



CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

AGENDA REPORT

TO: CITY COUNCIL
CITY OF OAKLAND

2012 DEC 14 AM 9:01

FROM: DEANNA J. SANTANA
CITY ADMINISTRATOR

SUBJECT: Supplemental Report:
Graffiti Remedies and Penalties

DATE: December 14, 2012

REASON FOR SUPPLEMENTAL

On November 27, 2012 and December 11, 2012 City Attorney Barbara Parker and Councilmember Nancy Nadel presented the original version of the graffiti ordinance with recommendations to comprehensively revise the Oakland Municipal Code on graffiti (Chapter 8.10) to the Public Works Committee. The supplemental report dated December 11, 2012, under the fiscal impacts section stated:

"This ordinance should not have any negative fiscal impacts, hut may produce additional revenue through cost recovery and penalties."

The City Attorney has advised that the purpose of the ordinance amendments is to provide greater penalties and additional means of administrative enforcement and civil actions by the City Attorney.

The Administration supports this effort and acknowledges that the Ordinance itself does not establish a program for graffiti abatement—which we would be unable to absorb within current staffing levels right now. If the City Council desired to establish a graffiti abatement program or make graffiti enforcement a higher priority, the Administration recommends that consideration of any additional staffing be considered during the FY 13-15 budget deliberations when the City Council can consider all of the competing priorities and public services, in the context of a structural deficit for these two years. Finally, the supplemental report briefly discussed the potential revenues that may be generated from this program. Through discussion with the City Attorney, we believe that the revenues will not cover the costs of a dedicated, comprehensive program. The potential revenue will be a result of the recovery of penalties associated with our ability to enforce it, which is unknown.

Additionally, at the December 11, 2012 Public Works Committee meeting, there was discussion regarding the use of public murals to offset illegal graffiti tags. Staff estimates \$25,000 - \$100,000 per mural using professional artists to produced murals that are durable, graffiti-proof, and a maintenance budget. Cost of this program will be reviewed during the Fiscal Year 2013-15 Biennial Budget process.

Respectfully submitted,

Deanna J. Santana
City Administrator

Item: _____
City Council
December 18, 2012