

APPROVED AS TO FORM AND LEGALITY



City Attorney

# OAKLAND CITY COUNCIL

## ORDINANCE NO. 13337 C.M.S.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2015 OCT 15 PM 2:06

**ORDINANCE REPEALING RESOLUTION NO. 74826 C.M.S. AND ESTABLISHING A BUDGET ADVISORY COMMISSION TO REPLACE THE BUDGET ADVISORY COMMITTEE AND TRANSFERRING TO BUDGET ADVISORY COMMISSION THE DUTIES AND FUNCTIONS OF THE BUDGET ADVISORY COMMITTEE**

**WHEREAS**, on March 2, 1999 the City Council adopted Resolution No. 74826 C.M.S. establishing the Budget Advisory Committee for the purpose of advising the City Council regarding the City's two-year policy budgets; and

**WHEREAS**, the City Council has determined that reforming this body through the establishment of a Budget Advisory Commission with new establishing legislation that clarifies the purpose of the body, reforms provisions related to terms and term limits, and addresses problems related to vacant seats, absenteeism, and the establishment of a quorum; and

**WHEREAS**, on November 20, 2014 the City Council adopted Ordinance No. 13279 C.M.S. creating the City's Consolidated Fiscal policy, which establishes new roles and responsibilities for the Budget Advisory Committee that were not contemplated at the time the Budget Advisory Committee was established; and

**WHEREAS**, the City Council wishes to conform the provisions for appointment of Budget Advisory Commission members to the requirements of the City Charter and the current, actual means of such appointments; now therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

1. City Council Resolution No. 74826 C.M.S. establishing the Budget Advisory Committee is hereby repealed and replaced with the following:

### SECTION 1. ESTABLISHMENT

There shall be established by the City Council a Budget Advisory Commission. The Budget Advisory Commission shall take the place of the Budget Advisory Committee,

## Proposed Revision: Finance & Management Committee Recommendations

which was established pursuant to Resolution No. 74826 C.M.S. All references to the Budget Advisory Committee in existing legislation shall be understood to reference the new Budget Advisory Commission.

### **SECTION 2. DUTIES AND FUNCTIONS**

(a) The Budget Advisory Commission (hereafter "the Commission") shall report regularly to the Finance and Management Committee on topics deemed important to the fiscal health of the City, encouraging public participation and input into fiscal decision making, and improving the transparency and accountability of City fiscal information and decision making. The Commission shall perform duties assigned to it by action of the City Council, including responsibilities identified in the City's fiscal policies, and reviewing any fiscally related goals and objectives of the Mayor or City Council. The Commission shall have such other functions as may be directed by the City Council.

(b) No less than three years following the first meeting of the Commission, the Commission shall develop and complete a process of self-evaluation and strategic planning. Thereafter, self-evaluation and strategic planning shall occur every three years.

### **SECTION 3. MEMBERSHIP**

(a) The Commission shall be composed of fifteen individuals appointed by the Mayor and confirmed by the Council in accordance with Section 601 of the City Charter.

(b) Each councilmember shall recommend one Commission member. The City Auditor and Chairperson of the Community Economic and Workforce Development Committee shall also recommend one Commission member each. The Chairperson of the Finance and Management Committee shall recommend two Commission members. The Mayor shall select three Commission members.

(c) To the extent practicable, appointments to the Commission shall reflect the geographical diversity of the City. All members of the Commission shall be residents of the City of Oakland.

### **SECTION 4. TERMS OF MEMBERS, COMPENSATION**

(a) Of the initial members of the Commission, five appointments shall be for one-year terms, five appointments shall serve for two-year terms, and five appointments shall be for three-year terms. Thereafter, all terms shall be for three years. Members of the Commission shall serve no more than two consecutive three-year terms plus any initial term of less than ~~three~~ two years. All terms of members shall begin on October 1 and end on September 30.

(b) The Commission members shall receive no salary for serving.

