're talking about is having an opportunity to get closer to balance. Then I believe that Commissioner Peterson should be elevated. At this point, we need to address or vote on the nominations, which will determine one way or the other. But I do agree with Commissioner Harbin-Forte and with yourself that we should address a policy that says like-for-like, which has been our precedent. Recognizing that Commissioner Jordan has not done anything different under the auspices of the Mayoral appointee hat. And that again is consistent with, to me, excellence of leadership. I don't know if anybody else has a comment on that. I don't see any... Oh, Vice Chair Milele, is your hand up newly?

Vice Chair Milele: Thank you Chair. Yeah, it was. And I agree with you Commissioner Gage and I kind of thought that, that's what Commissioner Harbin-Forte was doing with her motion is giving us a chance to be a little more thoughtful about it. Because I totally feel like we shouldn't be making this decision as if one is more qualified than the other, they're obviously both qualified and were selected and are doing great work. And to be completely transparent, I've only had the opportunity to work with one of them in

the time that I've had, and I've had 70 hours of work with one and zero hours of work with another, and that's all I have to go off of. And if it were the opposite, it'd be the same. So I do feel a bit uncomfortable being in this position and would like to come up with a process that is fair and makes sense, that we don't have to do this, because everyone's already here and we're already all doing great work.

Chair Jackson: I agree with you. So with that, where we are in this process is that we need to take a vote. And so, that's what we will do, because we've already taken public comment. So the first motion was on commissioner Hsieh and I believe, Conor, check me if I'm correct, that's the vote that we need to take, correct?

Commission Counsel: That's correct. The first motion. And that was how we've done nominations and seconds previously. You take votes until you get to four of nominees, one at a time.

Chair Jackson: Okay. Very good. Thank you. And, again, recognizing that no matter who is selected, the work will continue and that's the thing that's most important. So the nomination of commissioner Hsieh is what we're voting on. Commissioner Gage?

Comm. Gage: No.

Chair Jackson: Excuse me. I actually cannot call on commissioner Garcia since yours is the seat that's being filled. Commissioner [inaudible]?

Speaker 2 [[Comm. Harbin-Forte](#)]: No.

Chair Jackson: Commissioner Howell?

Comm. Howell: No.

Chair Jackson: Commissioner Jordan?

Comm. Jordan: Yes.

Chair Jackson: Commissioner Milele?

Vice Chair Milele: No.

Chair Jackson: Okay. And I will also say no. The vote is five no's and one affirmed. So the motion fails. That would ostensibly put commissioner Peterson in the position. We don't have to take another vote. So as difficult and as challenging as that was, commissioner Peterson will be elevated, technically, in the position to replace commissioner Garcia. And I think that what we will do between now and the next meeting is to... Commissioner vice chair and I, and anyone else that wants to work with us on trying define a process moving forward, so we don't find ourselves in this position again, would be best suited so that we can clarify this quickly.

Comm. Gage: Point of order, chair?

Chair Jackson: Yes.

Comm. Gage: I'm not clear as to whether we need to vote as opposed to defaulting. And I would also like to join you in creating that procedure. I would ask counsel if a vote is necessary.

Chair Jackson: Thank you, commissioner Gage. So again, Conor, you can clarify for me, but if the motion fails to elevate commissioner Hsieh, do we re-vote to elevate commissioner Peterson? I guess we do, huh? Okay.

Commission counsel: Chair, we would recommend that you do. And we're actually going to, during our Robert's Rules training, talk about what happens when you, as the elected presiding officer, get to rule on some of these points of order. And then when, if there's an appeal to any ruling that you have, what you have to do as a body for that, but for now I'm going to suffice and just say, we would recommend that you take that vote on the second nominee.

Chair Jackson: Okay. Very good. Thank you. So the vote that we're taking now is on elevating commissioner Peterson, and I'm going to call the role. Commissioner Gage?

Comm. Gage: Yes.

Chair Jackson: Thank you. Commissioner [inaudible].

Speaker 2 {Comm. Harbin-Forte}: Yes.

Chair Jackson: Thank you. Commissioner Howell?

Comm. Howell: Yes.

Chair Jackson: Thank you. Commissioner Jordan?

Comm. Jordan: Abstain. Chair Jackson: I'm sorry? [crosstalk]-

Commission counsel: Chair, it sounds like the commissioner has abstained and I should note under the rules [crosstalk]-

Chair Jackson: Abstained. That's fine. I couldn't understand what he said. Okay. Abstain. And commissioner Milele?

Vice Chair Milele: Yes.

Chair Jackson: Okay. And yes for myself. So we have six affirmed and one abstention. So commissioner Peterson, painful as that was, congratulations. You have moved from alternate to full commissioner [inaudible] the same. Can we move on to the next item, please? I think that's the police chief update. Chief Armstrong?

Chief Armstrong: Yes. Chair, can you hear me?

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