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OFFICE OF THE CITY CLERK
OAKLAND

2015 JUL 16 PM 4:21

AGENDA REPORT

TO: Sabrina Landreth
City Administrator

FROM: Anil Comelo

SUBJECT: Supplemental to Ordinance Amending
Oakland Municipal Code

DATE: July 13, 2015

City Administrator
Approval

Date

7/16/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends acceptance of this supplemental report to the amendment of the Oakland Municipal Code (O.M.C.) Section 2.29, "City Agencies, Departments and Offices."

REASON FOR SUPPLEMENTAL REPORT

This item was originally submitted to City Council on July 7, 2015, but at the time there was a technical error in the title and the correction to the title was made on the floor, however the item was not found to meet the test for an urgency finding. Additionally, although organizational unit detail is not included for other offices in section 2.29.180 regarding City Charter Offices, at the request of City Council, a reference is added for KTOP in the Office of the City Clerk.

The ordinance attached to this report has been revised to reflect the corrected title and include a reference to KTOP. The revised ordinance also includes the approved sections of the OMC that discuss the Department of Race and Equity, as adopted by Council by separate action on July 7, 2015.

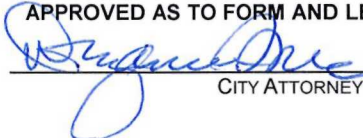
For questions regarding this report, contact Kip Walsh, HR Manager, Recruitment & Classification at kwalsh@oaklandnet.com or (510) 238-7334.

Respectfully submitted,

Anil Comelo, Director
Department of Human Resources Management

Item: _____
City Council
July 21, 2015

FILED
OFFICE OF THE CITY CLERK
OAKLAND
INTRODUCED BY COUNCILMEMBER _____
2015 JUL 16 PM 4:55

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING CHAPTER 2.29 OF THE OAKLAND MUNICIPAL CODE ENTITLED "CITY AGENCIES, DEPARTMENTS AND OFFICES" TO: CREATE THE PUBLIC ETHICS COMMISSION DEPARTMENT; CREATE THE DEPARTMENT OF TRANSPORTATION; TRANSFER THE BALL FIELDS MAINTENANCE UNIT TO PUBLIC WORKS; TRANSFER THE NEIGHBORHOOD SERVICES DIVISION TO THE POLICE DEPARTMENT; ELIMINATE REFERENCES TO BUREAU DIVISIONS IN THE FIRE, PUBLIC WORKS AND PLANNING AND BUILDING DEPARTMENTS; AND ADD THE KTOP OPERATIONS DIVISION TO THE OFFICE OF THE CITY CLERK

WHEREAS, Section 600 of the Charter of the City of Oakland provides that the City Council shall by ordinance provide the form of the organization through which the functions of the City under the jurisdiction of the City Administrator are to be administered; and

WHEREAS, on November 5, 2014 the voters approved Measure CC which created Oakland City Charter Section 603 to provide the Public Ethics Commission with greater independence, enforcement authority, responsibility and staffing; and

WHEREAS, on April 29, 2015, the Mayor proposed the formation of a new full-service Department of Transportation for the City of Oakland as part of the FY2015-17 Proposed Policy Budget; and

WHEREAS, the City Administrator has determined that greater efficiencies can be gained by transferring the function of Ball Fields Maintenance to the Oakland Public Works Department from the Oakland Parks & Recreation Department and transferring the function of the Neighborhood Services Division to the Police Department from the City Administrator's Office and those changes were included as part of the FY2015-17 Proposed Policy Budget; and

WHEREAS, Chapter 2.29 of the Oakland Municipal Code is revised from time to time when the structure or description of the City organization changes; now, therefore

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

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

SECTION 2. Oakland Municipal Code Chapter 2.29, which establishes the City of Oakland organizational structure, is hereby amended to modify sections as set forth below; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the Chapter not cited or not shown in underscoring or strike-through type are not changed.

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 and may consist of divisions and/or bureaus. The Director of any department shall serve as “department head” within the meaning of Article IX of the City Charter.

