

OAKLAND FUND FOR CHILDREN AND YOUTH PLANNING AND OVERSIGHT COMMITTEE BYLAWS

ARTICLE I - Identification

Section 1: Name

The Planning and Oversight Committee ("POC") of the KIDS FIRST! Oakland's Children's Fund, DBA the Oakland Fund for Children and Youth.

Section 2: Office

150 Frank H. Ogawa Plaza, 4th floor, Oakland, CA 94612

Section 3: Authority, Statutory Requirements: and Other Laws and Polices

The POC shall comply with all applicable laws, including but not limited to, the City of Oakland Charter, the Oakland Sunshine Ordinance (Ordinance No. 11957 C.M.S., adopted January 14, 1997), the Ralph M. Brown Act (Government Code sections 54950 et seq.), the Political Reform Act of 1974 (Government Code sections 81000 *et. seq.*) , the Public Records Act (Government Code sections 6250 et seq.), the Oakland Conflict of Interest Code (Ordinance # 11979, as amended) and Charter section 1300, Measure "K", adopted at the November 1996 election and amended July 2009 as Measure D.

ARTICLE II - Mission Statement

We provide opportunities and resources for Oakland's children and youth (0-20 years old) to become healthy, productive, ethical, and successful community members. We achieve this by funding organizations, creating policy, building capacity and ensuring accountability to encourage these outcomes. We work collaboratively through partnerships with children, youth and families, community organizations, public agencies, schools and other funders.

ARTICLE III – Planning and Oversight Committee

Section 1: Number, Appointing Authority and Qualifications

The POC shall consist of nineteen (17) members who shall be Oakland residents. These members shall be appointed as follows: one (1) member appointed by the Mayor, two (2) members appointed by each of the City's Council members, one of whom shall be a resident not older than 21 years. (Oakland City Charter section 1305)

Section 2: Term of Appointment

Members of the POC shall be appointed to one (1) year terms, to commence August 1 except that an appointment to fill a vacancy shall be for the unexpired term only.

Section 3: Qualifications

Each member of the POC shall be a resident of Oakland. Each prospective member shall demonstrate strong interest in children and youth issues, and shall possess sound knowledge of, and expertise in, children and youth policy development and program implementation. (Section 1305)

Section 4: Vacancy and Removals

- (a) A vacancy on the POC will exist whenever a member dies, resigns, is removed, or at the end of a member's term or holdover period. Any vacancy shall be filled immediately after the date that such vacancy occurs by the elected official that appointed the POC member. Councilmembers shall submit the nominations of POC candidate(s) to the Office of the City Clerk at least 20 days before the term expires.
- (b) A member may be removed pursuant to Section 601 of the Charter. Among other things, conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties and absence from three (3) consecutive meetings or six (6) total meetings per term for any reason, except when absent by permission of the POC, shall constitute cause for removal. The Chairperson(s) may recommend removal to the appointing authority and/or the City Council. A member may be removed for cause, after hearing, by the affirmative vote of at least six (6) members of the City Council. In the absence of cause, no POC members may be removed prior to the expiration of their term, notwithstanding the expiration of the term of the appointing elected official.

Section 5: Compensation

POC members shall serve without compensation, except that youth members may receive scholarship at the end of a term based on full participation on the POC and subcommittee participation.

Section 6: Oath of Public Office

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

Section 7: Authority and Functions

It shall be the function and duty of the POC, for and on behalf of the City of Oakland, its residents, elected officials and officers to:

- (a) Prepare a Three-Year Strategic Investment Plan;
- (b) Solicit funding applications from private non-profit and public agencies through an open and fair application process;

- (c) Submit to the Oakland City Council for its adoption annual independent evaluation reports;
- (d) Receive City Auditor annual reports on the Fund's Financial Statement and the Base Spending Requirement.

Section 8: Rules, Regulations and Procedures

Rules, regulations and procedures for the conduct of POC business shall be established by consensus. However, when a consensus is not obtained, or when the Chairpersons or a majority of the members present decide to establish rules, regulations and procedures by a vote, then POC business shall be established by a majority vote of the members present. The POC must vote to adopt any motion or resolution.

Section 9: Role of Individual POC Members

It shall be the duty of individual POC members to:

- (a) Attend monthly POC meetings on a regular and consistent basis;
- (b) Serve on at least one subcommittee;
- (c) Read materials sent in preparation for each meeting;
- (d) Help select grantees each funding cycle
- (e) Report to the Oakland City Council and/or Mayor on POC work
- (f) Help recruit additional youth and adult members for the Committee
- (g) Represent stakeholder groups, the constituents in the Council District from which each member is appointed, or the community as a whole in providing input which reflects the concerns, visions and ideas of the community.

