



CITY OF OAKLAND
Cultural Affairs Commission

TO: Diane Sanchez, Chair Cultural Affairs Commission
FROM: Greg Minor
Department of Economic and Workforce Development
DATE: October 20, 2021
**SUBJECT: DRAFT SECURITY REQUIREMENTS AND APPEAL PROCESS FOR
SPECIAL EVENTS PERMITS**

SUMMARY

In the summer of 2020, the City Council adopted Resolution No. 88236, which requested that the City Administration submit amendments to the City of Oakland special events and street closure ordinances to move the permitting of events from the Oakland Police Department (OPD) to civilian staff. This Resolution followed years of efforts to improve special event permitting; internal stakeholders have identified a need to improve coordination and external stakeholders have found the City's approach to entertainment inequitable and unclear.

In response, staff has been working on a number of fronts to both facilitate the transition of special events permitting from OPD and improve related programs. Along those lines, staff has composed draft security requirements for special events and outlined potential new approaches to reviewing a denial of a special event permit or the conditions placed upon a special event permit. Staff welcomes public feedback on these measures, which will expedite staff's final recommendation to the City Council later this year.

BACKGROUND / LEGISLATIVE HISTORY

Transition of Special Event Permitting

In the summer of 2020, the City Council adopted Resolution No. 88236, which requested that the City Administration submit amendments to the City of Oakland special events and street closure ordinances to move the permitting of events from OPD. Resolution No. 88236 did not provide any resources to support this transfer, meaning this Resolution assigned new functions to existing under-resourced staff. During the last year when public health orders prohibited gatherings, City staff focused its limited resources on existing assignments and COVID-19 responses, such as the Flex Streets Initiative to help restaurants and retailers operate outdoors, and the Lake Merritt vending program to support vendors impacted by the pandemic. However, in the recently adopted FY 2021-2023 City Budget, the City Council has made funding available for one permit technician position that will assist with the processing of special event permit applications once that position is filled.

In the interim, staff is working on a number of fronts to both facilitate the transition of special events permitting from OPD and improve related programs. First, staff has convened an

interdepartmental working group to streamline the special event permit application into a one-stop shop approach to simplify the process for event applicants and improve internal communication. Currently, event applicants need to apply for permits separately with multiple departments for one event. A draft one-stop shop special event permit application and a survey seeking community feedback on the new application are available here:

<https://www.oaklandca.gov/news/2021/seeking-community-feedback-on-updates-to-the-special-events-permitting-process>

Second, staff is finalizing the internal workflow and developing a new permit fee to reflect the updated one-stop shop approach to special event permitting.

Third, to improve transparency and reduce the costs borne by special event permit applicants, staff is researching best practices with regards to security requirements. To date staff has spoken with event permitting staff in San Francisco, CA, Los Angeles, CA, Austin, TX, and Seattle, WA.

Last, staff is also exploring approaches to reduce fire prevention bureau costs associated with events.

ANALYSIS AND POLICY ALTERNATIVES

Draft Security Requirements for Special Events

Currently, the City's special events ordinance authorizes the Chief of Police to determine whether an event requires any additional police services and to calculate the number of additional police services required based on what they deem is reasonably necessary for the event. This wide discretion has led some to question the security assessment, particularly when it results in applicants having to cover the cost of sworn officers on overtime.

Attachment A offers a first draft of special event security requirements outlining objective factors for when security measures are required and when police officers could be required. Staff welcomes feedback on this draft language from the Cultural Affairs Commission and the public.

Potential Approaches to Requests for Reconsideration

Another component that staff can include in proposed updates to the City's special events ordinance is an updated appeals process for special event permit applicants who wish to request a review of a denial of their special event permit application or the conditions placed upon their special event permit. The current ordinance allows for applicants to request reconsideration from the Chief of Police in writing.

An efficient and equitable appeals process can provide a meaningful check and balance to the administration of special event permits. Given the time sensitive nature of special events, though, an appeal process needs to be practical and members of any committee formed to hear

requests for reconsideration need to be available within a matter of days to ensure the request is processed before the event takes place. Accordingly, a special event permit review committee consisting of three individuals offers both the balance of different perspectives and a nimble decision-making body, as contrasted with an appeals process consisting of one-individual or a larger committee.

Below are different approaches to a three-person special event permit review committee for the Cultural Affairs Commission's consideration.

A. Review Committee Consisting of Commission Members

A review committee composed entirely of non-City staff could maximize transparency and public accountability for the administration of special event permits. Utilizing existing City commission members would minimize the procedural obstacles of appointing non-City staff person to a committee, since existing Commission members would have already been appointed to a commission by the City Council. In addition to members of the Cultural Affairs Commission, the review committee could potentially include members from other City commissions, including public safety related commissions. Members of the review committee could potentially serve on a rotating basis, such as a one-year term, upon approval of their respective commission.

On the other hand, commission members may lack event organizing or public safety experience that could be relevant to hearing special event permit appeals. Additionally, members of the special event review committee would need to be available in a matter of days, which could prove challenging for volunteers who have existing work and other commitments.

