



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 APR 17 PM 4:33

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Fred Blackwell
Assistant City Administrator

SUBJECT: Amendments to OMC Chapter
2.29

DATE: April 12, 2012

City Administrator
Approval

Date

4-17-12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council adopt an Ordinance Amending Oakland Municipal Code (CMC) Chapter 2.29 "City Agencies, Departments And Offices" To Establish The Departments And Offices Of Housing And Community Development, Economic & Workforce Development, Neighborhood Investment, and Planning, Building And Neighborhood Preservation.

EXECUTIVE SUMMARY

On January 31, 2012 the Oakland City Council adopted Resolution No. 83693 C.M.S. amending the City of Oakland's FY 2011-13 Biennial Budget, which was adopted pursuant to Resolution 83444 C.M.S. on June 30, 2011. The amended budget included policy direction for staff to implement the necessary structural changes, as recommended by staff, to offices, departments, and agencies as required by the dissolution of the Redevelopment Agency and stated that the City Administrator was to return with documents to create appropriate successor entities. Staff is returning now to the City Council with changes as required by the adopted budget. These modifications will allow the city to bring alignment between the recognized departments in Chapter 2.29 and the departments actually conducting the business of the City.

The attached ordinance will amend Chapter 2.29 to eliminate or create departments and agencies, reorganize reporting structures, and otherwise modify the organizational structure of the City as required for the implementation of the adopted amendment to the FY 2011-2013 biennial budget. These changes are being recommended now for the express purposes of creating alignment between the municipal code and the current structure of departments in the City. Staff will return at a later date with additional changes required for the 2012-13 FY budget adoption all of which will require extensive community and/or staff engagement.

Item: _____
Finance and Management Committee
April 24, 2012

OUTCOME

If adopted the ordinance would bring alignment between the recognized departments in Chapter 2.29 and the departments actually conducting the business of the City and implement the amended budget as directed by Council in January 2012.

BACKGROUND/LEGISLATIVE HISTORY

On July 30, 2011 the Oakland City Council adopted Resolution No. 83444 C.M.S. adopting the FY 2011-2013 biennial budget. Subsequent to the adoption of this budget the California State Supreme Court upheld ABx1 26, which eliminated redevelopment agencies in the state, and simultaneously struck down ABx1 27, the bill that would have allowed agencies to remain in operation as long as they made a payment to the State.

As a result, on January 31, 2012 the Oakland City Council adopted Resolution No. 83693 C.M.S. amending the City of Oakland's FY 2011-13 Biennial Budget, via Resolution 83444 C.M.S. on June 30, 2011, and directed staff to proceed with the necessary structural and operational changes necessary to implement the amended budget.

Prior to the above actions and in expectation of the need to dissolve the Redevelopment Agency, the City Council had adopted Resolution No. 83679 C.M.S. on January 10, 2012, electing to have the City of Oakland become the successor agency to the Redevelopment Agency of the City of Oakland pursuant to Health and Safety Code Sections 34171(j) and 34173 upon Redevelopment Agency dissolution.

The adoption of the amended budget also directed staff to reorganize/restructure the Community and Economic Development Agency (CEDA) along with the former Redevelopment Agency into appropriate agencies, departments, or offices necessary to continue vital economic, housing, and construction projects moving forward; as well as to begin the process of creating the Community Services and Administrative Services agencies. These changes are consistent with council direction.

ANALYSIS

As a result of the above enumerated actions of the City Council, staff has been moving quickly to implement the necessary changes required to develop the appropriate departments and offices, as well as analyzing the work and responsibilities throughout the former redevelopment agency and CEDA. The changes above have resulted in the dissolution of departments and agencies codified in Chapter 2.29 "City Agencies, Departments and Offices" of the Oakland Municipal Code. Currently staff in these two former agencies continues to work on projects, assignments, and other responsibilities required by the City or the successor agency obligations. However, the

City must establish the new offices, departments, or agencies via an ordinance amending Chapter 2.29 "City Agencies, Departments and Offices".

The Oakland City Charter pursuant to section 600 requires an amendment of Chapter 2.29 "City Agencies, Departments and Offices" which establishes city departments and agencies. The City must now adopt the attached ordinance in order to formalize the creation of the offices and departments, or agencies that are to be created as a result of the adoption of the amended budget.

With regards to the Community Services Agency (CSA) and Administrative Services Agency (ASA), which were also included as a part of the adopted budget, staff is in the process of developing outreach tools for both staff and constituencies of the departments, developing a work plan and timeline for development of scopes of work for the respective agencies and creating a calendar for community engagement throughout the City. These two agencies were not expected to be created until the adoption of the 2012-2013 FY adopted policy budget.

