



**CITY OF  
OAKLAND**

**AGENDA**

**MANAGEMENT**

**PROCESS  
TRAINING  
MANUAL**

**JULY 2014**



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## Acknowledgements

This training manual is the collective effort of many people who are involved in managing the preparation of the City Council agendas. The 2014 edition updates procedures, notably those resulting from changes in the City Council's Rules of Procedures resolution and to reflect the current Agenda Report format.

This manual and all agenda forms and templates are available on Oaknet, on the City Administrator's Agenda Management pages.

Many thanks to the Agenda Coordinators in the Administrator's Office and individual Agencies / Departments, who identified many of the issues and "frequently asked questions" contained in the manual. Special thanks to Bill Uber, who not only contributed materials to the original manual but came out of retirement to prepare this revised version.

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Thank you to everyone!

City Administrator  
July 2014

# Introduction to the Agenda Process

## OVERVIEW

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The agenda of an Oakland City Council or Committee meeting is more than a simple listing and order of topics to be discussed. It is a preview of the actual meeting, in that the titles of agenda items, resolutions and ordinances convey to the public the actions that the City Council is being asked to take.

The City Administrator is responsible for preparing and presenting the agenda to the City Council. The agenda materials present City staff's professional analysis and, upon signature, become the City Administrator's recommendations to the City Council. Agenda preparation requires the coordination of many City Departments, the City Administrator and the City Clerk's Agenda Management Unit - - with each having an important role in the process. Each is dependent upon the work of the others. In addition, staff reports are reviewed by a City Attorney, and any legislation required to implement the recommendations is also reviewed and approved by the City Attorney. Collaboration and compliance with applicable deadlines and procedures are very important to support a smooth process. Once the process is complete, the City Clerk is responsible for transmitting and distributing the approved agenda to the Council and the public.

To allow time for review by the public and meeting participants, the agenda and supporting materials are produced and made available to the public 10 days before the meeting takes place (a.k.a., the "two-week agenda" or "10-day agenda") (*Appendix A*). Individual agenda items may be canceled after the agenda has been distributed, but new items cannot be added unless the City Council makes "urgency" or "emergency" findings (pp. 8-9). A supplemental agenda packet, produced and available on the Friday before the Tuesday meeting, reflects any changes and includes additional or revised reports. Note: There are strict limitations on what material can be included in the "supplemental agenda" (pp.43-44).

The purpose of open meetings and the public posting of the agenda is to encourage citizen participation. History proves that government works best when its discussion and decision-making take place before the public. The State's "Brown Act" (Ralph M. Brown Act) calls for a minimum of 72 hours advance public notice of regular meetings. The City of Oakland's "Sunshine Ordinance," (OMC Chapter 2.20) goes a step further by requiring 10 days advance notice to the public.

## MEETING SCHEDULE

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City Council Resolution No. 82580 C.M.S. (March 2010) provides the rules for conducting Council meetings, including the time and place of meetings. The Council meets in regular session on the first and third Tuesdays; and may conduct a workshop or special session on one or more topics on the fifth Tuesday of the month. Council meetings begin at 5:30 p.m., with ceremonial presentations and adoption of the consent calendar, followed by, but not earlier than 6:30 p.m., the non-consent items and those items requiring a Public Hearing. Council meets in the Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor; Oakland, California.

The City Council Committees, with the exception of the Rules Committee, meet on the second and fourth Tuesdays, most often in the Sgt. Mark Dunakin Room. The Rules Committee meets weekly, on Thursdays, in Council Chambers. No meetings are scheduled during winter holiday break, spring break, August recess, Election Day(s) and public holidays that fall on a Tuesday.

A copy of the current calendar year meeting schedule is provided in *Appendix B*. The City Clerk's Production & Delivery Schedule is included as *Appendix C*.

## CITY COUNCIL / OAKLAND REDEVELOPMENT SUCCESSOR AGENCY

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The City Council and the Oakland Redevelopment Successor Agency (ORSA) have the same members and meet concurrently. Items for approval by the Redevelopment Successor Agency refer to the "Agency" and "Agency Administrator" instead of the "City Council" and "City Administrator".

## ROLE OF THE AGENDA COORDINATOR

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Each City Agency and Department has an agenda coordinator, who:

- Receives Rules Request forms (*Appendix D-1*) from department staff; verifies time availability on the requested Committee agendas; and forwards to the City Administrator's office.
- Tracks upcoming agenda reports; facilitates internal intra-department and inter-departmental approvals according to procedures established by each department; and transmits reports to the City Administrator's Office.

- Ensures that Agenda Item Transmittal Forms (*Appendix D-2*) have been signed, and that reports have correct dates, headers, footers, signature and forwarding blocks, appropriate signatures, readable attachments, and signed legislation, before delivery to the City Administrator's office.
- Follows up with authors to make requested corrections; proofs to verify corrections have been made; and returns edited reports to the City Administrator's office by the close of the next business day.

The agenda coordinator for a department that staffs a Council Committee has additional responsibilities. He or she:

- Tracks actions related to follow up and supplemental reports, including actions of the Council Committees, the City Council and the Rules Committee, and ensures authors are aware of any changes or modifications to presentation dates and / or required information.
- Contacts agenda coordinators or authors from other departments who have an item scheduled on the Council committee, well in advance of report deadlines, to make sure that the report is being prepared.
- Keeps an accurate Committee pending list. Updates pending lists weekly and sends to City Administrator and City Clerk.

## Commonly Asked Questions – Who? What? When? How?

### When should I schedule my report?

Staff is strongly advised to not submit a Rules Request form (*Appendix D-1*) until they are firm about the date on which the report will be heard. This means the report should be scheduled after:

- A draft report has been prepared;
- All major policy and legal questions have been asked and answered;
- You know exactly where your funding is;
- For contracts: Required procedures, i.e., Request for Proposals or bidding process are complete, or you know the sole source justification is adequate;
- All prior approvals have been received (e.g., Planning Commission, Contract Compliance, etc.);
- The deal points are fully fleshed out and acceptable to the contractor, etc.

If these fundamentals are not complete, chances are the report will need to be rescheduled. This makes you and your Department appear ill-prepared and uncoordinated. Occasionally, once the intended content of the report is known, the Committee may not allow you to postpone the date, even if you need to do so.

It is your responsibility to review the published Agenda – Committee and Council - to ensure your item is scheduled and properly noticed. Contact your Agenda Coordinator and the City Clerk's Office if there is a discrepancy or you have any questions.

### How do I schedule a Public Hearing?

Public Hearings are separately noticed in a specific section of the City Council agenda. Forward your scheduling request to the Rules Committee, noting on the Rules Request that the matter is to be scheduled as a Public Hearing and the date you are requesting. Council tries to limit the number of Public Hearings per meeting, so schedule as far in advance as possible.

Before forwarding a Rules Request to schedule Public Hearings on assessment of liens for mandatory garbage fees, or for delinquent business, property or transient occupancy taxes, you must check with the City Clerk's office to confirm a date.

See *Appendix E*, and consult with the City Attorney and City Clerk's office, for information about Public Hearings and their special public noticing requirements.



## **Who decides what gets scheduled on the agenda of a City Council or Committee meeting?**

The Rules Committee makes those determinations at its weekly Thursday meetings. The meetings are open to the public and televised on KTOP, the City's Cable Television Station, and video-streamed at [www2.oaklandnet.com](http://www2.oaklandnet.com) for internet viewing (under City Council, click on "Watch Meetings Live or View Archived Video")

## **Can the Council Committee schedule a report on a new topic?**

No. All topics that are new to the Committee, i.e., not a follow-up related to a previous report or on the pending list, must go to the Rules Committee to be scheduled. The Council's Rules require that all new reports be presented, via Rules Request, to the Rules & Legislation Committee for assignment to the appropriate committee (or committees).

## **What should I do if I need to change the presentation date for my report?**

First, you need to have a good reason to make the change. Unfortunately, your personal workload is not an adequate reason to change the date. Reasons for change could be that needed data will not be available by the agenda deadline; that the elements of the deal have not yet been confirmed; or that persons who need to attend the Committee meeting will not be available.

When your managers have confirmed that the date needs to be changed, contact your Agenda Coordinator immediately. Normally, the date can be changed by the subject matter Committee, as it reviews its pending list at each meeting. However, if there is no intervening Committee meeting prior to the date your item is scheduled to be heard, you may submit a Rules Request for the Rules Committee to reschedule the report to another date. You must have a very strong rationale why this is necessary.

## **How can I schedule my item directly to Council and bypass the Committee?**

The Council's Rules are designed so every item is heard by a subject matter committee before coming to Council. There are no exceptions in the Council resolution that established this procedure. However, in current practice, a few exceptions have been made: Ceremonial recognition of community members and/or groups, City employees and special events and achievements; Planning Commission appeals; tree removal appeals; approvals of Final Tract

maps; resolutions of intent to renew assessments; quarterly public hearings on delinquent taxes and mandatory garbage fees; and settlement agreements from the City Attorney.

On the other hand, if you have an item with a statutory, fiscal or grant deadline that can only be met by taking the item directly to Council, you may make that request to the Rules Committee. The specific request and rationale should be stated on the Rules Request form and forwarded to the City Administrator. You will need to explain, first to the City Administrator and ultimately to the Rules Committee, why you were not aware of the deadline in time to schedule your item before the appropriate policy Committee. You will be required to attend the meeting, and likely address the Rules Committee members, due to the special nature of your request.

Inform your Agenda Coordinator as soon as you know you have an urgent item. He/she may be able to find a way that the report can be heard at the Committee and still meet your deadline.

### When can I bypass the two-week agenda posting?

You may bypass the two-week process **only** if the appropriate body or bodies (e.g., the City Council, a Council Committee, or the Rules Committee) make(s) a finding that the item is “urgent” or constitutes an “emergency.” **Note: Check with the City Attorney’s Office to confirm your interpretation BEFORE the meeting.**

If the item does not appear on the 10-day Agenda and it needs to be added to the 72-hour Supplemental Agenda, the body can consider the item only if:

- The body finds that the matter is an **emergency**, i.e., a determination by a majority vote of the body, that a work stoppage, crippling disaster or other activity exists which severely impairs public health, safety or both; or,
- The body finds that the matter is **urgent**, i.e., a determination by a two-thirds vote by the members of the local body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those present, that:
  - (1) there is a need to take **immediate action** on an item that **came to the attention of the local body after the 10-day agenda was posted**, and
  - (2) the need to take immediate action:
    - a. is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;
    - b. relates to federal or state legislation; or
    - c. relates to a purely ceremonial or commendatory action.

If the item does not appear on either the 10-day Agenda or the 72-hour Supplemental Agenda, the body can consider the item only if:

- The body finds that the matter is an **emergency**, i.e., a determination by a majority vote of the body, that a work stoppage, crippling disaster or other activity exists which severely impairs public health, safety or both; or,
- The body finds that the matter is **urgent**, i.e., a determination by a two-thirds vote by the members of the local body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those present, that:
  - (1) there is a need to take immediate action which **came to the attention of the City (i.e., any employee, officer, City official)** after the two-week agenda was posted, and
  - (2) the need to take immediate action:
    - a. is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;
    - b. relates to federal or state legislation; or
    - c. relates to a purely ceremonial or commendatory action.

If the item appears on an agenda, but notice was defective, the body may take action only if:

- The minimum notice requirements of the Brown Act have been met; and,
- The local body, by a two-thirds vote of those members present, adopts a motion determining that:
  - (1) upon consideration of the facts and circumstances, **it was not reasonably possible to meet the additional notice requirements** and
  - (2) any one of the following exists:
    - a. there is a need to take immediate action on the item to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;
    - b. there is a need to take immediate action which relates to federal or state legislation or the local body's eligibility for any grant or gift; or,
    - c. the item relates to a purely ceremonial or commendatory action.

In addition to the above exceptions, if a software or hardware problem causes a defect or failure in the 10-day noticing, your item may still be heard if the notice requirements are satisfied no later than 8 calendar days before the meeting. If you see any problem with your item when the agenda is published, notify your agenda coordinator immediately.

## Scheduling an Item on the Agenda

All agenda items have their origin in an idea, whether in the form of a question, problem, solution, complaint, or even a word of well-deserved praise for an individual or organization. The ideas that lead to an agenda item may come from anyone: citizens or community groups, staff members, City Councilmembers, City, County, State, or Federal agencies, philanthropic groups, or private businesses.

### **FIRST STOP: YOUR AGENCY'S AGENDA COORDINATOR**

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The "Request to Schedule an Agenda Item" form (a.k.a. "Rules request") is available on Oaknet (see CAO's Agenda Management page), or from your Agency Agenda Coordinator. **E-mail your Rules request** to your Agenda Coordinator by \_\_\_\_\_, so that it can be forwarded to the City Administrator's Agenda Coordinator no later than 12:00 noon on Monday for the Rules Committee meeting on Thursday of the same week.

If you have a specific date to propose, check with the Agenda Coordinator to make sure time is available on the Committee agenda and that the item will report to City Council within your required timeframe. Consult with your City Attorney representative regarding the timetable and the appropriate title for the item.

The Rules Request should contain a complete agenda title, including the title of any resolution or ordinance, in upper and lower case letters. To comply with Sunshine, the title must be clear, containing no abbreviations, acronyms, or terms of art. It should be sufficient to alert a layperson of average intelligence as to the nature of the item and whether his/her interests may be affected. City Council policy requires that dollar amounts of grants and contracts be shown in the title.

### **SECOND STOP: CITY ADMINISTRATOR**

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The City Administrator's Analysts review your Rules Request to determine whether it falls within the jurisdiction of the City Council, whether the issue / inquiry can be addressed administratively by City staff, and whether the agenda title and venue requested are appropriate.

### **THIRD STOP: CITY CLERK**

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The City Administrator's Agenda Coordinator forwards approved Rules Requests to the City Clerk's Agenda Management Services Unit. This unit compiles the new requests from the City Administrator, City Attorney, City Council, Mayor and members of the public, as well as pending requests from previous meetings. The Agenda Unit then prepares a list of scheduling items for the Rules & Legislation Committee and a draft of the upcoming two-week agenda for the Committee or City Council meeting. In the 2<sup>nd</sup> and 4<sup>th</sup> weeks, following Committee meetings, the City Clerk prepares a matrix showing the Committees' actions and recommendations for each agenda item, for scheduling to Council. These preliminary materials are normally available on-line to the public and staff, with a printed copy available for review in the City Clerk's office, on Wednesdays between 4:00-5:00 p.m.

### **FOURTH STOP: RULES & LEGISLATION COMMITTEE**

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The Rules Committee convenes in open session on Thursdays at 10:45 a.m. to schedule the agendas for future meetings of the City Council/ORSA and City Council Committees. This Committee determines which proposed agenda items will be scheduled now, deferred until later, or declined. It also confirms which Council Committee will hear each agenda item. Following this meeting, the City Clerk's Office prepares the agendas according to the Committee's direction.

Your Agenda Coordinator attends the Rules Committee and is fully informed about the scheduling aspects of your item. However, if you are scheduling an item for which you are the author, you are required to attend Rules Committee as well, to answer questions from the Committee. Please remain at the Rules Committee meeting until the Committee votes to approve the "Scheduling of Agenda Items."

If you requested a specific date on your Rules Request and it was approved, your agenda item will be added to the Committee's Pending List for that date.

### **FIFTH STOP: COMMITTEE AGENDA – "ITEM 2 – FOR SCHEDULING"**

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The Rules Committee may forward an item to the subject matter committee without setting a specific date. The item will appear on the Committee's agenda under "Item 2: For Scheduling." No later than the Monday prior to (i.e., day before) the Committee meeting, the Committee's Agenda Coordinator needs to know what date you want the report to be heard, so that a recommendation can be made to the Committee on the following day, Tuesday.

## **SIXTH STOP: COMMITTEE PENDING LIST**

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To keep Committees informed of outstanding items, each Committee is provided with a list of upcoming agenda items as well as pending items to be scheduled. This Pending List is included in the Committee's agenda packet and is noticed as Item 2 - "Determination of Schedule of Outstanding Committee Items".

The Pending List is updated each week as the Committee changes its schedule or reports are delayed or moved forward; and as the Rules Committee assigns or moves items.

## Writing the Report

To streamline the agenda management process and enhance the consistency of City Council reports, the City Administrator requires that all agencies / departments adopt the approved report format. Using the correct format for your report helps ensure that you will include all information the City Council needs to make its decision. You can find the annotated report format in ***Appendix F-1***. Blank Agenda Report templates are available on Oaknet's Agenda Management page.

It is not necessary (nor will you have the time) to draft every Agenda Report from scratch. Chances are very, very good that someone, at sometime in the past, has written a report that is similar or duplicates the report you are drafting. Thanks to the City's Legistar® system, maintained by the Office of the City Clerk, you can quickly search 10 – 14 years worth of Agenda Reports, by key words, by a specific date or legislation number, or by year. If you find a report that meets your needs, it can be re-converted back into a Word® document and then edited, rewritten or modified to meet your current situation. If you need an Agenda Report written prior to 2000, contact the Records Division of the Office of the City Clerk, 1<sup>st</sup> Floor, City Hall, and request a document copy from the City's archives.

Access Legistar® via the City's website: [www2.oaklandnet.com](http://www2.oaklandnet.com), under "City Council", click on "Agendas and Reports," on the next screen, click on "City Council Meeting Schedule, Agendas & Minutes."

### AGENDA REPORT SECTIONS

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**COUNCIL DISTRICT:** # or City-Wide (right margin justified)

**RECOMMENDATION** (Mandatory)

To be worded as it should appear on the Agenda. If a resolution or ordinance is required, it must be stated.