### **SECTION 5. COMMISSION GOVERNANCE**

(a) At its first meeting following October 1<sup>st</sup> of each year, the Commission shall select a Chairperson, a Vice-Chairperson, and a Liaison to the Finance and Management Committee from within its membership.

Proposed Revision: Finance & Management Committee Recommendations

(b) The Chairperson shall be responsible for chairing meetings, coordinating meeting times and agenda items in concert with City staff, representing the Commission in conversations with the Mayor, City Council President, City Administrator when required, and representing the Commission in public forums & meetings.

(c) The Vice-Chairperson shall assist the Chairperson and shall perform the duties of Chairperson when the Chairperson is unavailable to perform those duties.

(d) The Liaison with the Finance and Management Committee shall be responsible for listening and where possible attending meetings of that body, keeping the Commission informed on significant issues, and coordinating reports submitted to the Finance and Management Committee.

(e) A quorum of the Commission shall consist of a majority of appointed members, not including vacancies, and shall never consist of less than five members. Any action by the Commission shall be approved by a majority of members present.

**SECTION 6. TRANSITIONAL PROVISIONS**

The terms of office and provisions of this ordinance shall begin on October 1 following the appointment and confirmation of 8 members to the Commission. Until that time, the existing Budget Advisory Committee shall continue to perform functions currently accorded to it by Resolution No. 74826 C.M.S. and Ordinance No. 13279 C.M.S. When eight members have been appointed and confirmed to the Commission, the terms of the currently seated Budget Advisory Committee members shall terminate and the body shall be dissolved. Budget Advisory Committee members may be reappointed to the new Commission in accordance with the provisions of this Ordinance. Terms served by members of the Budget Advisory Committee shall not be terms on the new Commission for the purpose of term limits.

2. This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 03 2015

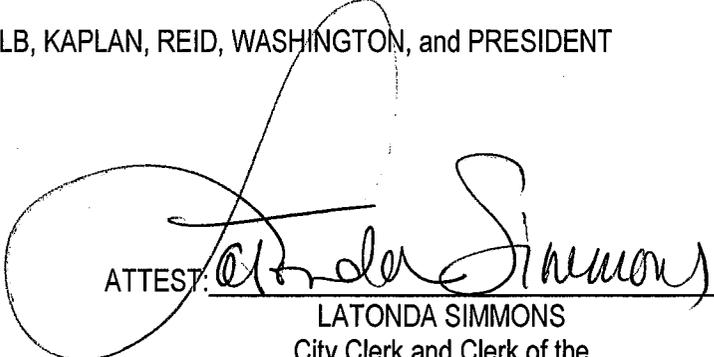
PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, GALLO, GUILLEN, KALB, KAPLAN, REID, WASHINGTON, and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - Brooks - 1

ABSTENTION - 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the  
Council of the City of Oakland,  
California

Introduction Date  
OCT 20 2015

Date of Attestation: November 4, 2015

Attachment A

OAKLAND CITY COUNCIL

RESOLUTION No. 74826 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

*RCS*  
OK

**RESOLUTION ESTABLISHING THE BUDGET ADVISORY COMMITTEE**

**WHEREAS**, the City Council has previously created the Citizen's Budget Advisory Committee on July 26, 1988 by Ordinance No. 11025 C.M.S. and amended by Ordinance No. 11775 C.M.S., for the purpose of advising the City Council regarding expenditures for the revenues for all general fund municipal services and development of a five-year financial plan for the City of Oakland; and

**WHEREAS**, the City Council has previously created the Business Budget Advisory Committee on April 1, 1997 by Ordinance No. 11973 C.M.S., for the purpose of advising the City Council regarding issues related to the fiscal management of the City of Oakland; and

**WHEREAS**, the City Council has determined that it would be in the best interest of the City of Oakland to create a new Budget Advisory Committee to replace the Citizen's Advisory Committee and the Business Budget Advisory Committee for the purpose of advising the City Council regarding the City's two-year policy budgets.