2.29.015 Definitions.

“Bureau(s)” as used in this Chapter 2.29 shall mean a combination of work units, comprised of several subordinate divisions, clustered together to report to one Deputy Director or Assistant Director that reports to a Department Director.

“Subordinate division” as used in this Chapter 2.29 shall mean a combination of work units, comprised of like functions that are clustered together under one subordinate division manager that reports to a Bureau Deputy Director or Assistant Director when the subordinate division is part of a Bureau, or that reports directly to the Department Director when the subordinate division is independent of a Bureau.

2.29.020 Police Department.

There is established in the City government a Police Department which shall be under the supervision and administrative control of the City Administrator. 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 Police Department shall be the responsibility of the Chief of Police who shall serve as Director of said Department, subject to the direction of the City Administrator. In the Police Department there shall be an Office of the Chief of Police and the following Bureaus: Field Operations East, Field Operations West, and Services; and there shall be the following divisions: Support Operations, Internal Affairs, Office of the Inspector General, Criminalistics, Personnel & Training, Communications, Fiscal Services, Records, Research & Planning, Information Systems, CompStat/Ceasefire, Neighborhood Services, and Criminal Investigation.

2.29.030 Fire Department.

There is established in the City government a Fire Department which shall be under the supervision and administrative control of the City Administrator. 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 Fire Department shall

be the responsibility of the Chief of Fire who shall serve as Director of said Department, subject to the direction of the City Administrator. In the Fire Department there shall be the following Bureaus: Field Operations, Fire Prevention; and there shall be the following subordinate divisions: Fiscal and Administration Services, Emergency Management Services, Medical Services, Communications & Information Technology, and Training and Support Services.

~~A. The Bureau of Field Operations shall consist of the following subordinate divisions: Fire Suppression & Emergency Response, Special Operations, Urban Search & Rescue Program.~~

~~B. The Bureau of Fire Prevention shall consist of the following subordinate divisions: Fire Prevention & Public Education Outreach.~~

2.29.040 Finance Department.

There is established in the City government a Finance Department which shall be under the supervision and administrative control of the City Administrator. 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 Finance Department shall be the responsibility of the Director of Finance, subject to the direction of the City Administrator. In the Finance Department there shall be the following bureaus: Treasury, Controller, and Revenue Management; and there shall be a subordinate division of Administration.

2.29.050 Oakland Public Works Department.

There is established in the City government an Oakland Public Works Department which shall be under the supervision and administrative control of the City Administrator. 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 Oakland Public Works Department shall be the responsibility of the Director of Public Works, subject to the direction of the City Administrator. In the Oakland Public Works Department there shall be the following Bureaus: Administration, Engineering & Construction, Infrastructure & Operations, and Facilities & Environment.

~~A. The Bureau of Infrastructure & Operations shall consist of the following subordinate divisions: Electrical Services & Traffic Maintenance, Equipment Services, and Infrastructure Maintenance.~~

~~B. The Bureau of Engineering & Construction shall consist of the following subordinate divisions: ADA Programs, Engineering Design & Right of Way Management, Project Delivery, Transportation Planning & Funding, and Transportation Services.~~

~~C. The Bureau of Facilities & Environment shall consist of the following~~

~~subordinate divisions: Environmental Services, Facilities Services, Keep Oakland Clean & Beautiful, and Parks & Tree Services.~~

~~D. The Bureau of Administration shall consist of the following subordinate divisions: Business & Information Analysis, Fiscal Services, Human Resources, Public Works Call Center, and Safety & Training Program Administration.~~

2.29.060 Human Services Department.

There is established in the City government a Human Services Department which shall be under the supervision and administrative control of the City Administrator. 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 Human Services Department shall be the responsibility of the Director of Human Services, subject to the direction of the City Administrator. In the Human Services Department there shall be the following subordinate divisions: Administration, Policy & Planning, Early Childhood & Family Services, Children and Youth Services, Aging & Adult Services, Community Housing Services.

2.29.070 Housing & Community Development Department.

There is established in the City government a Housing & Community Development Department which shall be under the supervision and administrative control of the City Administrator. 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 Housing & Community Development Department shall be the responsibility of the Director of Housing & Community Development, subject to the direction of the City Administrator.