B. Review Committee Consisting of City Staff and Commission Members

A hybrid approach of a review committee consisting of both City staff and commission members could combine multiple perspectives and incorporate the transparency of including non-City staff. If the review committee consists of three members, a key question will be whether the committee should consist of one or two City staff members. How this question is answered will shape the committee, including its potential effectiveness.

Another key question is what City departments should participate in the review committee. Since requests for reconsideration will likely revolve around public safety requirements, such as the level of security, it seems appropriate to have a representative of the Oakland Police Department participate (provided the representative did not participate in the processing of the underlying permit). Other relevant City departments could include the Economic and Workforce Development Department (again, provided the representative did not participate in the processing of the underlying permit), the Department of Race and Equity, the Oakland Fire Department, Oakland Public Works, and Oakland Parks, Recreation and Youth Development Department.

C. Review Committee Consisting of City Staff

A review committee composed of City staff would lack the extra transparency of a community member, but likely be able to meet more quickly than a committee that included volunteers, which is critical given the need for reviewing requests before an event takes place. The committee could also include representatives from different departments to incorporate different perspectives' review of special event permitting.¹

FISCAL IMPACT

There is no fiscal impact associated with this report, however, the facilitation of festivals and events in Oakland can increase business ownership and employment opportunity for local entrepreneurs, event vendors and surrounding businesses.

RECOMMENDATION

Staff recommends that the Cultural Affairs Commission accept this informational report.

Respectfully submitted,



GREG MINOR
Assistant to the City Administrator

Attachment A: *Draft Special Event Security Requirements*

¹ The City of Seattle's appeal process consists of a panel of City staff from different departments:
https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT15STSIUS_SUBTITLE_ISTUSOR_CH15.52CRCOEV_15.52.060PR

ATTACHMENT A

DRAFT SPECIAL EVENT SECURITY REQUIREMENTS

October 20, 2021

(deletions in ~~strikethrough~~, additions in underline)

9.52.080 - Conditional approval of permit.

The ~~Chief of Police~~ City Administrator may impose additional conditions to a permit in the exercise of his or her reasonable discretion when conditionally granting a permit, including but not limited to:

A. Requiring the applicant to retain or hire one or more security officers and/or police officers to provide security at and during the event, said security officers and/or police officers present and on duty at all times during the event;

1. The Oakland Police Department will determine the level of security required at an event through a risk assessment that shall be based on the following factors:

a. Whether alcohol or cannabis will be consumed at the event;

b. How many attendees will be present;

c. Whether the event will require the closure of City streets;

d. Whether the applicant has any previous experience in the City of Oakland managing a special event;

e. Whether the event will take place at night;

f. Whether the event applicant has held prior events that resulted in violence;

g. Whether there is intelligence indicating there will be conflict at the event.

2. The City shall only require police officers to provide event security if:

a. The event will consist of more than 300 attendees; or

b. The event will require the directing of traffic; or

c. The event includes the sale of alcohol or cannabis; or

d. There is intelligence indicating there will be conflict at the event.

3. The City shall not require security officers or police officers if all of the following factors are present:

a. the event is a repeat of a prior event, with no changes in terms of event size, format, or applicant; and

- b. the prior event resulted in no public safety incidents; and
- c. the event will not require the directing of traffic; and
- d. the event will not include the sale of alcohol or cannabis; and
- e. the event will not include the exchange of cash; and
- f. the event consists of less than 100 people; and
- g. there is no intelligence indicating there will be conflict at the event.

4. Nothing in this section precludes the City from recommending a greater amount of security than prescribed above or from the event applicant requesting that police officers provide security at their event(s).

- B. Requiring the applicant to be personally present at all times during the event;
- C. Requiring the applicant to provide a working telephone where he or she can be reached directly at all times during the event;
- D. Requiring the posting of the event permit at the event facility;
- E. Requiring a refundable security deposit before issuance of the permit toward the costs of city services and/or cost of damages to public facilities that may be associated with such an event;
- F. Requiring provision of medical services on-site on a case-by-case basis and/or in consideration of the applicant's previous history;
- G. Requiring in the case of live performances the actual name and stage name of every act performing;
- H. Requiring the submission of copies of all promotional materials simultaneously with the posting or distribution of said materials. All promotional materials must identify the promoter, and must not be posted or affixed to or on city or public property;
- I. Requiring a proof of liability insurance in the amount required by the city;
- J. Requiring the event promoter to provide attended bike parking service for events that expect five thousand (5,000) or more attendees, and for smaller events at the discretion of the Chief of Police City Administrator. The promoter must advertise the service to potential attendees in all outreach and advertising materials and media, and place the bike parking area in an accessible location;
- K. Requiring such other additional conditions as are reasonably believed to be necessary to protect the public health, safety, welfare and order, as well as the health and welfare of restricted and other animals, and to minimize adverse impacts upon the surrounding neighborhood and the general community.