Section 10: Conflict of Interest

Each POC member warrants and represents that he or she, any immediate family member or business associate, has no financial interest in and will not obtain benefit from any program, project, organization, agency or other entity that is seeking or will seek funding approval from the POC. Financial interest or benefit includes, without limitation, salaries, consultant fees, commissions, gifts, gratuities, favors, sales income, rental payments, investment income or other business income. A POC member shall immediately notify the City Manager or designee and the Chairpersons of any real or possible conflict of interest between membership on the POC and work or other involvement with entities funded or served by the Oakland Fund for Children and Youth.

ARTICLE IV - Officers

Section 1: Election of Officers

Rules, regulations and procedures for the conduct of POC business shall be established by a majority vote of the members present. The POC must vote to adopt any motion or resolution. The POC must transmit to the City Council any rules, regulations and procedures adopted by the POC within seven calendar days of adoption. A rule, regulation or procedure adopted by the POC shall become effective 60 days after

Section 2: Co-Chairpersons

There shall be at least one youth and one adult Chairperson. The Chairpersons shall preside at all meetings of the POC and are ex-Officio members of all standing Sub-committees. The Chairpersons are accountable to the POC as a whole in setting policy and shall also perform such duties as may be assigned by the POC. The Chairpersons, or the Chairpersons' designee, serves as the liaisons to the media and other departments and agencies as necessary. The Chairpersons, or the Chairpersons' designee, are the official representatives of the POC and are the only individuals authorized to make reports to City Council on behalf of the POC.

Chairpersons shall be elected by majority vote of the POC prior to its first regular meeting in September. Each Chairperson shall serve a one year (1) term or an unexpired term ending in August. Chairpersons cannot serve more than two (2) consecutive terms. A Chairperson may be removed for cause at a regular or special meeting after ten (10) days notice to the Chairperson by a vote of at least two-thirds of the POC members, but not fewer than seven (7), in attendance at the meeting.

Section 3: Sub-committee Chairpersons

The Sub-committee Chairpersons shall perform the duties and responsibilities that may be delegated by the Chairpersons, and carry out the assignments traditionally assigned to that Sub-committee.

ARTICLE V – Planning and Oversight Staff

Section 1: City Administrator

The City Administrator, or designees thereof, shall provide the POC with staff assistance as necessary to enable the POC to fulfill its functions and duties. The assigned staff shall prepare agendas, oversee compliance with meeting notice requirements in the Ralph M. Brown Act and the Oakland Sunshine Ordinance, and record minutes for all regularly scheduled POC meetings and standing Sub-committee meetings.

Section 2: Legal Advisor

- (a) The City Attorney is the POC's legal advisor. The City Attorney shall provide the POC with legal assistance; to the extent such assistance does not constitute a conflict of interest. If the City Attorney in consultation with the POC, makes a

makes a determination communicated in writing that she or he cannot, consistent with the California State Bar Rules of Professional Conduct, provide advice sought by the POC in any particular case, the City Attorney may retain outside counsel at the City's expense. (Oakland City Charter section 401.)

- (b) Any member of the POC may consult informally with any attorney assigned to the POC on any matter related to POC business. However, a request from a POC member for assistance from the POC's assigned attorney requiring significant legal research, a substantial amount of time and attention or a written response, may be made only through the POC Chairs or by a majority vote of the POC or any of its officially constituted Sub-committees.

Section 3: Commission Staff

The POC's staff shall report to the Chairpersons, who shall be responsible for staff priorities. POC members may consult staff informally, but any request for substantial assistance or a written report must be authorized by the POC, or designee, or by a majority vote of the POC as a whole.

Section 4: Custodian of Records

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

ARTICLE VI – Committees

Section 1: Sub-committees

It is the policy of the POC to appoint individual POC members to perform specific tasks or functions. The Chairpersons are authorized to form standing and ad hoc Sub-committees, as deemed necessary to carry out the responsibilities of the POC. With respect to standing Sub-committees that are formed, the Chairpersons shall appoint POC members to serve as Sub-committee chairperson(s) for a period of up to one (1) year, unless otherwise specified. Individuals appointed to ad hoc Sub-committees shall serve for the period specified by the Chairpersons.

Section 2: Standing Sub-committee Meetings

Standing Sub-committees shall meet at a regularly scheduled time or at the call of their chairs, or as deemed necessary by a majority of the Sub-committee membership.

Section 3: Sub-committee Quorum

A majority of the members of a Sub-committee constitutes a quorum.

Section 4: Evaluation Sub-committee

This standing Sub-committee shall be responsible for overseeing the annual independent outcome and process evaluations and advising the POC on such matters.