2.29.080 Oakland Parks & Recreation Department.

There is established in the City government an Oakland Parks & Recreation Department, which shall be under the supervision and administrative control of the City Administrator. 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 Oakland Parks & Recreation Department shall be the responsibility of the Director of Parks & Recreation, subject to the direction of the City Administrator. In the Oakland Parks & Recreation Department there are the following subordinate divisions: Administration, Contract Classes, Aquatics (East Oakland Sports Center, Pools/Boating), City Wide Cultural Arts, City Wide Sports, Citywide Reservations/Activities, Area One Recreation Centers, Area Two Recreation Centers, and Area Three Recreation Centers, and Ball Fields.

2.29.090 Planning & Building Department.

There is established in the City government a Planning & Building Department, which shall be under the supervision and administrative control of the City Administrator. 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 Planning and Building Department shall be the responsibility of the Director of Planning & Building, subject to the direction of the City Administrator. In the Planning & Building there are two bureaus; Planning and Building.

~~A. The Bureau of Planning shall consist of the following subordinate divisions: Administration, Development/Planning, Zoning, Historic Preservation, and Strategic Planning.~~

~~B. The Bureau of Building shall consist of the following subordinate divisions: Inspections, Engineering & Architectural Plan Approval, Building Permits, and Code Enforcement Services.~~

2.29.100 Oakland Public Library Department.

There is established in the City government an Oakland Public Library Department, which shall be under the supervision and administrative control of the City Administrator. 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 Oakland Public Library Department shall be the responsibility of the Director of Library Services, subject to the direction of the City Administrator. In the Oakland Public Library Department there are the following divisions: African American Museum & Library at Oakland, Branch Services, Library System Wide Support, Literacy Programs, and Main Library Services.

2.29.110 Human Resources Management Department.

There is established in the City government a Human Resources Management Department, which shall be under the supervision and administrative control of the City Administrator. 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 Human Resources Management Department shall be the responsibility of the Director of Human Resources Management, subject to the direction of the City Administrator. The Director of Human Resources Management shall also serve as the City's Director of Personnel, subject to the direction of the City Administrator. In the Human Resources Management Department there are the following divisions: Recruitment & Classification, and Risk and Benefits.

2.29.120 Information Technology Department.

There is established in the City government an Information Technology Department, which shall be under the supervision and administrative control of the City Administrator. 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 Information Technology Department shall be the responsibility of the Director of Information Technology, subject to the direction of the City Administrator. In the Information Technology Department there are the following divisions: Administration, Customer Support, Application Services, Infrastructure Systems, and Public Safety Systems.

2.29.130 Economic & Workforce Development Department.

There is established in the City government an Economic & Workforce Development Department, which shall be under the supervision and administrative control of the City Administrator. 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 Economic & Workforce Development Department shall be the responsibility of the Director of Economic & Workforce Development, subject to the direction of the City Administrator. The Economic and Workforce Development Department shall consist of the following subordinate divisions: Economic Development, Workforce Development, Real Estate, Cultural Arts & Marketing, and Project Implementation.

2.29.140 Public Ethics Commission Department.

There is established in the City government a Public Ethics Commission Department. The powers, functions and duties of said Department shall be those assigned, authorized and directed by the provisions of section 603 of the Oakland City Charter: Public Ethics Commission. The management and operation of the Public Ethics Commission Department shall be the responsibility of the Executive Director of the Public Ethics Commission, subject to the direction of the Public Ethics Commission.

2.29.150 Department of Transportation.

There is established in the City government a Department of Transportation which shall be under the supervision and administrative control of the City Administrator. 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 Transportation shall be the responsibility of the Director of Transportation, subject to the direction of the City Administrator.

2.29.160 Department of Race and Equity.

There is established in the city government a Department of Race and Equity which shall be under the supervision and administrative control of the City Administrator. 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 Race and Equity shall be the responsibility of the Director of Department of Race and Equity who shall serve as Director of said agency, subject to the direction of the City Administrator. In the Department of Race and Equity there shall be the following divisions: Race and Equity, Equitable City, Equity Training, Equitable Community engagement, and Project Implementation.

2.29.160.1.