PUBLIC OUTREACH/INTEREST

Staff has met and continues to meet with labor groups, managers, and department staff to receive input and suggestions on the final configuration and responsibilities of offices, departments, and agencies. There is a continued need for discussion on the final organizational structure. Regarding the proposed community Services Agency, staff will develop a community engagement calendar which will identify key meeting dates and times for community input around the proposed new agency and structures.

COORDINATION

The Human Resources Department, City Attorney, Economic Development and Successor Agency, and City Administrator's office have all been working to implement the necessary changes.

COST SUMMARY/IMPLICATIONS

There is no fiscal impact, as these modifications will allow the changes in the amended budget to become formalized and implemented so that staff may continue to conduct the business of the City.

FISCAL/POLICY ALIGNMENT

This ordinance will bring into alignment the structure of the City with the budget as amended in Resolution No. 83693 C.M.S.

SUSTAINABLE OPPORTUNITIES

Economic: Adopting this ordinance will allow for the economic development, housing, and successor agency projects to continue to move forward.

Environmental: Economic development, housing, and successor agency projects all include green and sustainable components that are beneficial to the environment.

Social Equity: Economic development, housing, and successor agency projects will help to create jobs for Oakland residents and promote the economic vitality of the City which will improve the overall quality of life of residents.

For questions regarding this report, please contact Arturo M. Sanchez, Deputy City Administrator at (510) 238-7542.

Respectfully submitted,



Fred Blackwell
Assistant City Administrator
City Administrator's Office

Prepared by: Arturo M. Sanchez
Deputy City Administrator
City Administrator's office

Attachments –

- Ordinance Amending Oakland Municipal Code (OMC) Chapter 2.29 "City Agencies, Departments And Offices" To Establish The Departments And Offices Of Housing And Community Development, Economic & Workforce Development, Neighborhood Investment, And Planning, Building And Neighborhood Preservation

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 APR 17 PM 4:54

APPROVED AS TO FORM AND LEGALITY

M. Mowday

CITY ATTORNEY

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE (OMC) CHAPTER 2.29 "CITY AGENCIES, DEPARTMENTS AND OFFICES" TO ESTABLISH THE DEPARTMENTS AND OFFICES OF HOUSING AND COMMUNITY DEVELOPMENT, ECONOMIC & WORKFORCE DEVELOPMENT, NEIGHBORHOOD INVESTMENT, AND PLANNING, BUILDING AND NEIGHBORHOOD PRESERVATION

WHEREAS, on July 30, 2011 the Oakland City Council adopted Resolution No. 83444 adopting the FY 2011-2013 biennial budget, appropriating certain funds to provide for expenditures by the said budget; and

WHEREAS, on January 31, 2012 the Oakland City Council adopted Resolution No. 83693 amending the City of Oakland's FY 2011-13 Biennial Budget, which was adopted pursuant to Resolution C.M.S. 83444 On June 30, 2011.

WHEREAS, amending the FY 2011-2013 biennial budget was required in light of the action of the California State Supreme Court ruling in which the Court upheld ABx1 26 (the redevelopment elimination bill), but struck down ABx1 27, the bill that would have allowed agencies to remain in operation as long as they made a payment to the State; and

WHEREAS, as a result of the amended budget the Redevelopment Agency of the City of Oakland dissolved on February 1, 2012; and

WHEREAS, the City Council adopted Resolution No. 83679 C.M.S. on January 10, 2012, electing to become the successor agency to the Redevelopment Agency of the City of Oakland pursuant to Health and Safety Code Sections 34171(j) and 34173 upon Redevelopment Agency dissolution; and

WHEREAS, the above enumerated actions have resulted in the dissolution of departments and agencies codified in Chapter 2.29 of the Oakland Municipal Code; and

WHEREAS, The Oakland City Charter Section 600 requires amendment of Chapter 2.29 which establishes the pre-existing structure of departments and agencies now dissolved and replaced by successor entities as a result of the actions of State of California ; and

WHEREAS, Successor Agencies, Offices, and Departments to the former redevelopment agency will not have authority to execute contracts, agreements, and/or otherwise obligate the City unless and until they are codified as required by Charter section 600; and

WHEREAS, the business of the City requires that the successor agencies continue to execute and perform duties, responsibilities, contracts and services on behalf of the City of Oakland;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND ordain as follows:

SECTION 1

2.29.010 - Purpose.

The rendition of efficient and effective services in the City is best accomplished through the establishment of departments and agencies, each of which shall function under the leadership of a single Director. Each agency and department and shall consist of divisions. Director of any agency, department or division shall serve as "department head" within the meaning of Article IX of the City Charter.

2.29.020 - Police Services Agency.

There is established in the City government a Police Services Agency which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said agency shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Police Services Agency shall be the responsibility of the Chief of the Police Services Agency who shall serve as Director of said agency, subject to the direction of the City Administrator. In the Police Services Agency there shall be the following divisions: Field Operations, Risk Management, Investigations, and Services and-Administration.