**REASON FOR URGENCY** (If applicable, can be deleted)

**REASON FOR SUPPLEMENTAL OR REPLACEMENT** (If applicable, can be deleted)

*\*\*Confirm with the City Attorney's Office that the supplemental or replacement report complies with Sunshine Ordinance / Brown Act noticing requirements.*

**EXECUTIVE SUMMARY** (Mandatory if report is lengthy 5 + pages or more and complex)

**OUTCOME** (Mandatory)

**BACKGROUND / LEGISLATIVE HISTORY** (Mandatory)

**ANALYSIS** (Mandatory)

This is the body of the report.

**POLICY ALTERNATIVES** (If applicable, can be deleted)

<i>Alternative (s)</i>	Description of Alternative(s)
<i>Pros</i>	Description of Pros
<i>Cons</i>	Description of Cons
<i>Reason for not recommending</i>	Explain reason(s) for not recommending this / these alternatives

**PUBLIC OUTREACH / INTEREST** (Mandatory)

**COORDINATION** (Mandatory)

**COST SUMMARY / IMPLICATIONS/BUDGET** (Mandatory) (*Appendix F-2*)

This section should include:

AMOUNT OF RECOMMENDATION / COST OF PROJECT:

Project Delivery  
Construction (if applicable)  
Contingency (if applicable)  
Total Project Costs

1. COST ELEMENTS OF AGREEMENT / CONTRACT:

Sub Project/Phases  
Management  
Equipment  
Software  
Maintenance  
Service  
Labor Rates (If applicable – use separate table detailing labor rates)  
Taxes and Fees (Estimated, based on entire or portions of the agreement / contract value, which require the payment of taxes and fees)

TOTAL AGREEMENT / CONTRACT AMOUNT

2. SOURCE(S) OF FUNDING (City Fund Name and #, Grant, etc.):

3. FISCAL IMPACT:



**FISCAL / POLICY ALIGNMENT** (If applicable, can be deleted)

**PAST PERFORMANCE, EVALUATION AND FOLLOW-UP** (If Applicable, can be deleted)

**SUSTAINABLE OPPORTUNITIES** (Mandatory) (*Appendix F-3*)

*Economic:*

*Environmental:*

*Social Equity:*

**CEQA** (If Applicable)

Environmental status granted by CEDA. If applicable include the detail of the CEQA status. The appropriate citation is to be noted in the report or listed as “This report is not a project under CEQA.”

CEQA: Exempt, ND (Negative Declaration) or Resolution No. \_\_\_\_\_ C.M.S.

## COMMON REPORT TYPES

### Authorizing a Contract

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To ensure that your proposed contract is meeting City contracting requirements, your report must include information on several issues:

**Was a Request for Proposals (RFP) issued for the work?** If so, where and how were the RFPs distributed? What public notification was issued (i.e., advertisements in trade papers)? How many completed RFPs were submitted? How were the RFPs reviewed? What criteria were used to evaluate the proposals? How many proposals were considered acceptable? What were each proposal's qualifications? Did you include points in your evaluation for certified local for-profit and not-for-profit firms? What are their local and small local percentages? Whom did you select? Why? Did Contract Compliance conduct a compliance assessment?

For any contract that results from an RFP process, attach the Contract Compliance evaluation materials to your Agenda Report.

**Note:** If you are selecting a contractor who has not met the City's local/small local goals, describe what they have done to meet or maximize their local/small local percentage of the contract. Also, describe why they cannot fully meet the goal.

**If no RFP was issued, why not?** What process did you use instead? How many proposals did you receive, how did you review the proposals, etc.? All the questions noted above need to be answered in your report.

**If this is a sole source contract, why?** You will need to describe what makes this specific contractor (over all others) uniquely qualified to do the proposed work. Be prepared to provide extensive evidence of their qualifications because City policy promotes the use of competitive processes.

An integral part of the contracting process is the 50% **goal for local employment participation** on construction projects, and the 50% mandate for Local and Small Local Business Enterprise participation on construction contracts. These requirements are a critical factor in determining a responsive bid. However, for construction projects, contractors are not expected to lay off their core work force in order to meet the 50% employment goal.

Compliance with the **Equal Benefits Ordinance** for registered domestic partners and the **Living Wage Ordinance** are also critical parts of the contracting process. The Living

Wage rate is adjusted annually, and is a key consideration when negotiating the costs of service contracts over \$25,000.

In the Outcome section of your Agenda Report, indicate the specific action you would like the Council to take. For example, “Adopt the attached resolution authorizing a professional services agreement with John Doe Consulting in an amount not to exceed \$250,000 to prepare a financial analysis report assessing retail viability citywide.” Always indicate the consultant name, the amount or not-to-exceed amount of the contract, and the service to be provided. Also, indicate the funding source (with specific funds, org, projects and account names and codes) in both the fiscal impact statement and resolution.

In your resolution, include a specific “whereas” that indicates that entering into this contract will not impact the City’s existing workforce. It should read as follows:

***WHEREAS**, the City of Oakland finds that this contract is professional in nature and will not result in a loss of employment or salary by any person having permanent status in the competitive service; and*

## Applying for, Accepting, and Appropriating a Grant

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City Council authorization is required for the City to apply for and accept funds from any granting entity, including federal, state, county or other granting organization. Many granting agencies require a resolution as part of the grant application prior to any consideration for an award.

To eliminate the need to return to the City Council for additional approval to accept and appropriate funds if the application is awarded, the initial action requested of City Council should include language that authorizes the City Administrator to apply for, accept and appropriate the funds for the stated purpose of the grant. The resolution should also include language that authorizes the City Administrator or designee to appropriate any additional funds that may be received as part of the award and to negotiate any agreements and contracts and amendments associated with its stated purpose.

The Cost Summary section of the report and the resolution must discuss the source of any required matching costs, either direct or in-kind, any disallowed costs or exclusions by the grantor (such as overheads or administrative caps) and the applicable time limits for grant expenditure. Both the Cost Summary and resolution must specify the fund and project name and number to which grant funds will be deposited.

Oftentimes, grants disallow certain administrative expenses, such as the Central Service or Departmental / Divisional Overhead. If you are requesting a waiver from any of the overhead charges, this should be clearly stated in both the “Cost Summary / Implications /

Budget” section of the agenda report and the accompanying resolution, as a “RESOLVED:” statement, with the estimated waiver amount identified in both places.

In addition, some grantors require that personnel hired with grant funds be retained for a period of time (usually a year). If there is such a requirement for your grant(s), explain it clearly, specifying the number of full-time equivalent positions (including classifications) to be retained, length of time, and the estimated total cost to the City, including salary, benefits and applicable overhead.

## Amending the Master Fee Schedule

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The Master Fee Schedule is updated annually by ordinance during the City’s biennial budget adoption and mid-cycle budget adjustment. Levying any fee or fine to recover the cost of services requires City Council approval of the ordinance. Most programs have their fees updated as part of a process that is managed by the Budget Office.

There are occasions in which a new program or regulation may require implementation outside of this annual process. If adoption of the program requires a fee or other levy, an ordinance amendment to the Master Fee Schedule will have to be approved. NOTE: Fee proposals must comply with the requirements of Prop. 26, the “Supermajority Vote to Pass New Taxes and Fees Act,” (November 2010). A resolution to adopt the program and appropriate the required revenue and expenditure will also be needed.

The ordinance amendment to add or modify a fee needs to include an analysis of the revenue to be realized, including how the fee was calculated (fees are only to cover the cost of the service) and what the revenue projection will be. There is a specific format used by the Budget Office that can be provided by your department’s Fiscal Services Manager. It specifies the unit cost, placement within the schedule and frequency of assessment.

The fiscal impact and resolution must include language to appropriate the revenue from the fee and the expenditure amount appropriated to execute the program.

## Implementing a New Program

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Implementing a new program outside of the biennial budget process usually involves approval of funding, either from a new fund source, such as a grant, new revenues to be generated by the program, or transfer of funds from within existing budgeted resources.

The Cost Summary must discuss any one time costs, sustained annual costs, matching costs and the sources of funding, including anticipated revenues as well as staffing requirements.

The language of the resolution needs to include authorization for the City Administrator or designee to appropriate funds, revenues and expenditures for implementation of the program, including any transfers of funds within and/or between departments consistent with the program's purpose. The resolution must include the requisite fund, organization and project names and numbers for the appropriation.

## Informational Reports

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The Council's Rules of Procedure define an informational report as one that does not *require or permit* Council action. These are very rare. Beware of "informational" reports that suggest actions the staff will take, or request feedback from Council on possible courses of action being considered by staff. These reports should be titled "Request for the City Council to..." or "Action on a Report Regarding...."

## Supplemental Reports

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These reports generally fall into two categories:

- Councilmembers request additional information that was not included in the original report.
- New and relevant information, which Council members need in order to conduct their discussion of the item, comes to staff's attention after the 2-week Agenda has been published.

Additional information on Supplemental Reports and possible Sunshine Ordinance Restrictions is located on pages 43-44.

## Board and Commission Reports

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The City's advisory boards and commissions make periodic reports to the City Council Committee overseeing their subject areas. A Board or Commission report should be prepared on the Commission's letterhead and signed by the Chair. There is no forwarding block. The City department should prepare a transmittal memo, signed by the Department Director, with a forwarding block stating "Forwarded to the \_\_\_\_\_ Committee," for the City Administrator's signature.

## Closed Session Reports

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Closed Session reports contain information of a privileged and confidential nature. Reports that go to the Closed Session of City Council include Attorney-Client communications, Real Estate negotiations, personnel issues, labor negotiations; matters posing a threat to public security, and items of anticipated or pending litigation (See *Appendix G* for Closed Session Report format).

## Summer Recess Agenda Reports

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The City Council takes an annual recess from August 1<sup>st</sup> until the first meeting in September, as determined by the Rules Committee. During the recess, the Administration may approve contracts on the Council's behalf, subject to the requirements of the Purchasing Ordinance. That ordinance authorizes the City Administrator, as the Mayor's designee, to approve during recess contracts, in any one transaction, pertaining to: (1) supplies and services procurement not exceeding \$500,000, and (2) professional services not exceeding \$300,000. Extensions or amendments to contracts that would increase the vendor's total contract above the \$500/\$300K limits may not be approved.

The City Council's Rules of Procedure resolution further defines the agenda process during the recess. **Rule 21** states, in part, that:

- No action may be taken which requires the adoption of an ordinance.
- Contract approvals must conform to the requirements set forth in the Purchasing ordinance.
- **All matters must clearly set forth the reasons(s) why the item cannot be deferred for Council approval following the recess.**

- Approvals are limited to previously adopted budgeted amounts.
- No appropriation of funds may be authorized.
- A full report of actions taken during the recess must be presented to Council at its first meeting in October

### Writing Summer Recess Reports

During the recess, you will prepare a report and resolution for the recess agenda according to the instructions above. Use the regular agenda report template. The rationale for seeking approval during the recess must be provided in the “Reason for Urgency” section of the report, and explained in further detail, if necessary, in the Executive Summary / Analysis sections. Although the City Administrator is acting on behalf of the Council, the report and resolution should show the City Council or ORSA as the approving body.

Prepare the footers as follows:

Item \_\_\_\_  
Mayor’s Summer Recess Agenda  
(Date of Agenda)

Follow the regular deadlines for approvals and submission. Summer Recess Agendas are posted for public comment ten days in advance by the City Clerk.

## Ordinances and Resolutions

Unless the Charter, the Council's Rules of Procedure, or some other governing legislation requires that a specific procedure be followed, the Council may act by motion, resolution or ordinance. The form and legality of all resolutions and ordinances must be approved by the City Attorney's office prior to presentation to Council.

### PURPOSE OF ORDINANCES AND THE NOTICE & DIGEST

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Generally speaking, an ordinance amends City codes / laws or implements fees, fines and penalties. Items created by ordinance, such as the Oakland Municipal Code, Planning Code, and Sign Ordinance, can only be amended or repealed by another ordinance. In addition, certain long term financial obligations, such as incurring debt, leases over one year, and land purchases of more than \$5,000, can only be approved through an ordinance. (In contrast, short term financial commitments, such as professional services contracts and grant awards, are approved by resolution). It is important to note that the Oakland Redevelopment Successor Agency does not adopt ordinances. All ORSA business is done by resolution.

An Ordinance is required, pursuant to Section 219 of the Oakland City Charter, to implement each of the following actions:

- Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency as authorized in Article VI of the Charter.
- Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- Levy taxes except as otherwise provided in the Charter with respect to the property tax levied by adoption of the budget.
- Amend the Master Fee Schedule, by adding, modifying or deleting fees/charges.
- Regulate the rates charged for its services by a public utility.
- Authorize the borrowing of money except as otherwise provided in Section 812 of the Charter.
- Convey or lease, or authorize the conveyance or lease for longer than one year, of any real property of the City, or any interest therein, or the acquisition of real property, the purchase price of which is more than Five Thousand Dollars (\$5,000.00).
- Amend or repeal any ordinance previously adopted.

All ordinances shall be accompanied by a Notice & Digest. City Charter section 214 requires publication of a Notice & Digest, with a copy of the publication available for examination in the Office of the City Clerk. The Notice shall be published once in the official newspaper of the City at least three (3) days prior to final adoption.



## ADOPTION AND AMENDMENT OF ORDINANCES

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The City Charter requires two readings of all ordinances (introduction and final passage) except emergency ordinances. The second reading (final passage) must be at least five days after introduction of the ordinance.

If an ordinance is altered or amended after introduction **(except for the correction of typographical or clerical errors)** it must re-noticed for final passage at least five days after said alteration / amendment.

Under the Charter, Emergency Ordinances are introduced and adopted at the same meeting. An emergency ordinance requires at least six affirmative votes. An emergency ordinance is any ordinance declared by the Council to be necessary for preserving the public peace, health, or safety in an emergency, and containing a statement of the reasons constituting such necessity.

## ENACTMENT OF ORDINANCES

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Non-emergency ordinances that receive six or more affirmative votes and Emergency Ordinances take effect immediately. Non-emergency ordinances that receive five affirmative votes take effect seven days after the second reading (final adoption), or the effective date can be specified as a later date. Sometimes enactment will be postponed in order to establish an enforcement program and / or to allow violators to make corrections before the program comes into effect.

However, within three days after the date of final adoption of an ordinance that receives five affirmative votes, the Mayor may file in the Office of the City Clerk written notice to the Council that s/he has suspended the taking effect of the ordinance. Such notification automatically causes the reconsideration of the ordinance by the City Council at its regular meeting next following the sixth day after the final adoption of the ordinance. If, upon reconsideration, the ordinance is approved by the affirmative vote of at least five members of the City Council, it takes effect immediately; and if not so approved, it becomes ineffective.

## PURPOSE OF RESOLUTIONS

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Resolutions and motions are used to enact City business that is not required to be taken by Ordinance. In addition, all ORSA business is implemented by resolution. Resolutions can establish new policies that may require modification to, or adoption of, local ordinances. An

example is the General Plan. The plan is adopted by a resolution; however, it is implemented through the Zoning Regulations, which can only be amended by ordinance.

Resolutions may be used to:

- articulate or amend City policy;
- enter into a professional services or public works contractual agreements;
- apply for, accept and appropriate grant funds;
- amend revenue expectations and appropriate funding;
- purchase real property for an amount less than \$5,000;
- enter into Disposition and Development Agreements (DDAs)

**NOTE:** The Council may act by resolution, motion, or ordinance, except for the actions subject to specific procedures identified in the Charter, law, City policies or Council Rules of Procedure. For example, the Council's Rules of Procedure require that contracts be approved by resolution. The City Charter requires that certain professional services contracts be adopted by 2/3 vote; the City Attorney's office will add this notation to your resolution if applicable. If you have questions about the appropriate legislative method, contact the Office of the City Attorney.

## WRITING AN ORDINANCE OR RESOLUTION

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Ordinances and resolutions have several elements in common. Download current ordinance and resolution templates from the City's Intranet site: OaknetNews. They are located on the City Administrator's page, under Agenda Management.

Header	The top of the resolution / ordinance identifies whether the City Council or Oakland Redevelopment Successor Agency is taking the action, whether the item is a resolution or ordinance, and a space for the City Clerk to affix the City Manager System (C.M.S.) number assigned to the adopted legislation. Included is a line for the City Attorney’s approval as to form and legality, and a line for the Council author, if applicable.
Title	<b>THE TITLE IS IN BOLD, ALL CAPITAL LETTERS, WITH FULL JUSTIFICATION, INDENTED APPROXIMATELY ONE-HALF TO ONE INCH WITHIN THE NORMAL ONE INCH MARGINS; THE TITLE IDENTIFIES THE ACTION TO BE TAKEN</b>
<b>WHEREAS,</b>	The text following each <b>WHEREAS</b> makes findings of fact that leads up to the action(s) to be taken. These can include prior City Council actions, references to state or federal law, indication of funding sources, the process by which the action was considered, etc. The word <b>WHEREAS</b> is bold, capitalized, indented, and followed by a comma. The end of each WHEREAS finding concludes with: “; and”, until:
now, therefore, be it  <b>RESOLVED</b>	For <b>Resolutions</b> , after the last Whereas clause, and on the same line, give the lead to the legislation as: “now, therefore, be it”  In the <b>RESOLVED</b> , indicate the action the City Council is taking. (e.g., “that the City Administrator is authorized to enter into contract...”). Each word <b>RESOLVED:</b> is in <b>bold</b> , capitalized and indented. After the first use, additional action(s) is / are indicated by the using the words “; and be it” followed by a new paragraph beginning with <b>FURTHER RESOLVED:</b>
now therefore,  <b>THE CITY COUNCIL...</b>	For <b>Ordinances</b> , after the last Whereas clause, and on the same line, give the lead to the legislation: “now, therefore,” followed on its own line by:  <b>THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:</b> Below this statement are numbered sections that indicate the specific code amendments or actions to be taken.
Voting / Attestation	Names of City Council members, date of the ordinance or resolution, and a signature block for the City Clerk’s attestation are all placed at the bottom of the document. Make sure your template includes all current Council members and the correct year.