Through adoption of this Ordinance the City of Oakland and the establishment of the Department of Race and Equity, the City of Oakland will intentionally integrate, on a citywide basis, the principle of “fair and just” in all the city does in order to achieve equitable opportunities for all people and communities. This ordinance establishes definitions and identifies the specific approaches necessary to implement and achieve the “fair and just” principle that is embedded as a core element of the goals, objectives and strategies of the city.

2.29.160.2.

The definitions in this section apply throughout this ordinance unless the context clearly requires otherwise.

- A. “Community” means a group of people who share some or all of the following: geographic boundaries, sense of membership, culture, language, common norms and interests.
- B. “Determinants of equity” means the social, economic, geographic, political and physical environment conditions in which people in our city are born, grow, live, work and age that lead to the creation of a fair and just society. Access to the determinants of equity is necessary to have equity for all people regardless of race, class, gender or language spoken. Inequities are created when barriers exist that prevent individuals and communities from accessing these conditions and reaching their full potential. The determinants of equity are:
 - 1. Community economic development that supports local ownership of assets, including homes and businesses, and assures fair access for all to business development and business retention opportunities;
 - 2. Community and public safety that includes services such as fire, police, emergency medical services and code enforcement that are responsive to all

residents so that everyone feels safe to live, work and play in any neighborhood in Oakland;

3. A law and justice system that provides equitable access and fair treatment for all;
 4. Early childhood development that supports nurturing relationships, high-quality affordable child care and early learning opportunities that promote optimal early childhood development and school readiness for all children;
 5. Education that is high quality and culturally appropriate and allows each student to reach his or her full learning and career potential;
 6. Equity in city practices that eliminates all forms of discrimination in city activities in order to provide fair treatment for all employees, contractors, clients, community partners, residents and others who interact with the City;
 7. Food systems that support local food production and provide access to affordable, healthy, and culturally appropriate foods for all people;
 8. Health and human services that are high quality, affordable and culturally appropriate and support the optimal well-being of all people;
 9. Healthy built and natural environments for all people that include mixes of land use that support: jobs, housing, amenities and services; trees and forest canopy; and clean air, water, soil and sediment;
 10. Housing for all people that is safe, affordable, high quality and healthy;
 11. Job training and jobs that provide all residents with the knowledge and skills to compete in a diverse workforce and with the ability to make sufficient income for the purchase of basic necessities to support them and their families;
 12. Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood;
 13. Parks and natural resources that provide access for all people to safe, clean and quality outdoor spaces, facilities and activities that appeal to the interests of all communities; and
 14. Transportation that provides everyone with safe, efficient, affordable, convenient and reliable mobility options including public transit, walking, carpooling and biking.
- C. "Equity" means all people have full and equal access to opportunities that enable them to attain their full potential.

- D. “Equity and social justice foundational practices” means those practices that can increase the city's influence on access to the determinants of equity when applied to the city's actions in: siting and delivery of services; policy development and decision making; education and communication within city government; and community engagement and partnerships. Equity and social justice foundational practices are goals for all governmental actions; across citywide strategic goals, objectives and strategies; and across agencies, programs and services. The equity and social justice foundational practices are efforts that enable Oakland government to:
1. Raise and sustain the visibility of the citywide vision of “fair and just” principle and equity and social justice values, policies and foundational practices;
 2. Increase focus on the determinants of equity in order to make progress in the elimination of the root cause of inequities;
 3. Consider equity and social justice impacts in all decision-making so that decisions increase fairness and opportunity for all people, particularly for people of color, low-income communities and people with limited English proficiency or, when decisions that have a negative impact on fairness and opportunity are unavoidable, steps are implemented that mitigate the negative impacts;
 4. Foster an organizational culture that promotes fairness and opportunity;
 5. Collaborate across agencies, departments and other organizations;
 6. Build capacity to engage all communities in a manner that: promotes and foster trust among people across geographic, race, class and gender lines; results in more effective policies, processes and services; and supports communities' efforts to develop solutions.
- E. “Fair and just” means the city serves all residents by promoting fairness and opportunity and eliminating inequities through actions to which equity and social justice foundational practices are applied.
- F. “Inequity” means differences in well-being that disadvantage one individual or group in favor of another. These differences are systematic, patterned and unfair and can be changed. Inequities are not random; they are caused by past and current decisions, systems of power and privilege, policies and the implementation of those policies.
- G. “Social justice” means all aspects of justice, including legal, political and economic, and requires the fair distribution of public goods, institutional resources and life opportunities for all people.