2.29.030 - Fire Services Agency.

There is established in the City government a Fire Services Agency which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said agency shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Fire Services Agency shall be the responsibility of the Chief of the Fire Services Agency who shall serve as Director of said agency, subject to the direction of the City Administrator. In the Fire Services Agency there shall be the following divisions: Administration, Field Operations/Suppression, Fire Prevention and Communication, Special Operations, Budget and Planning, Personnel, Safety and Liability, Emergency Medical Services, Training, and Office of Emergency Services.

2.29.040 - Finance and Management Agency.

There is established in the City government a Finance and Management Agency which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said agency shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Finance and Management Agency shall be the responsibility of the Director of the Finance and

Management Agency, subject to the direction of the City Administrator. In the Finance and Management Agency there are the following divisions: Administration, Treasury, and Controller, and Revenue. The City Administrator may designate an Assistant City Administrator to serve as Director of the Finance and Management Agency.

2.29.050 - Public Works Agency.

There is established in the City government a Public Works Agency which shall be under the supervision and administrative control of the City Administrator. The powers, functions, and duties of said agency shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Public Works Agency shall be the responsibility of the Director of the Public Works Agency, subject to the direction of the City Administrator. In the Public Works Agency there shall be the following divisions departments: Administration, Infrastructure and Operations, Engineering & Construction, and Facilities and Environment.

2.29.060 – ~~Community and Economic Development Agency~~ Department of Housing & Community Development

There is established in the City government a ~~Community and Economic Development Agency~~ the Department of Housing and Community Development which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said agency Department shall be those assigned, authorized and directed by the City Administrator. The management and operation of the ~~Community and Economic Development Agency~~ the Department of Housing & Community Development shall be the responsibility of the Director, subject to the direction of the Assistant City Administrator. ~~In the Community and Economic Development Agency there shall be the following divisions: Administration, Planning and Zoning, Building Services, Economic Development, Redevelopment, Engineering, Planning and Design, Marketing and Housing and Community Development.~~

2.29.070 – THE DEPARTMENT OF PLANNING, BUILDING AND NEIGHBORHOOD PRESERVATION

There is established in the City government The Department Of Planning, Building And Neighborhood Preservation which shall be under the supervision and administrative control of the City Administrator, or her/his Designee. The powers, functions and duties of said Department shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Department of Planning, Building And Neighborhood Preservation shall be the responsibility of the Director, subject to the direction of the Assistant City Administrator.

2.29.080 - Administrative departments.

There is established in the City government several administrative departments which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said departments shall be those assigned, authorized and directed by the City Administrator subject to Article IX of the City Charter. The

management and operation of the departments shall be the responsibility of the directors of said departments, subject to the direction of the City Administrator. The administrative departments shall be the following: Department of Information Technology, Department of Personnel, Department of Parks and Recreation, Department of Library Services, and Department of Human Services.

2.29.090 - Office of the City Administrator.

There is established in the City government an Office of the City Administrator to assist in the operation and execution of functions as described in the City Charter under Articles IV, V, VI, VIII and IX. There shall be in the Office of the City Administrator the following divisions: Administration, Budget and Revenue, Research and Analysis, Contracts and Compliance, Americans with Disabilities Act Programs, Citizens' Police Review Board, Equal Access, Employee Relations, Economic and Workforce Development, Neighborhood Investment, Neighborhood Services Division, Equal Opportunity Programs, and Public Ethics Commission.

2.29.100 - Preservation of City Charter Offices.

Consistent with the Oakland City Charter and to assist in the operation and execution of functions described therein, there shall be an Office of the Mayor, Office of the City Council, Office of the City Attorney, Office of the City Auditor, and Office of the City Clerk.

SECTION 2.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

SECTION 3.

This ordinance shall be effective upon approval by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES-BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, SCHAAF, NADEL,
BRUNNER AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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

**AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE (OMC)
CHAPTER 2.29 "CITY AGENCIES, DEPARTMENTS AND OFFICES" TO
ESTABLISH DEPARTMENTS AND OFFICES OF OFFICES OF HOUSING,
ECONOMIC DEVELOPMENT, NEIGHBORHOOD INVESTMENT, AND
NEIGHBORHOOD PLANNING AND PRESERVATION**

NOTICE AND DIGEST

This Ordinance authorizes an amendment to Chapter 2.29, as amended, to establish, modify and delete "City Agencies, Departments And Offices" to Establish Departments And Offices Of Offices Of Housing, Economic Development, Neighborhood Investment, And Neighborhood Planning And Preservation. These amendments would become effective May 1, 2012 and would remain in effect until further notice. A public hearing has been scheduled to review the proposed fee changes. The meeting will take place at the time of the first reading of the proposed ordinance by the City Council, on May 1, 2012, at 7:00 pm or as soon as practically possible thereafter.