## Review and Approvals of the Draft Report

Agenda reports must be reviewed by many different individuals and offices. Part of your challenge as an author is to have the reviews completed in a timely manner and ensure that relevant comments are incorporated into the report.

### SUBMITTING YOUR AGENDA REPORT

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The City Administrator's schedule of due dates are attached in *Appendix A*. Check with your Agency / Department Agenda Coordinator for your department's internal schedule of reviews and deadlines.

#### **Tier 1 (Author's responsibility) - -**

As the author, you are responsible for submitting your report for internal review and getting required signatures on the documents and the Transmittal Form. Each reviewer deserves a reasonable amount of time to review and assess the report. Please contact them individually and plan to submit your report in accordance with their needs.

- **Department Fiscal Services** – the Fiscal Services Manager will review the draft report to determine if there are any fiscal impacts to your report. If there are, s/he will check to see that the funding you describe actually exists (sometimes it doesn't!) and is in the place where you need it. S/he can help draft the Cost Summary section and check that any resolution / ordinance acknowledges the appropriate funding source(s). Consult fiscal in the early draft stage, as the document must subsequently be reviewed and approved by the Budget Office.
- **Division Director and Managers** – the Division Director will review the entire report for content, grammar, compliance with City policy and practice, etc.
- **City Attorney** – the City Attorney's Office reviews the report for any legal issues. The Attorney must sign the Agenda Item Transmittal Form and also sign off on the top right corner of your resolution and/or ordinance, and initial an ordinance's Notice & Digest, before the City Administrator will approve your report.
- **Budget Office** – Your Budget Analyst will review the report for fiscal impacts, whether identified or hidden. The Analyst will also check your funding codes to make sure that the resources you cite exist and are available for the use proposed. The City Administrator requires **all** staff reports – those with and without fiscal impacts – to be reviewed by the Budget Office. The City Administrator's Office

will return any report that does not have a Budget Office signature on the Transmittal Form indicating their approval.

### **Tier 2 (Agenda Coordinator's Responsibility) - -**

Tier 1 reviews should be completed before you submit your report to the Agenda Coordinator. If the reviews are not complete, you may find yourself making edits generated by multiple sources at the same time the City Administrator is reviewing the report. This tends to be very confusing and extremely stressful for all involved.

Once the Agenda Coordinator receives the staff report, it is reviewed for format, completeness of the various sections, such as Sustainable Opportunities, Disability & Senior Citizen Access, forwarding block, header/footers, etc. The Agenda Coordinator will also review the Transmittal Form for required signatures and then forward the staff report to the Director for feedback and / or signature. If the Agenda Coordinator contacts you at this stage, an immediate response is required.

### **Tier 3 (City Administrator Review) - -**

After the Agency Director has reviewed / approved / signed the report, it is submitted to the Office of the City Administrator (***no later than*** 4:00 pm on the Monday 3 ½ weeks before the report is scheduled to be heard). The City Administrator's Office reviews the report for clarity, consistency with City policies and priorities, and ensures that relevant issues have been anticipated and addressed. The City Administrator typically provides feedback on the Friday or Monday following the submittal deadline. If the City Administrator has changes, your Agenda Coordinator will contact you about the needed revisions.

It is critical that you make any changes in a timely manner (i.e., the same day if possible – but no later than close of business on the day after you receive comments), so that the report can be returned to the City Administrator, signed, and delivered to the City Clerk to be scanned and copied with the other regular packet materials.

If the report is late and/or requires more revision, and the deadline for duplicating is missed, additional actions may be required – see “How Agendas are Produced” (p. 28).

### **Tier 4 (Electronic Version for Public Review) - -**

As reports are approved by the City Administrator, the completed reports, legislation and attachments are forwarded to the City Clerk. The complete agenda packet is scanned by the City Clerk and, once all materials have been entered, is posted online in Legistar. The Regular and Supplemental Agendas, with all supporting documents, are available online, on both Oaknet and the City's public website, by Friday at 1:00 p.m.

## How Agendas are Produced

The Office of the City Clerk prints the agendas on Thursdays at 3:00 p.m. To meet this deadline, all signed back-up material (staff reports, resolutions, ordinances and attachments) must have been submitted by the City Administrator's Agenda Coordinator to the City Clerk's Office by 2:00 p.m. Late materials result in overtime costs.

If you are too late to be included in the agenda printing, the City Administrator's Office will notify you that you are responsible for completing this part of the process and assisting the City Clerk with distribution. You must:

- Pick up the original report, signed by your Director and the City Administrator;
- Get instructions from the City Clerk to complete the item's footer, showing the agenda number, on (at a minimum) the first and last pages of the report and any attachments.
- Make 26 copies, back-to-back (2-sided) and 3 hole punched, on white bond paper (green paper, if it's a "Supplemental" Item).
- Deliver the copies to the City Clerk's Agenda Management Unit (2<sup>nd</sup> floor, City Hall) on Friday, no later than 9:00 a.m. You may be asked to assist in stuffing your item into the agenda packets.

Agendas are available to the public by 1:00 p.m. on Fridays.

## City Council Committee Process

The Oakland City Council has a two-step process for agenda items. With few exceptions, all reports are heard by at least one of the City Council Committees. That is where the report commonly gets the most discussion. After the Committee hears the report, it can:

- 1) receive and file the report **if** it is “informational” only;
- 2) accept the report and recommend that the City Council approve the staff recommendation, either on the Consent Calendar or the Regular Agenda;
- 3) forward a recommendation that is different from staff’s; or,
- 4) keep the item at the Committee, to be heard on another date, until the members are satisfied with the report;
- 5) fail to obtain a passing vote of Committee members present, in which case the item is not forwarded to the City Council. However, failure to pass does not mean the item is “dead.” The Council’s established Order of Business, Section 6.f. (pp. 35-37), permits a Council member to request that such an item be scheduled for Council’s consideration during the "Members' Requests for Scheduling of Items Considered by Committee but Not Forwarded to Council.”

### STANDING COMMITTEES

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The standing committees of the City Council are authorized and directed to ascertain, study and analyze all facts relating to any subjects or matters within their jurisdiction, or as may be assigned by the Rules Committee. They forward their recommendations to the City Council for action.

Following are the City Council standing subject matter Committees, their respective chairpersons, committee members, and the dates and times of their meetings (effective as of January 2014):

Committee	Meeting Date/Time	Membership	Topics
Finance & Management	2 <sup>nd</sup> and 4 <sup>th</sup> Tuesdays of the month, 9:30 – 11:30 a.m.	Chairperson Schaaf; Members: Brooks, Kaplan, Kernighan (Staff: Sarah Schlenk, Budget Director)	Fiscal management and tax policy, special requests for funding outside the budget cycle, performance measures, organizational changes, etc.

<b>Committee</b>	<b>Meeting Date/Time</b>	<b>Membership</b>	<b>Topics</b>
Public Works	2 <sup>nd</sup> and 4 <sup>th</sup> Tuesday, of the month – 11:30 a.m. – 1:30 p.m.	Chairperson Kaplan; Members: Gallo, Kalb, Reid (Staff: Brooke Levin, Public Works Director)	Improvements to city facilities, streets, infrastructure; traffic and transportation; public amenities such as bus shelters
Community & Economic Development	2 <sup>nd</sup> and 4 <sup>th</sup> Tuesdays of the month, 2:00 – 4:00 p.m.	Chairperson Reid ; Members: Kernighan, McElhaney, Schaaf (Staff : Kelly Kahn)	Development issues and contracts, including all redevelopment items, business attraction, housing, workforce development etc.
Life Enrichment	2 <sup>nd</sup> and 4 <sup>th</sup> Tuesdays of the month, 4:00 – 5:30 p.m.	Chairperson Brooks; Members: Gallo, Kaplan, McElhaney (Staff: Arturo Sanchez)	Cultural issues, public art, parks and recreation, library, human services, homelessness, etc.
Public Safety	2 <sup>nd</sup> and 4 <sup>th</sup> Tuesdays of the month, 6:00 p.m. – until adjourned	Chairperson Gallo; Members: Kalb, McElhaney, Schaaf (Staff: Arturo Sanchez)	Crime and safety issues, blight, needle exchange, medical cannabis, nuisance enforcement (e.g., alcoholic beverage sales, hotels/motels), etc.
Rules & Legislation	Every Thursday, 10:45 a.m.	Chairperson Kernighan Members: Kalb, Reid, Schaaf (Staff: Donna Hom)	See below.

## **ROLE OF THE RULES AND LEGISLATION COMMITTEE**

The Rules Committee serves as the procedural committee of the City Council. Its responsibilities include, but are not limited to, the following:

- Make recommendations to the City Council regarding endorsing or opposing propositions submitted to the electorate on any national, state, county, or local ballot, and for propositions placed upon the ballot on the City Council's own motion;



- Monitor pertinent state, federal and local legislative activities, and recommend action related thereto to the full City Council. The Committee also submits an annual legislative agenda to the City Council;
- Provide general oversight for the offices of the City Administrator, City Attorney and City Clerk. The committee has policy jurisdiction over public information, constituent services, community governance, strategic planning, the Public Ethics Commission, and the State and Federal legislative agenda; plus intergovernmental relations and operational oversight of the Office of the City Council. It also monitors and assigns issues pertaining to the Port of Oakland, the Oakland-Alameda County Coliseum Authority, and other governmental agencies, as appropriate, and makes referrals to appropriate standing committees as required;
- Recommend the setting of special meetings of the City Council, standing committees, and such other ad hoc committees as may be established by the City Council;
- Assign proposed City Council resolutions and ordinances to the City Council or committee agendas;
- Define the jurisdiction and responsibilities of City Council standing committees, subject to City Council approval; and
- Make studies and recommendations designed to promote, improve and expedite the business and procedures of the City Council and of the committees thereof, and to propose to the City Council any amendments to the City Council's Rules of Procedure deemed necessary to accomplish such purposes.

## **TWO WEEK POSTING OF COMMITTEE AGENDAS**

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On July 14, 1997, the City Council adopted the City of Oakland's original Sunshine Ordinance. The ordinance is intended, in part, to clarify and supplement the Ralph M. Brown Act and the California Public Records Act, to ensure that the people of the City of Oakland can be fully informed of the activities and workings of their government, and thereby retain control over the instruments of local government in their City. As a result, all agendas and related materials have to be posted and circulated, in accordance with this Ordinance, ten days before action is taken, unless the body, by a two-thirds vote, determines that consideration of the matter is urgent and makes findings required by the Ordinance, as outlined on pp. 8-9 of this manual.

To implement this ordinance, the City Clerk scans and prints the regular agenda packet each Thursday, so that it will be available on-line to the public on Friday, 11 days before the report is heard.

## COMMITTEE MEETING MINUTES

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Committee actions are reported to the Rules Committee on the Thursday following the Committee meetings. The City Clerk prepares a matrix of the Committees' actions and scheduling recommendations for the Rules Committee's review.

The Committee action on each agenda item is recorded in the meeting minutes prepared by the City Clerk's Office. The minutes are printed in the next Committee agenda packet as the official record of actions taken.

Any clarifications or changes for the matrix or minutes need to be brought to the attention of your Agenda Coordinator as soon as possible. The Agenda Coordinator will inform the City Clerk, who will review the video recording of the item(s) in question for possible modification to the matrix / draft minutes.

## REPORTING OUT TO THE CITY COUNCIL

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Although your report may be thoroughly discussed by the City Council Committee, it is not final until the City Council has taken action. The City Council (and Oakland Redevelopment Successor Agency Board) has the authority to adopt resolutions to enact new policy, enter into contracts, authorize the appropriation and expenditure of funds, vacate streets, etc. They also have the authority to adopt ordinances which amend City / Agency laws such as the Municipal Code, Planning Code, subdivision ordinance, etc.

Therefore, with respect to an action item, and after discussion and consideration of an item on an agenda, the Committee may take one of the following actions:

- 1) Vote, by majority of those present, to approve the recommendation of staff or the originator of the proposed action item and forward the recommendation to the full Council. The Committee may, as a condition of approval, request additional information be prepared and presented for consideration when the full Council hears the item. The Committee also recommends to Rules whether the item should report to the full Council in one (1) week or three (3) weeks, and whether it should be heard on the consent or non-consent portion of the agenda.

- 2) Fail to approve any recommended action, in which case the item shall **not** be forwarded to the full City Council. Any such action will be recorded in the minutes. However, the item may be scheduled by Council for a future date, upon a motion and second by Councilmembers.
- 3) Propose, by a majority vote, one or more alternative recommendation(s) be forwarded to the full City Council for consideration and final action. The Committee may request additional information be prepared and presented for consideration when the full City Council hears the item.
- 4) Reject, by a majority vote, jurisdiction over the action item and refer the action item back to the Rules Committee with a recommendation for reassignment to another appropriate subject-matter committee.

## ACCESSING ADOPTED LEGISLATION AND RECORDS

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After the City Council has approved the ordinances and resolutions on its agenda, the City Clerk assigns a number to each piece of legislation and signs the original. These are scanned and posted in Legistar as part of the minutes of the Council meeting. You can access and copy these records through Oaknet (*Appendix H*).

## DEFINITION OF TERMS:

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**Action Item:** Shall mean any resolution, ordinance, public hearing, motion or recommendation requiring an official vote and approval by the City Council to be effective.

**Consent Item:** Shall mean, for the purposes of the City Council agenda, any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval, except any item having a high level of public interest or controversy, as determined by the Rules Committee.

**Informational Item:** Shall mean an item of the agenda consisting only of informational reporting that does not require or permit Council action.

**Non-Consent Item:** Shall mean, for the purposes of the City Council agenda, any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval or has a high level of public interest or controversy as determined by the Rules Committee.

***Regularly-Scheduled Meeting:*** Shall mean a meeting occurring on a recurring basis and at a regular, established time for which all required public notice requirements for a regular meeting have been met.

***Subject Matter Standing Committee:*** Shall mean the Community and Economic Development Committee, the Finance and Management Committee, the Life Enrichment Committee, the Public Safety Committee, the Public Works Committee, the Rules & Legislation Committee, and such other committees as the Council may establish.

## City Council / Oakland Redevelopment Successor Agency Process

The regularly scheduled meetings of the Concurrent City Council / Oakland Redevelopment Successor Agency occur on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month. The meeting begins with ceremonial and consent items at 5:30 p.m.; non-consent items are heard no earlier than 6:30 pm. Council meetings shall conclude no later than 12:00 midnight, unless extended by majority vote of the members of the City Council in attendance.

The City Council may consider and act upon those items assigned by the Rules Committee directly to City Council; approved and forwarded by a subject matter committee; or pulled at the immediately preceding City Council meeting by a Councilmember for discussion.

The City Council / ORSA does not meet during Winter Holiday break, Spring break, August recess, or on Election Day(s) or public holidays that fall on a Tuesday.

### ORDER OF BUSINESS

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In accordance with Section 210 of the City Charter and Resolution No. 82580 C.M.S. (March 2010), the following is the order of business for The Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council:

1. Pledge of Allegiance
2. Roll Call
3. Open Forum
4. Action on Special Orders / Presentations of the Day (with accompanying agenda materials as required by Sunshine Ordinance)
  - i. Ceremonial presentations, including Proclamations, individual recognition, etc.
  - ii. Reports / presentations from the Mayor
  - iii. Council acknowledgements and announcements
5. Approval of Council minutes
6. Modifications to Agenda (**NOTE 1**) and Procedural Items, including but not limited to:
  - a. Requests from Councilmembers to pull an item from consent items calendar and reschedule as non-consent calendar item on the next City

- Council meeting agenda.
- b. Requests by Councilmembers to speak on a Consent Calendar Item or to register a No Vote or Abstention on an Item.
  - c. Requests by Councilmembers to change the order of the items on the Consent Calendar or the Non-Consent Calendar, or to defer items or make other modifications to the agenda.
  - d. Announcements by the Presiding Officer of changes in the order of the agenda, deletion or deferral of items or other modifications to the agenda
  - e. Motion for Members' Requests for Reconsideration (**NOTE 2**) of Action the Council took at Immediately Preceding Meeting (In order to make motion, Member must have voted on "prevailing side".)
  - f. Members' Requests for Scheduling of Items considered by Committee but not forwarded to Council (**NOTE 3**) to be scheduled to the next City Council meeting.
7. Adoption of Consent Calendar Items (after hearing public speakers and Councilmembers)
8. Oral Report of Final Decisions in Closed Session by City Attorney and disclosure of non-confidential closed session discussion pursuant to the Sunshine Ordinance, Oakland Municipal Code section 2.20.130.

**Commencing at 6:30 p.m., or as soon as reasonably practicable thereafter, action on Non-Consent Calendar Items**

- 9. Consideration of items with statutory Public Hearing requirements
- 10. Action on other Non-Consent Items
- 11. Continuation of Open Forum (if all public speakers who signed up for open forum did not speak at open forum at the beginning of the meeting.
- 12. Adjournment – 12:00 o'clock midnight unless Council passes a motion to extend the time for the meeting

On any **action item**, the City Council may, by the requisite number of votes:

- a. Approve the Committee's recommendation, select one of the Committee's suggested alternatives or approve an alternative recommendation proposed at the full Council in compliance with the Brown Act and Sunshine Ordinance;
- b. By a majority of the Council members present, continue the item to the next regular Council meeting if permitted by Sunshine Ordinance and Brown Act;

- c. By a majority of the Council members present, refer the item to any subject-matter Committee for reconsideration; or
- d. With respect to an item that the Rules Committee referred directly to Council, the Council may take any action subject to the Brown Action and the Sunshine Ordinance.