ARTICLE VII - Meetings

Section 1: Quorum

At all meetings of the full POC, the presence of a majority of the POC shall constitute a quorum for the purposes of conducting a meeting. In the event that a quorum is not established within thirty (30) minutes of the noticed start time of the meeting, the Chairpersons, in their discretion, may cancel the meeting. In the alternative, the Chairperson may elect to wait an additional fifteen (15) minutes before taking action to cancel the meeting. The Chairperson should consider such factors as prior notice that a member would arrive late, or the need to take official action on an important item of business once a quorum has been established.

If the meeting is cancelled, unofficial discussion of the items noticed on the agenda may continue, but no formal action may be taken. A designee of the City Manager will prepare a record of the discussion and the record will reflect (i) whether or not the meeting was canceled due to a lack of a quorum and (ii) that no formal action was taken on the items discussed.

The individual designated by the City Manager to prepare a record of the meeting shall keep a record of POC members' attendance. The attendance record shall reflect absences and tardiness (arrival more than fifteen (15) minutes after the scheduled start time) and shall indicate whether the absence or tardiness was excused or unexcused. A POC member shall notify the Chairperson or the designee of the City Manager of an anticipated absence.

Section 2: Motions

If any POC member shall demand a second to any motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by a POC member.

Section 3: Public Input

All interested persons shall be allowed to express their views (oral or written) at regular POC or standing Sub-committee meetings regarding matters within the jurisdiction of the POC and at special POC or standing Sub-committee meetings on matters that are agendaized. However, the POC agenda need not provide an opportunity for members of the public to address the POC on any item that has already been considered by a Sub-committee composed exclusively of POC members, at a public meeting wherein all interested members of the public were afforded the opportunity to address the Sub-committee on the item, before or during the Sub-committee's consideration of the item, unless the item has been substantially changed since the Sub-committee heard the item, as determined by the POC.

Section 4: Public Input On Agendized Items

A person wishing to speak must submit his or her name and the item on the agenda he or she wishes to discuss, if any, to Commission Staff before being recognized by the Chairpersons. A person wishing to speak must complete a speaker card for each agenda item on which he/she wishes to speak. Multiple agenda items cannot be listed on one speaker card. Speakers' cards must be received by the Chairpersons prior to the agenda item being called, unless consent to speak is given by the Chairpersons, or a majority of the POC or Sub-committee. If a speaker signs up to speak on multiple items listed on the agenda, the Chairpersons may rule that the speaker be given an appropriate allocation of time to address all issues at one time (cumulative) before the items are called.

Each agenda for regular or special meetings of the POC, or its standing Sub-committees at which action is proposed to be taken on an item, shall provide an opportunity for each member of the public to directly address the POC prior to action thereupon. Each person wishing to speak on an item shall be permitted to speak once based upon previously adopted time constraints, which are reasonable and uniformly applied.

Section 5: Public Input On Non-Agendized Items (Open Forum)

All regular POC meetings shall provide the opportunity for public comment on items not on the agenda but within the jurisdiction of the POC. Such opportunities for public comment, Open Forum, shall appear on the agenda prior to adjournment. Each person wishing to speak on such items shall be allowed to do so, after filling out a speaker's card. The POC may limit the time for public comment under Open Forum to a total of fifteen (15) minutes. Members of the public may, after submittal of speaker cards, address the POC regarding any items of public interest that are not on the meeting agenda. Ordinarily, each speaker may speak for up to two (2) minutes, but the Chairpersons have the discretion to limit or extend the time. Open Forum speaker cards are to be numbered in the order received by the Commission Staff.

Section 6: Identification of Speaker

Persons addressing the POC or Sub-committees shall state their names and the organization they are representing, if any. They shall confine their remarks to the subject under discussion, unless they are speaking during the Open Forum portion of the Agenda.

Section 7: Chairpersons'

Where eight (8) or more speakers have submitted speaker's cards, the Chairpersons may, in the interest of time, request that speakers organize by sides with designated speakers. The Chairpersons shall maintain order in the chamber, have authority to refuse the floor to any person, and may limit or extend the time allocated to any speaker. The Chairpersons may rule a public speaker out of order if:

- (a) the speaker is speaking beyond the allocated time limit;
- (b) the speaker's remarks are not relevant to the agenda item or are repetitious;

- (c) the manner, tone and content of the speaker's remarks are disruptive (disturb the peace and good order of the meeting), attack the character of individuals or are abusive (e.g. use vulgar or obscene language).

The public has the right to criticize policies, procedures, programs or services of the City, the POC or of any other aspect of the City's or POC's proposals or activities or the acts or omissions of the POC or its staff or that of other public employees. The POC shall not abridge or prohibit public criticism. Nothing in this section confers any privilege or protection beyond that which is otherwise provided by law.

Section 8: Meeting Minutes

Minutes shall be taken at every regular and special POC meeting. The Minutes shall be taken by Commission Staff.