2.29.160.3.

To achieve the fair and just principle embedded within the citywide goals, objectives and strategies, the City Administrator shall:

- A. Apply equity and social justice foundational practices to city actions and endeavor to integrate these practices into the city's: strategic, operational and business plans; management and reporting systems for accountability and performance; and budgets in order to eliminate inequities and create opportunities for all people and communities;

- B. Establish an inter-branch team to facilitate accountability of and coordination by all branches, departments, agencies, and offices of city government regarding implementation of the fair and just principle of the city. The Department on Race and Equity shall be responsible for leading the effort. The inter-branch team shall be composed of the directors of all branches, departments, agencies and offices of city government. Further the City Administrator shall support the city's application of equity and social justice foundational practices through:
 - 1. Development of analytical tools to support all branches' departments and agencies in identifying the equity impacts of policies and decisions and ways in which to amplify positive impacts and mitigate negative impacts;
 - 2. Development of guidelines which can be implemented across all City branches, departments, and agencies for outreach, communication and community engagement to improve the scope and effectiveness of city efforts to ensure that all communities receive information and have the opportunity to shape city policies and services;
 - 3. Identifying focus areas and supporting the development of policies and actions that improve fairness and opportunity in city government organizational practices, including all employment practices such as hiring, training, retention and promotion and business practices such as contracting, procurement and grant writing;
 - 4. Providing a forum for exchange of information and identification of opportunities for collaboration across branches' departments and agencies on equity and social justice foundational practices; and
 - 5. Supporting the identification of annual work plans by city departments and agencies on application of equity and social justice practices, including the items listed in subsection B.1. through 5. of this section; and

- C. Design and publish an annual report for Oakland elected leadership, employees and the public on the status and trends in equity in the city and measures of accountability for work plans and results related to implementation of this ordinance.

2.29.160.4.

It is the intent of the council that this ordinance is a general statement of city policy that cannot form the basis of a private right of action.

2.29.140-170 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 Departments: Budget, Citizens' Police Review Board/Complaint Intake, Employee Relations, and Oakland Animal Services, ~~and the Public Ethics Commission~~; there shall also be the following divisions: Administration, Contracts & Compliance, ~~Neighborhood Services~~, and Equal Opportunity Programs.

Pursuant to City of Oakland Charter Section 402, the City Clerk shall be appointed or discharged by the City Administrator subject to confirmation by the Council.

2.29.150-180 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; in the Office of the City Clerk there shall be a subordinate KTOP Operations Division.

SECTION 3. 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 4. 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. The organizational structure established by this Ordinance will become effective on the effective date of the Ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES-BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN,
REID AND PRESIDENT GIBSON-MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE AMENDING CHAPTER 2.29 OF THE OAKLAND MUNICIPAL CODE ENTITLED "CITY AGENCIES, DEPARTMENTS AND OFFICES" TO: CREATE THE PUBLIC ETHICS COMMISSION DEPARTMENT; CREATE THE DEPARTMENT OF TRANSPORTATION; TRANSFER THE BALL FIELDS MAINTENANCE UNIT TO PUBLIC WORKS; TRANSFER THE NEIGHBORHOOD SERVICES DIVISION TO THE POLICE DEPARTMENT; AND ELIMINATING BUREAUS IN THE FIRE, PUBLIC WORKS AND PLANNING AND BUILDING DEPARTMENTS

This Ordinance would amend Oakland Municipal Code Chapter 2.29, which established the organizational structure of the City of Oakland per Oakland Charter section 600, to create the Public Ethics Commission Department, the Department of Transportation, and other administrative organizational changes.

Upon final adoption on second reading this ordinance will become effective immediately if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption. The organizational structure established by this Ordinance will become effective on the effective date of the Ordinance.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2015 JUL 16 PM 4:56