**NOTE:**

1. Under **"Modifications to the Agenda,"** any Council member may request a change in the order of the agenda, which shall be changed with the consent of the presiding officer. Any Councilmember by motion that is seconded by another Councilmember, may pull a consent item from the Consent Item Calendar and place the item on the next City Council meeting agenda as a non-consent item; provided however that the Consent Items Calendar may not be moved to a time later than 6:30 p.m. and no item agendaized for consideration after 6:30 p.m. may be moved to a time earlier than 6:30 p.m. A Councilmember is entitled to pull a consent item from the Consent Item Calendar if another Councilmember seconds his/her motion; it is not necessary that the Council vote on or pass the motion.
2. During **"Members' Request for Reconsideration,"** Council Member who voted on the prevailing side of a motion or other action taken at the immediately preceding Council meeting may move that item for reconsideration. If the motion is seconded and at least five Council members vote in favor of the motion, the item shall be placed on the agenda for the next-succeeding City Council meeting as a "non- consent" item. This section is not intended and shall not be construed to preclude a Council member, who voted on the prevailing side of a motion or other action taken at a Council meeting, from moving for reconsideration of the item at the same meeting; nor shall this section be interpreted to preclude the Council from reconsidering the item at the same meeting if the motion to reconsider passes.
3. During **"Members' Requests for Scheduling of Items Considered by Committee but not forwarded to Council,"** any Council member by motion that is seconded by another Councilmember, may place on the agenda of the next City Council meeting (subject to compliance with Sunshine Ordinance and Brown Act) any action item that has been considered in a subject matter Committee, but not forwarded by the Committee to the City Council; it is not necessary that the Council vote on or pass the motion.

## City Clerk's Agenda Management Process

### Role of the City Clerk's Office

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The Agenda Management Unit (AMU) of the Office of the City Clerk is responsible for:

- Managing the agenda process
- Making agenda and agenda-related materials available to the City Council, City staff, and members of the public, 10 calendar days in advance of meetings
- Providing notice to the public through posting of agendas as mandated by the City's Sunshine Ordinance
- Recording minutes to ensure an accurate legislative history of Council's actions

### Agenda Week (at-a-glance)

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DAY	AMU PRIORITY	STAFF PRIORITY
<b>Monday</b>	Drafting of agendas based on approved scheduling.	Best time to advise of any presentations or make requests for the upcoming meeting.
<b>Tuesday</b>	Facilitation of City Council meetings and standing Committee meetings.	Handouts or written motions should be provided to the clerk before the meeting.
<b>Wednesday</b>	Attend Post-Agenda meeting to reconcile Tuesday meeting activities. Matrix is prepared (Committee weeks), scheduling requests and Rules packet are finalized. Rules packets available at 4:00 p.m.	Attend post agenda meeting to reconcile Tuesday meeting activities. This is the opportunity to obtain clarity on final motions or any other meeting actions.
<b>Thursday</b>	Facilitate Rules Committee and reconcile actions based on the committee's direction. AMU prepares agenda packets and sends to an outside vendor for printing.	Rules committee is the time to advise the clerk's office of missing or altered scheduling requests and the last opportunity to submit scheduling requests.
<b>Friday</b>	Noticing of meetings. AMU will verify copies and make any necessary adjustments.	Please review your agenda items carefully! Last opportunity to inform AMU of any missing pages or omissions on the agenda.



*The absolute, drop dead, game over, deadline  
for submittal to the city clerk for approved  
agenda items is 4:00 p.m. on Thursday.  
Items submitted after this time will be scanned  
and e-mailed via the E-genda.  
Hardcopies will not be delivered*

## E-genda

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The AMU is responsible for the electronic posting of all agenda's. The E-genda is emailed Friday after distribution. If there are changes or alterations to the agenda after distribution, the E-genda will be updated and re-posted electronically. Hardcopies will not be delivered.

## Agenda Distribution Points

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**City Hall**, posted at the building's 14<sup>th</sup> Street entrance and the outdoor "Public Notices" kiosk on Frank H. Ogawa Plaza (also available to subscribers and non-subscribers in the Office of the City Clerk).

**Main Library**, which also distributes the agenda to branch libraries.

**Web site** of the City of Oakland: **[www2.oaklandnet.com](http://www2.oaklandnet.com)**

## Post-Agenda Meeting

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The Post Agenda meeting is an important information meeting held each Wednesday following Tuesday Council and Committee meetings. The meeting is held in City Hall on the 3rd floor in the Building Bridges room. The purpose of the Post-Agenda meeting is to reconcile committee and council actions, get clarification on motions and identify Supplemental Reports that have been requested. Agenda Coordinators and Council staff should attend this meeting each week to ensure understanding of Council and Committee direction.

## Presenting Your Item at Committee or Council

The key elements to a good presentation are *Focus*, *Professionalism* and *Preparation*.

### Focus

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- Be brief. Provide a succinct overview of the issue and recommendation. Do not stray into details or peripheral issues.
- Clearly state the action you are requesting.
- Offer to respond to any questions from Councilmembers.
- Once you answer the specific question, STOP TALKING.
- At the conclusion, be sure you understand the direction given by the Committee and the date of your item's Council hearing. If you are not clear, state your understanding or ask for clarification. If the Committee requests supplemental information in the motion, be aware of the City Administrator's agenda deadline for approval of supplemental materials (*Appendix A* and Manual pp. 43 - 44).

### Professionalism

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- Be ready and standing at the podium *while your item is being called* by the City Clerk.
- Introduce yourself by name, title, and name of your agency or department (no acronyms), whenever you give a report or are called upon to answer questions before a Committee or City Council. The proper forms of address are:
  - ▣ "Chairperson \_\_\_\_\_ and Members of the Committee, I am Jane Doe, Interim Manager of the Frontline Division of the Customer Services Agency"
  - ▣ "President Kernighan and Members of the Council, I am Jane Doe, Interim Manager of the Frontline Division of the Customer Services Agency"
- Never read your report. Memorize as much of the Executive Summary portion as possible, then speak from one or two pages of notes. Do not shuffle through papers as you make the report. Keep eye contact with the Councilmembers.

- Speak with confidence in the recommendation, but with deference to the authority of the Council to amend it. Remain objective and professional; avoid speech or mannerisms that may convey either uncertainty or arrogance.
- Anticipate questions and have your answers ready.

## Preparation

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- Prepare an outline that includes the information in the Executive Summary section of your staff report:
  - ▣ Purpose or origin of the report
  - ▣ Essential background
  - ▣ Most significant issues
  - ▣ Recommendation(s)
  - ▣ Cost and funding source for implementing the recommendation
  - ▣ Action requested of Council
- Rehearse your presentation to become comfortable with the sequence of the points you will make. Be brief; time yourself. Cut out unnecessary detail and time yourself again. Eliminate “um” from your vocabulary. You may want to practice with a friend or co-worker.
- Inform other program staff, Contract Compliance, your assigned attorney, etc, about the date of your presentation if you think they may be asked to respond to questions.
- If Councilmembers or their staff contacts you, inform your manager or Director, and provide copies of any email or other correspondence. Your manager or Director will inform the City Administrator as well. Have a strategy for dealing with the question or issue when it comes up.
- If interested parties have contacted you, inform your manager or Director of any issues they raised. If the group is supporting your recommendation, and there is no opposition, the group may want to select a single spokesperson to address the Committee or Council.
- If you are using PowerPoint or video, contact KTOP a week prior to your presentation.

- If you are using large maps or charts, have them mounted on foam boards and bring easels. Place them where the Councilmembers can see them and, if possible, where the camera can focus on them.
- The Sunshine Ordinance strictly limits distribution of materials (i.e., handouts) at meetings. The exceptions are:
  - ▣ City staff or members of the public may distribute materials relating to items added pursuant to an urgency or emergency finding under Sunshine Ordinance section 2.20.080(E) before or during a meeting.
  - ▣ City staff may distribute written material or visual aids for their presentations so long as the information does not substitute for the written report that is subject to 10-day noticing.
  - ▣ The Office of the City Attorney may conform a document to comply to technical requirements as to form and legality. (Document should include redlined version of changes)
  - ▣ Councilmembers may distribute documents explaining their proposed amendments, alternatives, recommendations, or motions regarding items on the agenda.
  - ▣ Members of the public may distribute documents reflecting their position on an item on the agenda.

If the materials meet one of these exceptions, place the applicable footer on your original before copying. Bring at least 25 copies for Committee meetings, and at least 50 copies for Council meetings. More may be required depending on the nature of the item. Give your original and copies to the City Clerk for distribution to the Councilmembers, staff, public and media at the meeting.

## Supplemental Reports

When you present your report to the Committee / City Council, the Members may request additional information that was not included in your original report. If this happens, you will be required to write a Supplemental Report addressing those issues.

If your item is scheduled for a **one-week report out** to Council, your supplemental report is due to the City Administrator by 5:00 p.m. on the Wednesday after the Tuesday meeting where the request is made (i.e., THE NEXT DAY!)

If your report is to return to the Committee in **two weeks**, or is scheduled for the City Council in **three weeks**, your Supplemental Report is due to the City Administrator by 5:00 p.m. Monday, two weeks prior to your scheduled date, in order to provide full 10-day public notice. Consult with your agenda coordinator, the City Attorney's office and the City Administrator's office to be certain you are meeting the requirements and deadlines.

Your report should be clearly identified as a Supplemental Report on the "Subject" line on the first page heading and utilizing the "Reason for Supplemental" section heading. Sections of the report format that are not relevant to the supplemental information may be omitted. Conclude your report ("Outcome" section) by restating the Action Requested of Council.

If the Supplemental Report has substantive changes, it must be submitted to the Budget Office and City Attorney's office for approval prior to the City Administrator's review. The City Clerk's office prepares the Supplemental Agenda on Thursday for Friday distribution, along with the two-week agenda.

### Sunshine Ordinance Restrictions

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The Sunshine Ordinance is very specific about what agenda items can be added after the 10-day posting, and what materials can be added in a supplemental report.

#### **Sunshine Ordinance Section 2.20.080, Section B, sub-sections 1 – 8 states:**

If an item is noticed on the regular 10-day agenda, you may amend or supplement the posted agenda or agenda-related materials *no later than seventy-two (72) hours before a regular meeting AND only for the following reasons or under the following conditions:*

- To add an item due to an emergency or urgency, provided the local body makes the appropriate finding(s) before taking action;

- To delete or withdraw any item from a posted agenda;
- To provide additional information to supplement the agenda-related material previously filed with the Office of the City Clerk **provided that the additional information was not known to staff or considered to be relevant at the time the agenda-related materials were filed**. Examples of supplemental material permitted by this section are reports responding to questions or requests raised by members of a local body after posting and filing of the ten day agenda and materials, and analyses or opinions of the item by the Office of the City Attorney or City Auditor;
- To correct technical, non-substantive errors or omissions, or to change a stated financial amount that **decreases** the local body's obligation under a proposed agreement, or to clarify the agenda title in a manner that does not substantively change the nature of the action to be taken on the agenda item;
- To consider the recommendations, referrals, minutes, modifications or actions taken on any item heard by a standing committee of the City Council, provided that the item has not been materially changed after the committee considered the item;
- To place an ordinance on the agenda pursuant to Oakland City Charter Section 216 because the Mayor has caused its reconsideration by the City Council under the Mayor's power to suspend an ordinance receiving five votes; or,
- To place an item on the agenda to allow the Mayor to cast a vote pursuant to Oakland City Charter Section 200; or
- To continue an agendized item to the next regular meeting of the local body so long as members of the public are given an opportunity to address the local body on the item at the meeting from which the item is continued.

## APPENDICES

- A. City Administrator's Schedule of Due Dates
- B. City Clerk's Meeting Report & Distribution Calendar
- C. City Clerk's Agenda Production & Delivery Schedule
- D. Forms
  - D-1 Requests to Schedule Agenda Reports (a.k.a., Rules Request)
  - D-2 Agenda Item Transmittal Form
- E. Public Hearings
- F. Agenda Report and Section Guidelines
  - F-1 Agenda Report Template w/ Instructions
  - F-2 Guidelines for Writing Cost Summary / Fiscal Impacts
  - F-3 Sustainability Guidelines
- G. Closed Session Report and Format Guidelines from the City Attorney
- H. Instructions to Access Agenda Reports and Legislation Templates, et al, on the City's Intranet Site, OAKNET NEWS





CITY ADMINISTRATOR’S CALENDAR OF DUE DATES  
CITY COUNCIL / ORSA AGENDA PROCESS

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<div>THREE WEEKS PRIOR</div> <div>NOTE: Budget Office and City Attorney must review and approve all reports. Please allow 1 week for their review.</div>	<div><b>4:00 P.M.</b> Complete agenda items are due to the City Administrator’s Office for review and approval. A complete agenda item consists of: -<b>Agenda Transmittal Form</b> signed by Budget Office and City Attorney (<b>See Appendix D</b>) -<b>Staff report</b> signed by Agency or Department Director (<b>See Appendix C</b>); <b>original +2 copies.</b> -<b>Legislation</b> signed by the City Attorney as to form and legality; <b>original +2 copies</b> with voting block; ordinance must be accompanied with <b>original +2 initialed copies of Notice &amp; Digest.</b> -<b>Agreement/Contract</b> (if required) initialed by City Attorney; <b>2 copies.</b></div> <div><b>4:00 P.M.</b> E-mail <b>Rules Requests to Schedule Agenda Items</b> to City Administrator’s Coordinator. Items for scheduling are: 1. Staff-generated reports or items outside of the Council Committee “Pending Lists” that need to be placed on the Committee’s agenda. 2. Requests from the Mayor and Council members 3. Requests from other agencies, community organizations, and the public/citizens.</div>				
	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<div>TWO WEEKS PRIOR</div>	<div><b>A.M.</b> Agenda items, as reviewed by CAO, are either complete, require minor changes, revisions or rewrite. CAO comments or questions to reports are relayed by CAO Coordinator to originating agency/department for appropriate response/revision/rewrite.</div> <div><b>Responses to questions, revisions and/or rewrites are due to CAO by close of business on the day following receipt of CAO comments.</b></div> <div>CAO Coordinator prepares a list for the City Clerk of all agenda items or reports received.</div> <div><b>4:00 P.M.</b> <b>Supplemental Reports</b>, requested by Council the previous Tuesday for inclusion in <b>two week agenda</b> packet, are due to CAO. Supplemental reports must have prior review by Budget Office and City Attorney if they contain additional substantive information.</div>		<div><b>10:00 A.M.</b> CAO forwards appropriate scheduling requests to City Clerk to develop the Scheduling of Agenda Items” item for Rules.</div> <div><b>P.M.</b> City Clerk prepares the draft agendas for Rules &amp; Legislation Committee review.  The “draft” ORA / Council / Committee agendas are created based on the Council’s actions in prior meetings(s), on the Committee’s Pending lists, and the list of items to be scheduled provided by CAO Coordinator.</div> <div><b>4:00-5:00 P.M.</b> The “Draft Agendas” for Rules &amp; Legislation Committee review are available for distribution or pickup from the City Clerk’s office.</div> <div><b>5:00 P.M</b> <b>Final corrections and rewrites to agenda reports due to the CAO Coordinator.</b></div>	<div><b>10:00 A.M.</b> Any agenda item still incomplete may be pulled from the agenda at Rules, unless the Mayor, City Administrator or Rules Committee determine that the item must remain on the agenda as scheduled.</div> <div><b>10:45 A.M.</b> Rules &amp; Legislation Committee - reviews scheduling requests and the draft Agendas, including the matrix of all Committee actions. Rules will either concur with the designation of items or re-designates them. Based on the Committee’s actions, the City Clerk finalizes and reproduces the agenda.</div> <div><b>2:00 P.M.</b> Agency Staff update pending lists and submit to City Clerk and CAO.</div> <div><b>3:00 P.M.</b> City Clerk prints agenda. If backup material of the noticed Agenda item is not received by the City Clerk by this time, the initiating Agency / Dept. is required to secure appropriate signatures; identify the agenda item number in the footer, make 26 copies back-to-back (optional) and 3-hole punch in white bond paper (green paper, if a “Supplemental” item); and delivers the 26 copies to the City Clerk’s Office.</div> <div><b>NO EXCEPTIONS</b></div>	<div><b>12:00 Noon Agenda Distribution:</b> The agenda packets are available on-line and a limited number of printed copies is available for distribution to and pick up by the City Council, media, and paid subscribers, and for posting at the appropriate locations.</div>
	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<div>ONE WEEK PRIOR</div>	<div><b>12:00 Noon</b> “Closed Session” items are due to City Administrator for review and approval.</div>		<div><b>4:00 P.M.</b> <b>Supplemental reports</b>, requested by Council Committees on Tuesday for the <b>following week’s</b> Council agenda, are due to CAO.</div>	<div><b>10:45 A.M.</b> <b>Rules &amp; Legislation Committee</b> Changes – additions/deletions – to the agendas are presented to the Committee for action. Any actions taken by Rules are reflected in the “Supplemental Agenda”</div>	
	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<div>WEEK OF.....</div>	<div><b>Pre-Committee / Council Review</b>  Agency staff to notify CAO of any potentially controversial items or amended staff recommendations for the following day’s meetings.</div>		<div><b>11:30 A.M.</b> Post-agenda review with agenda coordinators. Purpose is to review what transpired at the previous day’s meetings and what is required at future meetings.</div> <div><b>12:00 Noon</b> Agency staff representatives update pending lists and forward to the City Clerk and copy to CAO Coordinator</div>		



**City of Oakland  
Office of the City Clerk**

Revised:  
December 9, 2013

**Calendar for January 2014 - December 2014**

**Council/Committee Meeting, Report & Distribution Schedule For 2-Week Agendas**

*This meeting schedule is subject to change, please contact the Clerk's Office to verify dates*