Section 9: Regular Meetings

Regular POC meetings shall be held on the first Wednesday of each month at 6:00 p.m. or as otherwise set forth in the published calendar and posted on the internet with proper notice. Other meetings may be called as needed. Meetings shall be held in Oakland City Hall, One Frank H. Ogawa Plaza, in the City of Oakland, CA. The POC is in recess in the month of August.

Section 10: Notice and Conduct of Regular Meetings

Notices and agendas of all regular POC and standing Sub-committee meetings requiring notice shall be posted in the City Clerk's Office and on an exterior bulletin board accessible twenty-four (24) hours a day. Notice of regular meetings shall be posted at least seventy-two (72) hours before the meeting. Action may only be taken on items that comply with the notice provisions of the Sunshine Ordinance and the Brown Act.

Section 11: Notice and Conduct of Special Meetings

Special POC or Sub-committee meetings may be called at any time by the Chairperson or by a majority of the POC members or standing Sub-committee members or standing POC members. Notice of all special meetings shall be posted on an exterior bulletin board and filed with the Office of the City Clerk at least 48 hours (excluding Saturday, Sunday, and Holidays) before the time of the meeting set forth in the Agenda. All other notice requirements of the Sunshine Ordinance and the Brown Act shall be met.

Section 12: Closed Sessions

The POC is authorized to hold closed (non-public) sessions at regular and special meetings for purposes of confidential discussions such as pending litigation. Upon consultation with a legal advisor from the City Attorney's Office, and the determination that a closed session is both authorized and appropriate under the circumstances, the POC may call for a closed session. Appropriate notice will be given for all closed sessions.

Section 13: Recess

The POC shall recess for the period of August 1 through August 31 each year, which shall be known as the "annual recess." During the annual recess the POC may be convened by the Chairpersons for special POC meetings or by the Chairperson for a standing Sub-committee meeting.

ARTICLE IX - Agenda Requirements

Section 1: Agenda Preparation

The agenda is prepared through the joint effort of the Chairpersons and Commission Staff. The agenda shall contain a meaningful description of each item to be transacted or discussed at the POC or Sub-committee meeting so that a person can reasonably determine if his or her interests may be affected by the item.

ARTICLE X - Voting

Section 1: Voting, Abstention and Recusal

Each member present at a POC or standing Sub-committee meeting shall vote on all matters put to a vote, unless the member abstains, is excused from voting by a motion adopted by a majority of the members present or unless the member declares he or she has a conflict of interest, or has been advised to recuse himself or herself from the vote by the City Attorney because he or she may have a conflict of interest regarding the item.

Section 2: Majority Vote Requirement

All major decisions by the POC shall require a consensus or, if a consensus is not reached and if so determined by the Chairpersons, the Chairpersons may call for an affirmative vote of the majority of those members present.

Section 3: Voting by Proxy

Voting by proxy is prohibited.

ARTICLE XI - Parliamentary Procedure

Section 1: Robert's Rules of Order (newly revised)

The business of the POC and its standing Sub-committees shall be conducted, to the extent possible, in accordance with parliamentary rules as contained in Robert's Rules of Order (Newly Revised), except as modified by these rules and in accordance with State open meeting laws and local open meeting laws, including the Oakland Sunshine Ordinance. The City Attorney, or such other person as may be designated by the Chairpersons, upon approval of the POC shall serve as the official parliamentarian for meetings of the POC.

ARTICLE XII - Representation of the Planning and Oversight Committee

The Chairpersons, or their designee, are the official representatives of the POC. The Chairpersons, or their designee, are the only individuals authorized to speak on behalf of the POC to entities including, but not limited to, the media, the public and at public forums.

Whenever the POC learns that a view, position or opinion of the POC as a whole has been misinterpreted or misrepresented in the media, at a hearing, or in a public forum, the POC, through the Chairpersons or the Chairpersons' appointed representative, shall make every reasonable effort to clarify the POC's true position as soon as practicable. Whenever a POC member communicates with the news media or others, or appears at a public hearing or before another City Agency or Department to discuss existing or proposed legislation or policy, the POC member shall make every reasonable effort to specify whether the POC member is expressing a personal opinion, view or position or an opinion, view or position of the POC as a whole.

ARTICLE XIII - Bylaws Amendment

These Bylaws shall be reviewed annually or as necessary. The POC may adopt Bylaws amendments at any regular meeting of the POC by a consensus or by vote of two-thirds of the POC members present, provided such proposed amendments are circulated in writing to all POC members at least ten (10) days prior to such meeting, and ten (10) days' public notice shall be posted. The POC shall transmit proposed Bylaws amendments to the City Council within seven (7) calendar days of adoption by the POC. The Bylaws amendments become effective forty-five (45) days after the date of adoption by the POC.