NOW THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND RESOLVES:

**SECTION 1. ESTABLISHMENT**

There shall be established by the City Council a Budget Advisory Committee (BAC). The Budget Advisory Committee shall be composed of fifteen (15) individuals appointed as follows:

- (a) eight members shall be appointed by the Councilmembers; seven (7) appointed by the Councilmembers to represent each of the seven districts; the at-large Councilmember shall appoint one member;
- (b) the Mayor shall appoint one (1) individual from the City to be the Chairperson; and
- (c) the Chamber of Commerce will recommend a list of twelve (12) people from which
  - (1) the Mayor will appoint three (3) members;
  - (2) the Chairperson of the Finance and Management Committee will appoint two (2) members, and
  - (3) the Chairperson of the Economic Development Committee will appoint one member,who shall be confirmed by the majority vote of the City Council.

To the extent practicable, appointments to the Budget Advisory Committee shall reflect the geographical diversity of the City. All members of the Budget Advisory Committee shall be residents or taxpayers of the City of Oakland.

**SECTION 2. DUTIES AND FUNCTIONS**

- (a) The Budget Advisory Committee shall submit regular status reports to the Finance and Management Committee, or such other committee as the City Council may designate as liaison to the Budget Advisory Committee. The regular status report must be submitted once every quarter or more frequently as directed by the Chairperson of the City Council committee to which the Budget Advisory Committee reports.

(b) Status reports submitted in fulfillment of subsection (a) above must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for staffing and administration of the Budget Advisory Committee.

(c) Each year, the Budget Advisory Committee shall review the annual goals and objectives of the City Council. Review of City Council goals and objectives shall be undertaken to provide the Budget Advisory Committee the opportunity to better integrate the activities of the Budget Advisory Committee with the City's overall goals and objectives.

(d) City Council approval must be obtained prior to the creation of any standing committee of the Budget Advisory Committee and must include information regarding the costs associated with the standing committee, and the costs of complying with noticing and reporting requirements resulting from the establishment of any such standing committee of the Budget Advisory Committee.

**SECTION 3. APPOINTMENTS**

(a) Staggered Terms. Commencing with the effective date of this Ordinance, Budget Advisory Committee members shall be appointed to the staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the member's term only.

(b) Length of Terms. Except for the initial appointments made immediately following passage of this Resolution which may be of lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to subsection (a), all appointments shall be for a period of two (2) years.

(c) Limit on Consecutive Terms. No person shall be appointed to serve more than two (2) consecutive terms as a member of the Budget Advisory Committee.

(d) Removal. To assure participation of Budget Advisory Committee members, attendance by the members of the Budget Advisory Committee to all regularly scheduled and special meetings shall be recorded, and such record shall be provided semi-annually to the Office of the Mayor for review. Any member may be removed by the Mayor for cause, which shall include conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the Budget Advisory Committee.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR - 2 1999, 1999

**PASSED BY THE FOLLOWING VOTE:**

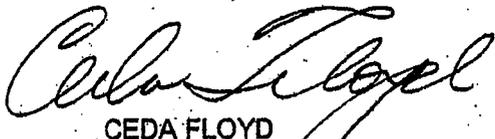
AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, ~~SPEES~~, AND PRESIDENT DE LA FUENTE - 7

NOES- None

ABSENT- None

ABSTENTION- None

Excused- Spees - 1

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

## NOTICE AND DIGEST

### **ORDINANCE REPEALING RESOLUTION NO. 74826 C.M.S. AND ESTABLISHING A BUDGET ADVISORY COMMISSION TO REPLACE THE BUDGET ADVISORY COMMITTEE AND TRANSFERRING TO BUDGET ADVISORY COMMISSION THE DUTIES AND FUNCTIONS OF THE BUDGET ADVISORY COMMITTEE**

---

The Ordinance establishes a Budget Advisory Commission and transfers to it the duties and functions of the current Budget Advisory Committee. The Budget Advisory Commission will consist of 15 members and shall be charged advising the Mayor and City Council on policies related to the fiscal health of the City, public participation in fiscal decision making, and the transparency of the City's finances and decision making processes.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 OCT -1 PM 12:36