<b>Council/Committee Meeting Dates</b>	<b>Reports Due To City Administrator's Office: Monday, 4:00 PM (3 Weeks Prior To Meeting)</b>	<b>Agenda Packet Distribution</b>
1/07/2014 <b>Council</b>	12/16/13	12/27/13
1/14/2014 <b>Committee</b>	12/16/2013	1/3/2014
1/21/2014 <b>Council</b>	12/16/2013	1/10/2014
1/28/2014 <b>Committee</b>	1/6/2014	1/17/2014
2/4/2014 <b>Council</b>	1/13/2014	1/24/2014
2/11/2014 <b>Committee</b>	<b>1/17/2014*</b>	1/31/2014
2/18/2014 <b>Council</b>	1/27/2014	2/7/2014
2/25/2014 <b>Committee</b>	2/3/2014	2/14/2014
3/4/2014 <b>Council</b>	2/10/2014	2/21/2014
3/11/2014 <b>Committee</b>	<b>2/14/2014*</b>	2/28/2014
3/18/2014 <b>Council</b>	2/24/2014	3/7/2014
3/25/2014 <b>Committee</b>	3/3/2014	3/14/2014
4/1/2014 <b>Council</b>	3/10/2014	3/21/2014
4/8/2014 <b>Committee</b>	3/17/2014	3/28/2014
4/15/2014 <b>Council</b>	<b>Spring Recess – Meetings Cancelled</b>	<b>Spring Recess – Meetings Cancelled</b>
4/22/2014 <b>Special Council</b>	3/31/2014	4/11/2014
4/29/2014 <b>Special Committee</b>	4/7/2014	4/18/2014
5/6/2014 <b>Council</b>	4/14/2014	4/25/2014
5/13/2014 <b>Committee</b>	4/21/2014	5/2/2014
5/20/2014 <b>Council</b>	4/28/2014	5/9/2014
5/27/2014 <b>Committee</b>	5/5/2014	5/16/2014
6/3/2014 <b>Council</b>	5/12/2014	5/23/2014
6/10/2014 <b>Committee</b>	5/19/2014	5/30/2014
6/17/2014 <b>Council</b>	<b>5/23/2014*</b>	6/6/2014
6/24/2014 <b>Committee</b>	6/2/2014	6/13/2014
7/1/2014 <b>Council</b>	6/9/2014	6/20/2014
7/8/2014 <b>Committee</b>	6/16/2014	6/27/2014
7/15/2014 <b>Council</b>	6/23/2014	<b>7/3/2014*</b>
7/22/2014 <b>Committee</b>	6/30/2014	7/11/2014
7/29/2014 <b>Special Council</b>	7/7/2014	7/18/2014
<b>8/1/2014 - 9/2/2014</b>	<b>Mayor's Summer Recess – Meetings Cancelled</b>	<b>Mayor's Summer Recess – Meetings Cancelled**</b>
<b>9/9/2014 Committee</b>	<b>Admission Day Holiday – Meeting Cancelled</b>	<b>Admission Day Holiday – Meeting Cancelled</b>
9/16/2014 <b>Special Committee</b>	8/25/2014	9/5/2014
9/23/2014 <b>Special Council</b>	<b>8/29/2014*</b>	9/12/2014
9/30/2014 <b>Special Committee</b>	9/8/2014	9/19/2014
10/7/2014 <b>Council</b>	9/15/2014	9/26/2014
10/14/2014 <b>Committee</b>	9/22/2014	10/3/2014
10/21/2014 <b>Council</b>	9/29/2014	10/10/2014
10/28/2014 <b>Committee</b>	10/6/2014	10/17/2014
<b>11/4/2014 Council</b>	<b>Elections Day– Council Meeting Cancelled</b>	<b>Elections Day– Council Meeting Cancelled</b>
11/5/2014 <b>Special Council</b>	10/13/2014	10/24/2014
<b>11/11/2014 Committee</b>	<b>Veteran's Day Holiday – Meeting Cancelled</b>	<b>Veteran's Day Holiday – Meeting Cancelled</b>
11/12/13 <b>Special Committee</b>	10/20/2014	10/31/2014
11/18/2014 <b>Council</b>	10/27/2014	11/7/2014
<b>11/24/2014 - 11/28/2014</b>	<b>Thanksgiving Recess – Meetings Cancelled</b>	<b>Thanksgiving Recess – Meetings Cancelled</b>
12/2/2014 <b>Special Committee</b>	11/10/2014	11/21/2014
12/9/2014 <b>Special Council</b>	11/17/2014	<b>11/26/2014*</b>
12/16/2014 <b>Special Committee</b>	11/24/2014	12/5/2014
<b>12/22/2014 – 12/31/2014</b>	<b>Winter Recess - Meetings Cancelled</b>	<b>Winter Recess - Meetings Cancelled</b>

\* Agenda Distribution Dates Changed Due To City Holidays

\*\* During August 2014 the Mayor's Annual Recess Agenda dates will be August 5, 12, 19 & 26.



# 2014 Agenda Production and Delivery Calendar

January						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July						
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

October						
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

May						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November						
S	M	T	W	T	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

March						
S	M	T	W	T	F	S
						1
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

September						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

	Holidays
	Meeting Dates
	Recess
	AMU Production Dates
	AMU Delivery Dates



**CITY OF OAKLAND**  
**MEMORANDUM**

**TO:** Rules & Legislation Committee  
**ATTN:** City Administrator/Assistant City Administrator  
**FROM:** Name/Contact \_\_\_\_\_  
Phone No. \_\_\_\_\_  
Agency/Dept \_\_\_\_\_  
**DATE:** \_\_\_\_\_

**SUBJECT: REQUEST TO SCHEDULE AGENDA ITEM**

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(Use upper and lower case, Times Roman)

**TITLE:**

**SCHEDULING RECOMMENDATION:**

- A. Committee \_\_\_\_\_  
(Please specify Committee. Committees meet 2<sup>nd</sup> & 4<sup>th</sup> Tuesdays)
- \_\_\_\_\_ City Council \_\_\_\_\_ Redevelopment Agency  
(Council/Agency meets on 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Tuesdays)
- B. Meeting Date: \_\_\_\_\_

*(For City Employees Only)*

Subject Title: \_\_\_\_\_  
***This is the title in 4-5 words that the clerk should print on the face of the agenda above the recommendation section***

Name of Person Presenting the Report: \_\_\_\_\_  
Powerpoint Presentation: yes/no Time Needed: \_\_\_\_\_  
Is a formal public hearing required at Council? \_\_\_\_\_ Requested hearing date: \_\_\_\_\_  
Is there a statutory, regulatory, financial or grant deadline? Specify: \_\_\_\_\_  
Is a staff report required/requested? \_\_\_\_\_  
What is the fiscal impact on the City/Agency? \_\_\_\_\_  
If the ten-day (Sunshine Ordinance) agenda deadline cannot be met, please indicate reason: \_\_\_\_\_

- \_\_\_\_\_ Item is an **emergency**. To place item on Supplemental (72-hour) agenda requires majority vote of Rules Comm. that emergency exists, based on facts placed in the record related to crippling disaster, work stoppage or other activity which severely impacts public health and/or safety.
- \_\_\_\_\_ Item is **urgent**. To place item on Supplemental (72-hour) agenda requires 2/3 vote of Rules Comm. based on facts placed in the record that the need to take immediate action came to the attention of the local body after the 10-day agenda was posted **AND** that the immediate action:
  - \_\_\_\_\_ is required to avoid a substantial adverse impact that would occur if action was deferred to a subsequent special or regular meeting;
  - \_\_\_\_\_ relates to federal or state legislation;
  - \_\_\_\_\_ relates to ceremonial or commendatory item.

A separate request must be completed for each item for scheduling. Requests must be submitted in **electronic format** by **12:00 Noon** on the **Monday** preceding the relevant Rules & Legislation Committee meeting. Attach any supporting documentation.





## AGENDA ITEM TRANSMITTAL FORM

CITY ADMINISTRATOR  
TRACKING NO.

DATE: \_\_\_\_\_

TO: City Administrator / Agency Administrator

ATTN: Saundra Eve-Fisher, City Administrator Analyst

(Please Print or Type)

FROM: Agency / Dept. / Div.: Oakland Police Department Contact Person: \_\_\_\_\_ Ext.: \_\_\_\_\_

1. This item is: ☐ An Informational Report; No Action Requested ☐ A Report and Recommendation for a:  
☐ Motion ☐ Resolution ☐ Ordinance

Title of Item: \_\_\_\_\_

(USE SEPARATE SHEET IF NECESSARY)

2. This item is to be placed on the agenda(s) of \_\_\_\_\_ for:  
(Date)

- ☐ 1. City Council / ORA Committee (Specify): \_\_\_\_\_  
☐ 2. Consent Calendar  
☐ 3. City Council / ORA - Regular Agenda  
☐ 4. Other: \_\_\_\_\_

3. A signature indicates that the staff report and support items attached to this form have been reviewed and/or approved by the designated authority (indicate "n/a" if not applicable):

Report - Initial Review for Legal Issues: \_\_\_\_\_ Legislation Approved for Form and Legality: \_\_\_\_\_  
CITY ATTORNEY Date CITY ATTORNEY Date

Report (and, if any, corresponding Legislation) Reviewed for Fiscal Impact(s) and / or Funding Codes: \_\_\_\_\_  
BUDGET OFFICE Date

Report and support items sent to City Auditor: \_\_\_\_\_  
Date

Impartial Analysis of Proposed City / ORA Major Expenditure \* Attached / No Comments: \_\_\_\_\_  
(Circle One) CITY AUDITOR Date

\* Defined in Administrative Instruction 137 as an expenditure/commitment of \$250,000 or more. The types of projects subject to review include, but are not limited to, proposals, contracts, ventures, loans, programs, and construction projects. These analyses are used for informational purposes only.

- ☐ 1. Cover Letter w/report (Orig. & 2 copies) ☐ 3. Resolution, orig. + 2 copies ☐ 5. Agreement / Contract (3 copies)  
☐ 2. Attachments (specify how many \_\_\_\_\_) ☐ 4. Ordinance, orig. + 2 copies & ☐ 6. Other \_\_\_\_\_  
Notice & Digest (orig. + 2 copies)  
☐ This agenda item is NOT complete. (Please specify below the missing items and when they will be submitted)

AGENCY DIRECTOR/  
DEPT. HEAD SIGNATURE: \_\_\_\_\_

**INSTRUCTIONS:** Signed Agenda Reports and all accompanying documents and/or legislation are due to the Office of the City Administrator no later than 5:00 P.M. on the THURSDAY three (3) weeks prior to the date scheduled for presentation.

(FOR CITY ADMINISTRATOR'S OFFICE USE ONLY)

NOTES: \_\_\_\_\_  
DATE: \_\_\_\_\_



## TYPES OF ACTIONS/DECISIONS/MATTERS THAT REQUIRE PUBLIC HEARINGS

Type of Matter	Statute Requiring	Notice Required
Sale or lease of former ORA real property	Gov't 52201	publication for 2 wks.; preparation of report for public inspection no later than publication of notice
Approval of economic development subsidy greater than \$100,000	Gov't 53083	written 10 days; report for public inspection posted online
Use of tax increment funds for public buildings	H&S 33679	publication for 2 wks.; preparation of report for public inspection no later than publication of notice
Adoption, amendment and midterm review of implementation plans (ORSA)	H&S 33490	publication for 3 wks.; mail; posting
Tentative Map Appeals	Gov't 66452.5	mailed notice
Correction and Amendment of Recorded Final Map	Gov't 66472.1	pursuant to 66451.3
Adoption of Merger	Gov't 66451.21	Published Ordinance
Adoption and amendment of General Plan	Gov't 65355	pursuant to 65090
Adoption and amendment of Specific Plan	Gov't 65453	pursuant to 65090
Adopt and increase development fees	Gov't 66016	mailed and pursuant to 66016
Approval of development agreement	Gov't 65867	pursuant to 65090 and 65091
Zoning text amendments including landmarking and zoning maps	17.144.090	mailed 17 days prior

<b>Type of Matter</b>	<b>Statute Requiring</b>	<b>Notice Required</b>
Any appeal from a City Planning Commission Decision	various	mailed 17 days prior
Any CEQA appeal	PRC 21151 (c)	mailed 17 days prior
Surface mining permit or plan	17.155.060.E	written, 17 days
Park designation or change	17.11.020	unspecified
Geological hazard abatement district formation	Public Resources 26561	mailed 20 days
Vacation of public streets, highways, and service easements	Sts. & Hwys Code 8320 et seq.	newspaper publication, posting
Major encroachment permit appeals	12.08.070	not specified
Private access easement appeals	16.32.090	written, unspecified
Business Improvement Districts	Proposition 218 &/or S&H 36500,36600, & OMC 4.48	Proposition 218 &/or enabling statute special requirements
Special Assessment Districts	Proposition 218 & enabling statute special requirements	Proposition 218 & enabling statute special requirements
Business Tax Liens	5.04.250 OMC	Director of Finance files written notice w/City Manager; Resolution sets time and place for a public hearing; 10 days mailed notice to owner
Transient Occupancy Tax Liens	4.24.140 OMC	Tax Administrator files with written notice with City Manager; Resolution sets time and place for a public hearing; 10 days mailed notice to owner.

<b>Type of Matter</b>	<b>Statute Requiring</b>	<b>Notice Required</b>
Real Estate Transfer Tax Liens	4.20.200 OMC	Director of Finance files written notice w/City Manager; Resolution sets time and place for a public hearing; 5 days mailed notice to owner
Mandatory Garbage Liens	8.28-220 OMC	Resolution sets time and place for a public hearing; 10 days mailed notice to owner
Private Activity Bonds	IRC 147(f)	Publication 10 days prior to hearing Resolution adopted by Council.
JPA Bonds	Gov. Code 6586.5	Public Hearing after publication of notice 5 days prior to hearing; resolution finding significant public benefit. Notice by certified mail 5 business days prior to hearing to Atty. Gen.
OPR Tree Appeals	OMC 12.36	Notice per Sunshine Ord. & Public Hearing
PEC – OCRA violation	OMC 3.12.280.E	Due process for respondent





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Standard City Logo to be used on all communication. Should not be resized or reshaped.

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1 space between each word

# AGENDA REPORT

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**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** Department Head

**SUBJECT:** (Short Title of Keywords)

**DATE:** Date Written

City Administrator  
Approval

Date

1 blank space below line

**COUNCIL DISTRICT:** # or City-Wide

## **RECOMMENDATION** (Mandatory)

Indicates recommended City Council action. **THE RECOMMENDATION IS TO BE WORDED AS IT SHOULD APPEAR ON THE AGENDA.** If a resolution or ordinance is required, it must be stated. Should be in Title Case, 12 pt Times New Roman type, Left Margin Justified

A recommendation that introduces a resolution or an ordinance should begin with "Resolution..." or "Ordinance..." and should repeat verbatim the title of the resolution or ordinance. The title of a report that requests City Council action without a resolution should begin "Action On A Report And Recommendations..." or "Discussion And Possible Action On A Report..." The title of a report that presents information only should begin with "Status Report..." or "Informational Report..." Note that the Council **may not** take action on an informational report. The recommendation must be clear enough so that a person of average intelligence will understand the action to be taken.

*Note: In many agenda reports, staff may recommend only a finite and limited action. (For example: "Staff recommends that the City Council approve a resolution authorizing a professional services agreement with Alexandra Artista for an amount not to exceed \$10,000 for a public art project at the intersection of Basquiat Boulevard and Warhol Way.").*

## **REASON FOR URGENCY** (If applicable)

This section should explain clearly and precisely the reason why this item needs to be added to the next Council/Committee Agenda and how it meets "urgency" protocols. The section should detail the urgency for obtaining Council/Committee action.

Urgency Protocol: The need to take immediate action came to the attention of the local body after the 10-day agenda was posted **AND** that the immediate action:

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O.K. to use committee's 3  
or 2-letter abbreviation

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is required to avoid a substantial adverse impact that would occur if action was deferred to a subsequent special or regular meeting; relates to federal or state legislation; relates to ceremonial or commendatory item.

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**REASON FOR SUPPLEMENTAL OR REPLACEMENT** (If applicable)

Explains reason for providing supplemental information to the original report, or the need for an entire replacement report. *\*\*Please confirm with the City Attorney's Office that the supplemental or replacement report complies with Sunshine Ordinance/Brown Act noticing requirements.*

**EXECUTIVE SUMMARY** (Mandatory if report is lengthy 5 + pages or more and complex)

Provides a brief high-level summary of the highlights and recommendations of the report including the most essential information the City Council needs to make an informed decision should include fiscal synopsis. This section is mandatory for lengthy reports (5 + pages) or if staff's report is transmitting a complex audit, report, study, etc.

**OUTCOME** (Mandatory)

This section should detail the results/outcomes of the action that staff is recommending to Council. The text should clearly state the product of Council's action.

**BACKGROUND/LEGISLATIVE HISTORY** (Mandatory)

A narrative statement describing the nature of the project, including concerns, key issues, problems and background to date, giving the reader a foundation for understanding the content in the rest of the report. This section is to include, but not be limited to, the reason for the report; what party initiated the item; previous Council consideration or action; any existing policy related to the item; fiscal synopsis or reference to legal ruling. It is to be limited to factual and contextual matters rather than conclusions or options. It should include a brief legislative history as well as significant historical events such as public hearings and/or Council discussions. Should also include bid process and history.

**ANALYSIS** (Mandatory)

Presents possible solutions to the concerns, key issues and problems stated under **background**. Analyzes significant impacts of those issues and explains the need for corrective action.

This section could also include analysis of the following issues, when applicable:

Legal  
Legislative

Public Safety  
Local Economy

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Regulatory  
Environmental

Quality of Life  
Reduction or expansion of City services

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For award of contract memos, includes a list of all bids received, showing the names of the bidders, location of the bidder and amount for each bid, and the L/SLBE participation. Shows the Engineer's Estimate and explains any unusual difference between the bid amounts and Engineer's Estimate. Explain reasons/criteria for selection and how awarded best met that criterion.

If applicable, summarize the policy, procedure or Code Section(s) that is the basis for this action.

**POLICY ALTERNATIVES** (If applicable)

Provides a brief listing of the various courses of action available to the Council based on issues covered in **analysis**. Lists some alternatives with potential positive and negative ramifications and projected cost, and why staff decided to go with the recommended action. Use the below format for this section:

<i>Alternative #</i>	Description of Alternative
<i>Pros</i>	Description of Pros
<i>Cons</i>	Description of Cons
<i>Reason for not recommending</i>	Explain reason(s) for not recommending this Alternative

**PUBLIC OUTREACH/INTEREST** (Mandatory)

The purpose of this section is to describe discussions that have occurred with the public, stakeholders, community groups, and/or other governmental agencies. If no public outreach or interest the following language should be used **“This item did not require any additional public outreach other than the required posting on the City’s website.”**

**COORDINATION** (Mandatory)

Statement indicating City Departments and/or Offices that have been consulted with for the preparation of the report. The Attorney's Office and the Budget Office should particularly be mentioned when applicable. (Do not include any agencies, departments or offices that you anticipate talking to - only those who have **actually** been contacted.) Also, include notification to City commission items originating in the commission and being heard by Council.

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## **COST SUMMARY/IMPLICATIONS** (Mandatory)

*Note: An “Informational Report“, unlike other types of agenda reports, does not recommend action and therefore the fiscal/policy alignment section may not apply. However, you should be aware of “Informational Reports” with hidden impacts or with no impacts now, but future impacts.*

Identifies the fiscal impacts and a cost summary of the recommendation. This should include maintenance costs and source of funding for maintenance costs, matching grant funds and other ongoing costs.

In addition, provides a detailed accounting of all City contracts and expenditures, including but not limited to items of \$1 million or more using the following format (may be modified if needed):

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Project Delivery  
Construction (if applicable)  
Contingency (if applicable)  
Total Project Costs

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

This section shall reflect the cost or price elements as identified in the Compensation Schedule of the agreement/contract (below are sample elements).

Sub Project/Phases  
Management  
Equipment  
Software  
Maintenance  
Service

Labor Rates (If applicable – use separate table detailing labor rates)

Taxes and Fees\*

**TOTAL AGREEMENT/CONTRACT AMOUNT**

\*The taxes and fees cost element is estimated based on the entire or portions of the agreement/contract value, which require the payment of taxes and fees.

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3. SOURCE OF FUNDING (City Fund Name and #, Grant, etc.)

4. FISCAL IMPACT:

**FISCAL/POLICY ALIGNMENT** (If applicable)

Provides cost-benefit information and economic impact which includes, but is not limited to, the following: how the expenditure aligns with and affects the City's policy goals, fiscal priorities, long term strategy, and economic development goals and priorities. This section will be based on such guiding principles found in the City's General Plan, economic development strategies, overall Budget Strategy, and other existing guiding principle policy documents.

*Note: An "Informational Report", unlike other types of agenda reports, does not recommend action and therefore the fiscal/policy alignment section may not apply. However, you should be aware of "Informational Reports" with hidden impacts or with no impacts now, but future impacts.*

**PAST PERFORMANCE, EVALUATION AND FOLLOW-UP** (If applicable)

This section describes the performance of contractors, business enterprises or grantees being recommended to receive City funds. Specifically, this includes (if applicable) any detail of ***past performance from the last year*** such as the dates of the previous contract, the amount of City funds awarded to the entity in the past, the measurements used to gauge performance and the actual performance of the entity over that time period. In addition, this includes any ***current performance measures*** this project addresses.

If this is an item returning to Council, please note any follow-up action that staff has taken to address Council comments and directives when it was last presented to Council. For returning and new items, explain when this issue will report back and how, through Council, Committee or Information Memorandum.

**SUSTAINABLE OPPORTUNITIES** (Mandatory)

This section describes the short or long-term sustainable opportunities that have been designed or included in the project for activity, and/or short or long-term benefits that will result from the action. Sustainable opportunities include:

**Economic:** Types of jobs that will generated in the local economy, likelihood that Oakland residents will be hired, sales taxes or other revenues for the City, expanded housing inventory, or degree of local ownership.

**Environmental:** Waste reduction, energy efficiency, or minimized use of toxic materials.

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**Social Equity:** Benefits to the immediate neighborhood, increased services to disadvantaged areas, or enhanced recreational or social venues.

**CEQA** (If Applicable)

Environmental status granted by CEDA. If applicable include the detail of the CEQA status. The appropriate citation is to be noted in the report or listed as "This report is not a project under CEQA."

CEQA: Exempt, ND (Negative Declaration) or Resolution No. \_\_\_\_\_.

For questions regarding this report, please contact NAME, TITLE, at PHONE NUMBER.

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Capitalize as shown

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Respectfully submitted,

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\_\_\_\_\_  
[Agency/Department Head Signature]  
AGENCY/DEPARTMENT HEAD NAME  
Title, Agency/Department

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Reviewed by: (If applicable)  
Name of Reviewer, Title

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Prepared by:  
Name of Preparer, Title  
Name of Preparer's Unit [within Agency]

Attachments (Alpha) – *Attachments should be noted in the report in **Bold Face Italic** type and listed in the order in which they appear in the report.*

--List legislative documents attached to staff report, if any.

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Note to Author—Please follow key report format requirements to maintain organizational consistency. Include the following:

- 1) 12 point, Times New Roman Font
- 2) 1 Inch Margins Left Justified
- 3) Bold, Capitalize, and Underline Section Headings
- 4) Italics, Title Case Sub-Headings
- 5) Report margin should be left justified

If Applicable Sections: Not every agenda report will require information under the particular heading. If your report does not include this information, this section should be deleted.

If you have any questions, please contact Sandra Eve-Fisher, City Administrator's Office at 238-2900.

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## **Guidelines for Writing the “Fiscal Impact” Section of Agenda Reports**

### **Purpose**

These guidelines supplement the information provided in the Agenda Process Manual by providing sample language you can use for the Fiscal Impact section of your report depending on the purpose of the report.

### **General Guidelines**

The fiscal impact statement provides information to the City Council and City Administrator regarding the proposed action addressed in the report. It discusses the short and long term fiscal implications for the City and identifies options and alternatives for City Council consideration. It includes information on the following when applicable:

1. One-time costs, including Public Art fees, as applicable, and sources of funding (fund, organization code, project, and account).  
  
Note: When articulating the funding sources, please spell out the complete name or description of the source and put the code numbers in parentheses immediately following the name. For example, General Purpose Fund (1010).
2. Matching costs and sources of funding (fund, organization code, project, and account).
3. On-going/recurring annual costs and sources of funding (fund, organization code, project, and account).
4. Anticipated revenues.
5. Overhead costs and/or other disallowed costs.
6. Total funding to date, with major funding sources, and total projected budget, if report is related to a long-term effort or project.

### **Reports Relating to Award/Approval of Contracts/Purchase Orders**

- Include the duration, total amount of the contract, and source of funding. If multi-year, state the estimated contract expense for each year of the contract.

*Example: The proposed resolution authorizes a \$600,000 contract with “XXXX-Contractor Name” to provide “XXX-services” for a period of three years from FY 2013-14 through FY 2015-16. Annual costs are estimated to be \$200,000 per year, and the first two years’ funding are included in the General Fund Budget for “XXX-Name of Department.” The third-year costs will be included in the Departmental Proposed Budget for FY2015-17.*

## **Guidelines for Writing the “Fiscal Impact” Section of Agenda Reports**

- Include fund, project and organization names related to the funding source, with fund, project, and organization numbers in parentheses. Also include an account number.

Account 78811 is a non-spendable account and funding must first be transferred to cover negatives (in other Orgs/Accounts within the same project) before a BCR can be processed to move funds to a spendable account such as 54930. Departments should not include 78811 accounts on the report; the account used should reflect the proper GL expenditure account for the expense. If more than one source of funding is used, including coding blocks for all.

*Example: \$200,000 of the total contract amount is available in the General Purpose Fund (1010), in the Residential Rent Adjustment Project (P190010) of the Rent Arbitration unit (org. 89969).*

### **Reports Relating to New Grant/Project Funding**

- Include the Department/and the Classification of an employee responsible for the project/grant – this is usually the program/project manager.

*Example: the Director of the Planning & Building Department is responsible for administering the grant and meeting all requirements set forth in the grant contract.*

The actual incumbent responsible for program/project manager will be set up as Key Member in Oracle Project Accounting Module. He/she is responsible for accounting and project set up, position control updates, hiring/terminating limited duration employees, preparing claims, etc.

- Include the amount of outside funding, the name of the Department providing the funds, and the beginning and ending dates for the grant, and the liquidation period.

The source or the outside/grant agency dictates the proper Fund number that the new funding should be appropriated to. For example, if we are receiving County of Alameda Grant Funds, and the General Ledger has already set up Fund 2160 for this purpose, the Department should, therefore, request that their new grant funds be appropriated to 2160. Exception: A new Fund number needs to be established due to interest reporting requirements.

- State the source of matching funds (if not already appropriated, agenda report and resolution should include appropriation language, and whether there is sufficient fund/cash balance to support the matching fund appropriation), if required by the grantor.

*Example: The proposed resolution authorizes the appropriation of \$879,177 in federal grant funds and \$97,686 from the City's Federal Asset Forfeiture Fund*



## **Guidelines for Writing the “Fiscal Impact” Section of Agenda Reports**

*(#2912) to establish the required match. There is sufficient fund balance in this fund to support this appropriation.*

- If a new Fund is needed, explain why, and request authorization from the Council (this needs to be included in the Resolution as well). Typically, if there is a mandatory requirement to share and report interest earned on grant fund balance, a new Fund may be required. The requesting Department must be able to produce current grant guidelines, conditions of award, and the grantor’s contact name/number for Budget Office review and verification.
- All funding accepted and appropriated should be limited by a specified timeframe, e.g., FY2013-14. If the grant amount exceeds what’s stated in the report and resolution, Council authority is required to appropriate additional funding. There cannot be open ended statements to accept and appropriate additional funding received without returning to Council.

### **Central Service Overhead (CSO)**

In the case where the grant/project funding supports overtime, positions, and other personnel costs, you need to include the appropriate CSO costs in your grant budget, using prevailing Administrative Instruction 1303 rates. If CSO is not an eligible cost, or if the grantor limits the amount of overhead reimbursement, cite the regulation which prohibits/limits the overhead, and explain how the difference will be covered. If the department does not have a funding source to cover the full/partial CSO costs, include wording requesting Council to authorize a contribution from the General Purpose Fund to cover the disallowed overhead costs (on both the agenda report and resolution).

The disallowed overhead language in the report and resolution must state the reasons for non-payment of overhead, and that the requesting Department has no other means of covering the overhead costs from their existing budget.

**CSO disallowed costs should be addressed in the biannual budget process if departments are budgeting new revenues and expenditures for an anticipated grant.**

### **Cultural/Public Arts Assessment Fee (For Capital Projects)**

For all Capital projects, including all bond projects and all other capital projects funded from other sources, but excluding sewer repairs funded from sewer service charge fees, 1.5 percent of the total capital improvement project cost should be set aside in the Public Art Project Account as part of the project/program costs. The total project cost must include the 1.5% Public Art Assessment, if applicable.

*Examples: “All development projects are subject to the 1.5% charge for public art”;  
“Per Ordinance 11086, the public art amount is based on 1.5% of eligible costs, which are included in the funding for the ....”*

## **Guidelines for Writing the “Fiscal Impact” Section of Agenda Reports**

### **Revolving Loan Funds, Loan Repayments and Earned Interest**

In the case of revolving loan funds, agencies/departments must gain approval to appropriate loan repayments and earned interest for re-lending, or another purpose. Otherwise, all earned interest for cash/grant funds on deposit with the City/Oakland Redevelopment Successor Agency (ORSA) shall be considered City/ORSA interest revenue. Interest earnings are distributed at the Fund level only, not Project level (most funds have multiple projects owned by different departments).

If a grantor requires that the advance grant funds be invested and specifies that the interest earnings be used for specific purposes, add appropriation language requesting Council approval to appropriate the interest.

*Example: Interest earned on the federal portion of the grant must be appropriated to the XXX Grant Project and expended in accordance with the approved spending plan. The proposed resolution includes a request to Council to appropriate the interest to a new Fund to be established by the Finance Department.*

# CITY OF OAKLAND

## COUNCIL AGENDA MANAGEMENT WORKSHOP

### GUIDANCE FOR “SUSTAINABLE OPPORTUNITIES” SECTION

#### Purpose

The City of Oakland is committed to becoming a sustainable model city – valuing a strong local economy, a healthy and safe community, opportunities for all residents, and a clean and green environment for all to enjoy. This section of the staff report should be used to demonstrate sustainability impacts of the item being addressed, and to enable Council to consider these impacts in making decisions.

#### Guidance on Completing the Sustainable Opportunities Section

All staff reports should contain a completed Sustainable Opportunities section describing the sustainability benefits and opportunities associated with the item being addressed. These benefits and opportunities should be described using the following categories:

- ***Economic:*** (e.g., types of jobs that will be generated in the local economy, likelihood that Oakland residents will be hired, sales taxes or other revenues for the City, expanded housing inventory, degree of local ownership)
- ***Environmental:*** (e.g., waste reduction, energy efficiency, minimized use of toxic materials)
- ***Social Equity:*** (e.g., benefits to the immediate neighborhood, increased services to disadvantaged areas, enhanced recreational or social venues)

In many cases, direct sustainability benefits are relatively easy to identify. For example, a program that would promote energy efficiency improvements to residential buildings might create environmental benefits by conserving natural resources and reducing pollution associated with energy use.

Often, though, important sustainability opportunities are less obvious. Consider the same example above. What economic or social equity opportunities might be created? From an economic standpoint, jobs and economic growth might be created through the work associated with implementing the energy efficiency improvements. From a social equity standpoint, the program might be targeting improvements for disadvantaged residents, and these new green jobs might offer employment opportunities for residents who have faced difficulty in securing employment. These additional benefits can be significant and should be highlighted.

For each of the three categories above, provide a brief paragraph (typically 1-3 sentences) summarizing key sustainability benefits and opportunities associated with the item being addressed, noting:

- Sustainable opportunities that have been designed or included in the project or activity
- Benefits that will result from the action (short-term or long-term)

### **Completing the Sustainable Opportunities Section in 15 Minutes or Less**

Follow these steps to complete the Sustainable Opportunities section quickly and meaningfully:

- 1) Identify the type of action or activity being addressed in your report using the list provided in Table 1.
- 2) Quickly scan the relevant guiding questions provided on the next several pages that relate to your report type.
- 3) Address the 1 or 2 most key questions related to your report. You do not need to address all of the guiding questions.
- 4) Keep your responses brief but meaningful. One to three sentences should be sufficient in most cases for summarizing important sustainability benefits and opportunities.

**Table 1. Guiding Questions for Addressing the Sustainable Opportunities Section**

1. Physical Development -- Construction, Demolition, Renovations, Leasing .....	2
2. Economic & Business Development – Attraction, Retention, Expansion.....	4
3. Programs & Services Delivery – Selecting Providers, Specifying Service Content .....	5
4. Purchasing – Selecting Vendors, Products, Services.....	5
5. Professional Services Contracts – Selecting Contractors/Consultants, Deciding Scope.	6
6. Administration and Operations.....	7
7. Special Public Events .....	8
8. Policy & Legislation .....	8
9. Developing Geographic or Strategic Plans.....	9

### **1. Physical Development -- Construction, Demolition, Renovations, Leasing**

- Buildings
- Infrastructure (streets, etc.)
- Land Acquisition
- a. Economic Guiding Questions
  - Does the program / project promote in-fill development versus sprawl?
  - Does the project offer a mix of housing and retail, or loft housing/employment?
  - Does the project offer rental housing and/or affordable housing (rental or for-sale)? If so, what is the affordable %?
  - Will there be neighborhood or visitor services and social venues (e.g. cafés)?
  - Does the building/construction activity create job opportunities for the community?

- What are the estimated construction wages, and what % might go to local businesses?
- What are the projected wages for occupant workers at the site, & what % is potentially local?
- What is the estimated City business & sales taxes that will be generated?
- What is the expected City-share of property tax revenues?
- What proportion of project ownership is local?
- What are the plans for local purchasing of materials, services, and supplies? (E.g. “local content/source”)
- Will this project subscribe to the City’s Living Wage Ordinance? (If so, for what % of workers?)

b. Environmental Guiding Questions

*During Design/Construction*

- Does the design team have expertise in sustainable building (green buildings) practices and demonstrate experience in:
  - environmentally sound site design and planning
  - energy efficiency modeling, measurement and verification
  - water efficiency
  - improved indoor air quality
  - materials selection for resource conservation
  - construction waste reduction
  - low maintenance design and materials
- Does the program/project use Bay-Friendly Landscaping techniques and measures?
- If this is a residential project, is it GreenPoint Rated?
- Is the project LEED rated? If so, at what level?
- Does the building/project design comply with sustainable/ “green” building designs (e.g. as per the U.S. Green Building Council’s LEED rating system, or the Oakland Sustainable Design Guidelines)? These systems seek a high level of environmental, economic and engineering performance based on integrated approach to achieving the following:
  - energy, water and building materials efficiencies (including historic preservation)
  - indoor air quality
  - occupant health, safety, and productivity (e.g., daylighting, natural ventilation, minimized use of toxic products)
  - transit-oriented development

*During Occupancy*

- Will a sustainable building management, maintenance and operations plan be developed?

c. Equity Guiding Questions

- Does the building/construction activity eliminate, minimize, or mitigate negative environmental impact on the community?
- Does the building enhance the community?
- Does the program/project invest in the physical development of economically/socially-disadvantaged areas of the City?
- Are there any relocation or other assistance plans for pre-development site occupants?

- What community or social services/facilities will be made available?
- Will there be any public facilities available for physical exercise?
- Will there be any community gardens for public or occupants?
- Will there be any youth after-school activities?
- Will there be any continuing education activities or facilities on-site?
- Will there be any sponsorship of public art, arts & cultural activities?

## **2. Economic & Business Development – Attraction, Retention, Expansion**

### **a. Economic Guiding Questions**

- What are the estimated construction wages, and what % might go to local businesses?
- What are the projected wages for occupant workers at the site, & what % is potentially local?
- Will this project subscribe to the City's Living Wage Ordinance? (If so, for what % of workers?)
- What are the identifiable employment and career advancement opportunities for Oakland residents? (address job quality, skills, wages)
- What are the plans for local purchasing of materials, services, and supplies? (E.g. "local content/source")
- What is the estimated City business & sales taxes that will be generated?
- What is the expected City-share of property tax revenues?
- What proportion of project ownership is local?
- Will there be neighborhood or visitor services and social venues (e.g. cafés)?

### **b. Environmental Guiding Questions**

- Is the site within 1/8 or 1/4 mile of public transit?
- Are there facilities for alternative fuel vehicles and/or bicycle storage?
- Is there a plan for waste recycling & water conservation?
- Is there Green-business certification by the occupant/operator?
- Will the property manager promote use of transit, bicycles, pedestrian access, alternative fuel vehicle parking?
- Does the facility or property manager support Transportation Demand Management via car pools, car-sharing, telecommuting?
- Is the owner or occupant a recycling-based business?
- Is the owner or occupant a sustainable or zero-waste business?
- Has the owner or occupant been recognized for environmental achievements?

### **c. Equity Guiding Questions**

- Are there any relocation or other assistance plans for pre-development site occupants?
- What community or social services/facilities will be made available?
- Will there be any public facilities available for physical exercise?
- Will there be any continuing education activities or facilities on-site?
- Will there be any sponsorship of public art, arts & cultural activities?

### **3. Programs & Services Delivery – Selecting Providers, Specifying Service Content**

#### **a. Economic Guiding Questions**

- What are the projected wages for occupant workers at the site, & what % is potentially local?
- Will this project subscribe to the City’s Living Wage Ordinance? (If so, for what % of workers?)
- What are the identifiable employment and career advancement opportunities for Oakland residents? (address job quality, skills, wages)
- Does the program/project employ the City’s youth? (E.g., Team Oakland or other youth organizations in Oakland?)
- Does the program/project provide job-training opportunities for youth or adults?
- What are the plans for local purchasing of materials, services, and supplies? (E.g. “local content/source”)
- Will the program/project improve/ or make more efficient an existing program or infrastructure?

#### **b. Environmental Guiding Questions**

- Air and water: Does the program/ project reduce air and/or water pollution?
- Education: Does the program/ project provide environmental education or promote environmental goals with the public?
- Energy: Does the program/ project promote energy conservation or efficiency?
- Land and water: Does the program/ project promote water and land conservation?
- Materials: Does the program/ project promote recycling?
- Does the program/ project use recycled content materials?
- Does the program/project use recyclable materials?
- Does the program/ project encourage reduction of solid and hazardous waste?
- Transportation: Is site within 1/8 or 1/4 mile of public transit?
- Transportation: Are there facilities for alternative fuel vehicles and/or bicycle storage?

#### **c. Equity Guiding Questions**

- Will economic, educational, or health services improve the quality of life for residents of neighborhoods that are economically/socially disadvantaged?
- What community or social services/facilities will be made available?
- Will there be any public facilities available for physical exercise?
- Will there be any community gardens for public or occupants?
- Will there be any youth after-school activities?
- Will there be any continuing education activities or facilities on-site?
- Will there be any sponsorship of public art, arts & cultural activities?

### **4. Purchasing – Selecting Vendors, Products, Services**

#### **a. Economic Guiding Questions**

- What are the estimated City business & sales taxes that will be generated?
- Does the program/project employ the City’s youth? (E.g., Team Oakland or other youth organizations in Oakland?)

- Does the program/project provide job-training opportunities for youth or adults?
- What are the plans for local purchasing of materials, services, and supplies? (E.g. “local content/source”)
- Does the proposed purchase meet the guidelines of the City Council’s Environmentally Preferable Purchasing Policy?

b. Environmental Guiding Questions

*Buying A Product*

- Are you purchasing a recycled item or an item with 25% or more recycled content or components?
- Are you buying an energy efficient product?
- Are you buying a product that has been certified as an environmentally preferable product? (E.g., Green Seal, Scientific Certification Systems, Energy Star, etc.)
- Are you buying a product that has low VOC (volatile organic compound) characteristics, eliminates/minimizes poor indoor air quality, or minimizes acoustic & vibration impacts?
- Are you buying a product that emits less air pollution in its use or manufacturing?
- Are you buying a product that conserves water and other resources in its use or manufacturing?
- Are you buying a product that causes less water pollution in its use or manufacturing?
- Are you buying a product that creates less solid or hazardous waste in its use or manufacturing? (Including unnecessary packaging materials)
- Are you buying a product that is now manufactured without PVC?
- Are you buying a product that is durable, reusable, or contains components that are recyclable?

*Choosing A Service Contractor Or Vendor*

- Is the vendor or service provider using environmentally sound practices in manufacturing or providing services that reduces pollution or toxins? (I.e., certifications such as ISO 14000 (European Union Environmental Certification or Alameda County Green Business Certification)
- Has the company adopted an environmental operating policy? (I.e., CERES Principles, Natural Step etc.)
- Has the vendor or service provider received environmental endorsements or certifications? (E.g., Green Seal, Scientific Certification Systems, Energy Star, etc.)
- Is the vendor or service provider supplying environmentally sound products?
- Is the vendor or service provider reducing unnecessary packaging?
- Contracting: Does the RFP/contract language address environmental/sustainability issues?

c. Equity Guiding Questions

- Does the vendor regularly, or will the vendor in this case, contribute financial or in-kind resources to the Oakland community?
- Is the vendor located in a designated Oakland redevelopment area and/or other Oakland neighborhood known to be “disadvantaged”?

## **5. Professional Services Contracts – Selecting Contractors/Consultants, Deciding Scope**

a. Economic Guiding Questions

- What proportion of project ownership is local?
- What are the identifiable employment and career advancement opportunities for Oakland residents? (address job quality, skills, wages)



- What are the plans for local purchasing of materials? (E.g. “local content/source”)
- b. Environmental Guiding Questions
  - Does the Request for Proposal (RFP) include language requiring the consultant to be specialized in providing environmental services?
  - Does the RFP language require the consultant to demonstrate the ability to integrate environmental concepts into a project or program?
  - Does the RFP/contract language address environmental/sustainability issues?
- c. Equity Guiding Questions
  - Will this project subscribe to the City’s Living Wage Ordinance? (If so, for what % of workers?)
  - Will the project involve employment of local residents?

## **6. Administration and Operations**

- Do City public communications promote sustainable activities and accomplishments?
- a. Economic Guiding Questions
  - Is the City paying a living wage for all employee positions?
- b. Environmental Guiding Questions
  - Do City printed communications use recycled, chlorine-free paper, using non-toxic inks?
  - Do all administrative activities seek to reduce paper waste by using double-sided prints and electronic communications instead of paper copies whenever possible?
  - Does the City minimize waste and air pollution by using telephone conferencing, and smart scheduling of meetings?
  - Does the City encourage use of public transportation by all employees in coming to work and carrying out assigned duties, and assign City-paid parking only where required, to the maximum extent feasible?
  - Does the City seek out reusable plates, utensils, and glasses at all public events, wherever feasible?
  - Do City activities support materials re-use through separation of reusable materials and composting of organic waste?
  - Does the activity follow “best-management practice” to minimize risk for impacts on watersheds and natural habitats?
  - Does the activity improve health and safety by reducing the use of toxic substances to the minimum necessary?
  - Do landscaping planting and maintenance practices conserve water resources by reducing the use of water, pesticides and fertilizers?
  - Do gardening, and landscape maintenance practices reduce air impacts by minimizing the use of gasoline and diesel equipment?
  - Does the operation meet the guidelines of the City Council’s Environmentally Preferable Purchasing Policy?

c. Equity Guiding Questions

- Have all open employee positions been effectively advertised to the general public, including in languages other than English, wherever practical and consistent with employee bargaining agreements?

## **7. Special Public Events**

a. Economic Guiding Questions

- What are the projected wages for occupant workers at the site, & what % is potentially local?
- What are the estimated City business & sales taxes that will be generated?
- Will there be neighborhood or visitor services and social venues (e.g. cafés)?
- What are the plans for local purchasing of materials? (E.g. “local content/source”)
- Will businesses be compelled to close for the day of the event? Will street vendors compete with local vendors? Are event vendors local, etc.?

b. Environmental Guiding Questions

- Does the site have access to public transit?
- Are there facilities for alternative fuel vehicles and/or bicycle storage?
- Will the event promote use of transit, bicycles, pedestrian access, alternative fuel vehicle parking?
- Is there a plan for waste recycling & water conservation?
- Are vendors required to minimize waste and serve goods only in recyclable or compostable packaging? Has this event been designed to achieve a zero waste goal? Is free non-bottled drinking water available?

c. Equity Guiding Questions

- Will there be any sponsorship of public art, arts & cultural activities?

## **8. Policy & Legislation**

a. Economic Guiding Questions

- What are the expected local employment impacts?
- What are the expected local City revenue/cost impacts? (E.g. City business & sales taxes that might be generated?)

b. Environmental Guiding Questions

- Will this advance progress toward the City’s Sustainable Community Policy?
- Would it be relevant to seek participation by Green-businesses?
- Does the proposed policy or legislation enhance or complement existing Environmental policies and ordinances?

c. Equity Guiding Questions

- Who will benefit from this action, who will be negatively affected, and/or who is “left out”?

## **9. Developing Geographic or Strategic Plans**

*Geographic Plan Examples:* Redevelopment areas, Lake Merritt, Jack London, Open Space

*Strategic Plan Example:* Retail Strategy

a. Economic Guiding Questions

- What are the estimated construction wages, and what % might go to local businesses?
- What are the projected wages for occupant workers at the site?
- What is the expected City-share of property tax revenues?
- Does the project offer a mix of housing and retail, or loft housing/employment?
- Does the project offer rental housing and/or affordable housing (rental or for-sale)? If so, what is the affordable %?
- Will there be neighborhood or visitor services and social venues (e.g. cafés)?

b. Environmental Guiding Questions

- Is the site a brownfield (i.e., is there known or suspected contamination)?
- Will development reduce storm water runoff and/or incorporate Bay-friendly landscaping?
- Does the area have access to public transit?
- Are there facilities for alternative fuel vehicles and/or bicycle storage?
- Will the plan promote use of transit, bicycles, pedestrian access, alternative fuel vehicle parking?
- Does the program/project use Bay-Friendly Landscaping techniques and measures?
- If this is residential project, is it Green Point Rated?
- Is the project LEED rated? If so, at what level?

c. Equity Guiding Questions

- Is the community actively involved in the project planning process?
- Are there any relocation or other assistance plans for pre-development site occupants?
- What community or social services/facilities will be made available?
- Will there be any public facilities available for physical exercise?
- Will there be any community gardens for public or occupants?
- Will there be any sponsorship of public art, arts & cultural activities?

**CITY OF OAKLAND**  
**SUSTAINABLE COMMUNITY DEVELOPMENT INITIATIVE**

Adopted by Council December 1, 1998

**Part Three: Policy Recommendations and Action Steps**

1. Implement a sustainable development strategy as an overarching principle guiding Oakland's economic development program
2. Link the sustainable economic development strategy to a comprehensive approach to job training and continuing education.
3. Encourage affordable in-fill housing, mixed-use development, and sustainable building practices.
4. Make the City of Oakland operations and services a model of sustainable community development practices
5. Establish an on-going process of community participation/evaluation by community organizations, businesses, unions, and education institutions - using sustainable community development as a way to build the strengths of Oakland's people.

For additional information about the City of Oakland's Sustainability Program, see <http://www.sustainableoakland.com>



## City of Oakland



### Sustainable City Contacts – Internal Directory

Many sustainability issues relate to multiple City departments. This directory is designed to help City staff identify others to coordinate with. Whether you are providing or looking for information, below are suggested contacts to get you started:

Housing, Land Use & Transportation	
Housing Affordability, Green Affordable Housing	<ul style="list-style-type: none"><li>○ Housing – Margaretta Lin, Lin Chin, Diana Downton</li></ul>
Land Use, Transit-Oriented Development, Mixed-Use, Density, Redevelopment, Regional Planning, Urban Design	<ul style="list-style-type: none"><li>○ Planning &amp; Zoning – Alisa Shen, Heather Klein</li><li>○ PWA Transportation Planning – Iris Starr</li><li>○ Economic Development – Aliza Gallo</li></ul>
Transit, Bus Rapid Transit, Broadway Shuttle, Airport Connector, Complete Streets, Transportation Infrastructure	<ul style="list-style-type: none"><li>○ PWA Transportation Planning – Iris Starr</li><li>○ Economic Development – Zach Seal (B Shuttle)</li></ul>
Electric Vehicles	<ul style="list-style-type: none"><li>○ PWA Equipment Services – VACANT</li><li>○ PWA Environmental – VACANT</li><li>○ PWA Transportation Planning – Jamie Parks</li><li>○ Planning &amp; Zoning – Darin Ranelletti</li><li>○ Building Services – Dave Harlan</li></ul>
Bicycle and Pedestrian	<ul style="list-style-type: none"><li>○ PWA Transportation Planning – Jason Patton (bike program), Jamie Parks (complete streets)</li><li>○ Planning &amp; Zoning – Christina Ferracane</li></ul>
Parking	<ul style="list-style-type: none"><li>○ Planning &amp; Zoning – Darin Ranelletti</li><li>○ PWA Transportation Planning – Bruce Williams</li></ul>
Natural Resources, Waste & Environmental Health	
Zero Waste, Recycling, Garbage, Waste Reduction, Reuse, Compost, Construction and Demolition Waste	<ul style="list-style-type: none"><li>○ PWA Environmental – Becky Dowdakin, Mark Gagliardi (Recycling Hotline), Patrick Hayes (C&amp;D waste)</li></ul>
Urban Forestry	<ul style="list-style-type: none"><li>○ PWA Parks &amp; Buildings – Brian Carthan, Robert Zahn (street trees)</li><li>○ PWA Watershed – Kristin Hathaway (watershed)</li><li>○ PWA Environmental – Mike Perlmutter</li><li>○ Economic Development – Keira Williams</li></ul>
Parks, Green Space, Open Space	<ul style="list-style-type: none"><li>○ Parks and Recreation – Mark Hall</li><li>○ PWA Parks &amp; Tree Services – Brian Carthan</li></ul>
Watershed, Stormwater, Water Conservation, Creek Water Quality	<ul style="list-style-type: none"><li>○ PWA Watershed – Lesley Estes (all)</li><li>○ Planning &amp; Zoning – Darin Ranelletti</li><li>○ PWA Parks &amp; Tree – Brian Carthan (conservation in City parks/ landscaping)</li><li>○ PWA Facilities – Derin Minor (conservation in City facilities)</li></ul>
Brownfields Remediation,	<ul style="list-style-type: none"><li>○ PWA Environmental – Mark Arniola</li></ul>

Hazardous Waste, Toxics, Air Quality	<ul style="list-style-type: none"> <li>o Economic Development – Margo Lederer Prado</li> <li>o Oakland Fire Department</li> </ul>
Biodiversity, Ecology, Habitat	<ul style="list-style-type: none"> <li>o PWA Parks &amp; Tree – Brian Carthan</li> <li>o PWA Watershed – Lesley Estes</li> <li>o Parks &amp; Recreation Rotary Nature Center – Stephanie Benavidez</li> <li>o PWA Environmental – Mike Perlmutter</li> </ul>
Environmentally Preferable Purchasing, Purchasing Policy and Mechanisms, Recycled Content Materials	<ul style="list-style-type: none"> <li>o Purchasing – Jimmie Jackson</li> <li>o Contract Compliance – Debbie Barnes (Calvin Hao PWA contracts)</li> <li>o PWA Environmental – Ferial Mosley</li> <li>o PWA Facilities – Derin Minor</li> </ul>
Volunteer Cleanup, Adopt-a-Spot	<ul style="list-style-type: none"> <li>o PWA Environmental – Mike Perlmutter(public property)</li> </ul>
<b>Economic Prosperity</b>	
Green Economic Development, Business Engagement, Attraction and Retention, Green Businesses	<ul style="list-style-type: none"> <li>o Economic Development – Aliza Gallo, Steve Lautze</li> <li>o PWA Environmental –Ferial Mosley (Alameda County green biz program)</li> <li>o WIB – Malcolm Hoover</li> </ul>
Green Jobs, Workforce Development	<ul style="list-style-type: none"> <li>o Workforce Investment Board – Malcolm Hoover</li> <li>o Economic Development – Steve Lautze</li> </ul>
City Local Hire Requirements	<ul style="list-style-type: none"> <li>o Contract Compliance – Debbie Barnes</li> </ul>
<b>Buildings, Energy &amp; Climate</b>	
Energy and Climate Action Plan, Greenhouse Gas Emissions	<ul style="list-style-type: none"> <li>o PWA Environmental – Scott Wentworth, Becky Dowdakin</li> <li>o PWA Transportation Planning – Iris Starr</li> <li>o Planning &amp; Zoning – Heather Klein, Darin Ranelletti</li> <li>o PWA – Derin Minor (facilities), VACANT (fleet)</li> </ul>
Community-Serving Energy Programs, Policy, Energy Efficiency, Renewable Energy, Energy Independence	<ul style="list-style-type: none"> <li>o PWA Environmental – Scott Wentworth</li> <li>o Planning &amp; Zoning – Heather Klein</li> <li>o Housing – Loyd Ware, Lin Chin (weatherization, income-qualified programs)</li> </ul>
Energy Upgrades in Rental and Multi-Family Housing	<ul style="list-style-type: none"> <li>o Housing – Diana Downton, Margaretta Lin, Lin Chin</li> <li>o Rent Adjustment – Connie Taylor</li> </ul>
Greening City Facilities	<ul style="list-style-type: none"> <li>o PWA Facilities – Derin Minor</li> <li>o PWA Parks &amp; Trees – Brian Carthan</li> <li>o PWA Environmental – Nancy Humphrey, Ferial Mosley, Scott Wentworth</li> </ul>
Green Building	<ul style="list-style-type: none"> <li>o Planning &amp; Zoning – Heather Klein (green building policy)</li> <li>o Building Services – David Harlan, Tim Low, Jeff Hatcher</li> <li>o PWA Environmental – Patrick Hayes (C&amp;D waste, Green Bldg Res Cen)</li> <li>o PWA – Lily Soo Hoo</li> </ul>
Climate Adaptation	<ul style="list-style-type: none"> <li>o Planning &amp; Zoning – Heather Klein</li> <li>o PWA – Mike Neary</li> <li>o Renee Domingo</li> </ul>
Historic Preservation	<ul style="list-style-type: none"> <li>o Planning &amp; Zoning – Joann Pavlinec, Betty Marvin</li> </ul>

<b>Community, Culture &amp; Education</b>	
Community Engagement, Connectivity, Online Communication	<ul style="list-style-type: none"> <li>○ City Administrator's Office – Karen Boyd, (website)</li> <li>○ Neighborhood Services – Felicia Verdin (National Night Out)</li> </ul>
Local Arts and Culture	<ul style="list-style-type: none"> <li>○ Cultural Arts &amp; Marketing – Samee Roberts, Jim MacIlvaine (events), Steven Huss (Public Art Program)</li> </ul>
Recreation Opportunities	<ul style="list-style-type: none"> <li>○ Parks and Recreation – Mark Hall</li> </ul>
Libraries, Schools, Education	<ul style="list-style-type: none"> <li>○ Libraries – Jamie Turbak</li> </ul>
<b>Health, Safety &amp; Wellbeing</b>	
Public Health, Healthcare	<ul style="list-style-type: none"> <li>○ Alameda County Health Department – Matt Byers, Mona Mena</li> </ul>
Youth Services, Aging and Adult Services, Family Services	<ul style="list-style-type: none"> <li>○ Human Services – Estelle Clemons</li> </ul>
Healthy Food, Food Access, Urban Agriculture, Community Gardens, Farmers Markets	<ul style="list-style-type: none"> <li>○ Hunger Program – Mike Church</li> <li>○ Planning &amp; Zoning – Heather Klein (use permits)</li> <li>○ Parks &amp; Recreation – Peter Collier (community gardens), Mark Hall</li> <li>○ PWA Environmental – Mark Arniola (contamination of City-owned property)</li> <li>○ Economic Development – Margot Prado</li> </ul>
Public Safety, Emergency Preparedness	<ul style="list-style-type: none"> <li>○ Police – Darren Allison</li> <li>○ Fire – Renee Domingo (CORE, Office of Emergency Services)</li> <li>○ Public Works Call Center (510.615.5544)</li> <li>○ Planning &amp; Zoning – Ulla Britt-Jonsson (Crime Prevention Thru Enviro Design)</li> </ul>





Agency – CEDA, OPD, PWA, etc.  
Closed Session Report  
Privileged and Confidential  
Attorney-Client Communication  
[Brown Act reference-Real Estate Negotiations or Anticipated Litigation or  
Pending Litigation, etc. – [date]

**Negotiations with the Port of Oakland**  
**Regarding the Conveyance of the Oakland Army Base**

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**I. PURPOSE OF REPORT:**

**Example:** The purpose of this report is to apprise the Redevelopment Agency Board of the status of the negotiations with the United States Department of the Army (“Army”) to obtain title to the Oakland Army Base (“Army Base”) and with the Port of Oakland (“Port”) related to the conveyance of approximately 180 acres of the closed military base. **OR,** The purpose of this report is to advise the Council of options available to address provisions of the ordinance that Pacific Bell and Kaiser Aluminum & Chemical Corporation (“Kaiser”) have challenged in pending litigation. **OR** The purpose of this report is to obtain direction from the Council regarding whether the City should file an amicus brief, settle a lawsuit, file an action against, or join a lawsuit as a party plaintiff, authorize its negotiators to.....

**II. CLOSED SESSION AUTHORIZATION:**

**Real estate example:** Pursuant to Government Code section 54956.8, the Agency is authorized to discuss and give direction to its negotiators regarding the terms of the proposed sale of land at the Oakland Army Base to OWW. That section of the Brown Act provides that “a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange or lease.”

**Anticipated litigation example:** The Council is authorized, pursuant to the Brown Act and Sunshine Ordinance, to meet with its legal advisors in closed session related to “pending litigation” when discussion in open session would prejudice the agency in that litigation. (Government Code section 54956.9(b). Pending litigation includes existing facts and circumstances that create significant exposure to litigation, including communications threatening litigation and facts creating significant exposure to litigation that are known to potential plaintiffs.

[Explain how this report qualifies – e.g., In this case a letter threatening to sue the City was sent to the Mayor.]

**Pending litigation example:** The Council is authorized, pursuant to the Brown Act and Sunshine Ordinance, to meet with its legal advisors in closed session related to “pending litigation” when discussion in open session would prejudice the agency in that litigation. (Government Code section 54956.9(b).) [Explain briefly how this report qualifies.]

**Personnel example:** The Council is authorized pursuant to the Brown Act and Sunshine Ordinance to discuss the appointment, employment, evaluation of performance, discipline or dismissal of a public employee. (Government Code section 54957.) [Explain briefly how this report qualifies.]

**Labor negotiations example:** The Council is authorized pursuant to the Brown Act and Sunshine Ordinance to instruct its negotiators concerning the conduct of labor negotiations with current or prospective employees. (Government Code section 54957.6) [Explain briefly how this report qualifies.] The Council is authorized, pursuant to the Brown Act and Sunshine Ordinance, to meet with its legal advisors in closed session related to “pending litigation” when discussion in open session would prejudice the agency in that litigation. (Government Code section 54596.9(b).

**Public Security Exception:** The Council authorized, pursuant to the Brown Act and Sunshine Ordinance, to meet in closed session with the Chief of Police on matters posing a threat to the security of public buildings and public services or facilities. (government Code section 54957.)

**III. BRIEF SUMMARY OF THE ISSUE(S) - depending on the report, this could be set out in two sections (issue section and then brief summary section.**

Briefly summarize what the facts/legal issues are with succinct statement of background, if necessary.

**IV. RECOMMENDATION/CONCLUSION**

State the recommendation or conclusion here before going into a detailed analysis/discussion. The above should be covered in no more than one or two pages.

**e.g.,** This is an informational report to advise the Council of various options to ... No action is requested at this time. Staff will return in the near future with a more specific evaluation of the financial impact of each option before the Council selects an option. **OR** We recommend that the Council authorize purchase of the property for an amount not to exceed \_\_\_\_\_.

## V. PROS AND CONS OF RECOMMENDATION/OPTIONS

The options should be identified or the issues. **Note: THE COUNCIL REQUIRES A DISCUSSION OF THE PROS AND CONS OF EACH OPTION OR OF THE RECOMMENDATION.**

### PROS:

1.

2.

3.

etc.

### CONS:

1.

2.

3.

etc.

## VI. DISCUSSION

A. Background *[if necessary and applicable]*

B. . . . . *[Use further subheaders to break up / organize discussion of current settlement offers, party proposals, etc. and legal analysis and/or staff policy reasoning behind city attorney and/or staff recommendations.]*

C. . . . .

## VII. CONCLUSION

.....

We look forward to briefing the Council in closed session.

Respectfully submitted,

BARBARA J. PARKER  
City Attorney

Attorney(s) Assigned:  
Attachment:

Rev. February 2014



## View Agenda Reports and Legislation on Oaknet

Go to Oaknet, the City's intranet: <http://oaknetnews.oaklandnet.com>

From the left hand side, scroll to City Administrator **OR** City Clerk

Follow the cascade menu and click on Legistar

You are now in the City's Legistar™ system.

- To view current and recent Agendas, click on "Meetings and Events." You can then sort through the calendar to find the agenda for meeting you are seeking. Staff reports, and signed and numbered copies of adopted legislation can be found under the agenda item number. You can print directly from this screen.
- To view old reports and/or to print out signed and numbered copies of adopted legislation by subject matter, click on "Legislative Files" and the SEARCH screen will pop up.
  - Type key words from the report's title in the query box and click on "search." A list of possible reports will appear (just like Google). Select the one you want and "click" it.
  - If you know the Resolution or Ordinance Number you are seeking, type it in the query box and click on "search" or just press "enter." **NOTE:** *It takes about a week from the date the legislation passed till it is available on-line.*
- The next screen provides the report's File No., Type, Status, and the Title of the report.
  - Click on " Attachments"
    - If you see a 5 digit number followed by the letters .pdf, that is the enacted resolution or ordinance.
    - Other items in the list will be the Agenda Report - - listed by the number under which it appeared at the Committee (for information reports not forwarded to Council) or City Council (for reports requiring Council action).
  - Click on the appropriate "sheet of paper" icon.
- You can now print the document.

If you do not have Adobe Acrobat Reader (for viewing .pdf files) on your computer, you can download it from Oaknet's home page.



## What are MY Agenda Deadlines??

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### Regular Reports

To Agenda Coordinator	_____
To Budget	_____
To City Attorney	_____
To CAO for review Corrections	Thursday at 4 p.m. (3 weeks prior to meeting date) Close of Business the day after you receive them
CA review/signature Corrections	Monday at 4 p.m. (2 weeks prior to meeting date) Wednesday at 5 p.m.
Incomplete reports pulled	Thursday at 10:00 (prior to Rules)

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### Supplemental Reports (one week turnaround)

(e.g., Committee forwards staff recommendation; requests additional information for Council the following week)

To Agenda Coordinator	_____
To Budget	_____
To City Attorney	_____
To CAO for review Corrections CA Signature	Wednesday at 5 p.m. (one week before Council) Immediately! Thursday by 10 a.m.

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### Supplemental Reports (two week or three week turnaround)

(e.g., Committee amends staff recommendation; requests substantive information supporting the amendments back to Committee, or forwarded to Council)

To Agenda Coordinator	_____
To Budget	_____
To City Attorney	<u>Consult with OCA be sure of the posting requirement</u>
To CAO for review Corrections Administrator's Signature	<u>No later than</u> Tuesday at 5 p.m. (one week/two weeks before meeting date) Immediately! Thursday by 10 a.m.

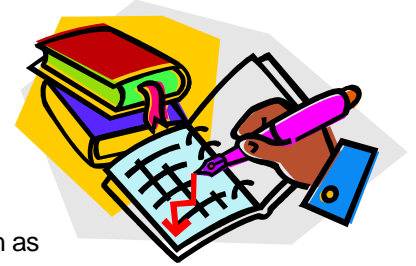






## TOP 10 THINGS TO KEEP IN MIND WHEN DRAFTING FISCAL IMPACT STATEMENTS

10. All agenda reports must be reviewed by the Controller's Budget Operations Section, with the exception of:
  - Planning Commission reports
  - Tree removal appeals
9. Controller's Budget Operations Section roles are to:
  - conduct independent review
  - sharpen analysis of costs and/or revenues
  - verify funding availability
  - verify consistency of fiscal impact with rest of report & legislation
8. Involve your analyst early, particularly if the report is complicated, such as
  - New programs or services, new revenues, completely new grant
7. Spell out direct and indirect costs, for example:
  - Direct: cost to construct new median strip
  - Indirect: ongoing maintenance for keeping median strip tended (may include personnel and O&M)
  - Overhead: "waivers" are now considered "contributions from the General Purpose Fund"
6. Remember one-time costs:
  - Public Art
  - Grant matching requirements
5. Remember ongoing costs:
  - Staff expenses (with associated annual increases)
  - Current and future maintenance costs for capital projects
  - Loan repayments
  - Incentive/performance payments
  - Multi-Year Contracts



### **Department Budget Coordinators: Remember these when the new budget cycle begins!**

4. Fiscal impacts can be positive! (as opposed to adverse)
3. Apply, accept & appropriate grant revenue through same legislation (p 14)
  - Doing all three (right the first time) helps you budget; reduces likelihood you'll have to return to Council
2. Master Fee Schedule changes (p 15)
  - Need ordinance; two readings and public hearing required
  - Needs resolution to appropriate additional revenues from fees
  - Include analysis of revenue to be realized
  - Specify per unit cost, placement in schedule and frequency of assessment
  - Include rationale, basis for new fees and fee increases
1. Coding block in parentheses; name fund, org, project, accounts
  - YES: "... funds are available in the General Purpose Fund (#1010), Rent Arbitration Project (#P190010) ..."
  - NO: "... funds are available in fund 1010, project P190010 ..."





## PowerPoint Presentations at Committee / Council

If you are considering having a Power Point (PPT) as part of your agenda item, please remember:

- APO forms for planned agenda items should always make note of your intention to have a PPT. The “other considerations” section of the APO form is your first chance to tell me about this.
- The City Administrator reserves the right to review and revise all PPTs prior to presentation. Accordingly, authors should email draft PPTs to me at least one week before the scheduled Committee date.
- The Chair of the Committee must be informed of your request to include a PPT, also at least a week ahead of time. The Chair does not get to edit/comment on the contents of the presentation (so don’t email it to them), but they do get to approve or deny your request to present one. Email the Chair’s legislative staff person (for CED Chair Reid that is Ray Leon) to get their assent to your plan to present a PPT.
- PPT presentations should generally be 5 minutes long, and under no circumstances should ever be more than 10 minutes, unless explicit CAO and Committee Chair approvals are received in advance. Also, in almost all circumstances PPTs are presented at Committees, but not at the subsequent Full Council meeting.
- The Sunshine Ordinance dictates that a PPT presentation may not include any new information or policy proposals that weren’t already included in the staff report/legislation. This is a key point; some City Attorney reps will actually shut down a PPT if they believe it violates this standard. You can avoid any problems on this point by making sure your PPT is drawn directly from the report contents, or alternatively, by publishing the PPT slides prior to the meeting in the agenda report or a supplemental report as an attachment.
- Prior to the meeting, a copy of your PPT files should be loaded onto KTOP’s server, and KTOP staff must be made aware of your plans so they are prepared to switch the screen over. Contact me for details.
- Do not bring copies for the audience; it wastes paper and in some cases may violate the Sunshine Ordinance.

### Instruction for Accessing the PowerPoint Shared Folder

Right click on the Windows® start icon (bottom left of your screen). On the pop-up menu, click on *Explore*, then *Tools*, then *Map Network Drive*. Select a drive letter not in use (Drive: dropdown menu). Under *Folder*, type: <\\oakland\ktop> , make sure “*reconnect at logon*” is checked. Click *Finish*. You should be able to access the drive by double clicking on the *My Computer* icon.

If you were not successful, try this: Click on the Windows® *Start* icon, click *Run*. At the open, type: <\\oakland\ktop> , click *Okay*. A window should pop up with the shared directory.



## Contacts for Council Agenda Process

**Your Agenda Coordinator:** \_\_\_\_\_

**Your Budget Analyst:** \_\_\_\_\_

**Your City Attorney:** \_\_\_\_\_

**City Auditor's Office:** Marti Y. Paschal x 3379

**City Administrator's Office:**

**Saundra Eve-Fisher x 2900**

For questions about scheduling items, submitting reports, tracking pending lists  
For questions about items already scheduled and in process  
For questions/information that will come up at Rules  
To inform CA, ACA or DCA about anticipated "issues" on agenda items.

**Jim Bondi x 6654**

For matters relating to CED Committee, Oakland Redevelopment Successor  
Agency reports and agenda related matters.

### **City Administrator's Committee Staffing:**

Finance . . . . .	Sarah Schlenk	x 3982
Public Works . . . . .	Brooke Levin	x 4470
CED . . . . .	Kelley Kahn	x 6190
ORSA . . . . .	Rachel Flynn	x2229
Life Enrichment . . . . .	Arturo Sanchez	x 7542
Public Safety . . . . .	Arturo Sanchez	x 7542
Rules & Legislation . . . .	Donna Hom	x 2038

### **City Clerk's Office**

La Tonda Simmons x 7370

Tamika Thomas x 7369

Hanna Zima x 7036

Asha Reed x 6913

City Clerk Records Division x 3612

Nai Phan x 6833



# AGENDA PROCESS TRAINING 101

\_\_\_\_\_, 2014

Gathering Time  
Pick up Manual

## AGENDA

Welcome/Introductions  
Agenda Review

Sunshine Ordinance

City Administrator's process

- Rules requests
- Writing a report
- Review/approval overview

Department processes

Budget Office review

Working with the Office of  
the City Attorney

City Clerk's process

Q&A

Evaluation and Adjourn

