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# CITY OF OAKLAND



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February 26, 2008

Public Safety Committee  
Oakland, California

Chairperson Reid and Members of the Public Safety Committee

**SUBJECT: The Measure Y (Violence Prevention and Public Safety Act of 2004)  
Oversight Committee Annual Report**

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The attached report, Measure Y Oversight Committee Annual Report, is forwarded to the Oakland City Council for review and consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Jeff Baker".

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Jeff Baker  
Assistant to the City Administrator

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

A handwritten signature in black ink that reads "Cheryl Egan".

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Office of the City Administrator

Item \_\_\_\_\_  
Public Safety Committee  
February 26, 2008



**M E A S U R E Y O V E R S I G H T C O M M I T T E E**

(Measure Y: Violence Prevention and Public Safety Act)

**SEMI ANNUAL REPORT**

*(February 2008)*



# Measure Y Oversight Committee

(Measure Y: Violence Prevention and Public Safety Act)

February 6, 2008

COMMITTEE  
MEMBERS

Maya Dillard Smith, Chair

Eli Naor, Vice-Chair

Donald Blevins

Jose Dorado

Marcus Johnson

Nicole Lee

Amy Lemley

Ron Owens

Deirdre Strickland-Meads

Rosie Torres

Mayor Ronald V. Dellums  
Members of City Council  
City Hall  
1 Frank Ogawa Plaza  
Oakland, CA 941

Dear Mr. Mayor and Members of Council:

The Measure Y Oversight Committee respectfully submits this Semi-Annual Report for your review and consideration. We encourage each of you and members of the public to read through this report in its entirety which provides an overview of the Oversight Committee's mandate, outlines findings from the independent evaluation prepared by Berkley Policy Associates and RAND Corporation, and makes administrative, procedural, and programmatic recommendations.

The goal of this report is to provide tangible recommendations for improving Measure Y. We hope these recommendations will inspire debate on the issues confronting Measure Y to inform policies that result in actions that enhance and strengthen the City's approach to prevent violence and improve public safety.

The City of Oakland, its residents, its merchants, and its visitors all have a stake in the success of Measure Y. The Oversight Committee is convinced we must continue this landmark initiative with important modifications and improvements. Like our fellow citizens, we are committed not to waste away this opportunity. Indeed, we take seriously our role of ensuring efficacy and impact of Measure Y resources and holding stakeholders accountable to deliver results.

We believe the City must deliver the promises of Measure Y. Our early implementation has created a foundation that we must build on to create an integrated strategy for a safer, healthy, thriving Oakland for all. This is Oakland's true test at becoming a "Model City." Together, we can.

Respectfully submitted,

Maya Dillard Smith, MPP  
Chair

## **SUMMARY**

In 2004 Oakland voters demonstrated their commitment to violence prevention and public safety by passing Measure Y. By electing to be taxed, voters made a covenant with the City of Oakland requiring the city to provide certain programs and services in exchange of these resources.

During the first full year of implementation in 2006, Measure Y partners including the Mayor, City Council, City Administrator, Oakland Police Department, Department of Human Services, other city and county agencies, community based providers, and residents made significant progress. Programs received funding and were successfully launched. A state of the art database was established to streamline data collection and evaluation, program reporting, and invoicing as a tool to assess program efficacy and impact over the next 10 years while Measure Y is in effect. And, we also completed our first independent evaluation of Measure Y.

While there were many successes the people of Oakland can take pride in, there is considerable room for improvement. This is demonstrated by the results of the independent evaluation prepared by Berkley Policy Associates and the RAND Corporation. Reflecting findings from the independent evaluation and ongoing assessment by the Oversight Committee, this report provides recommendations that address improvements in policy, coordination, evaluation and service delivery that will enhance the Measure Y investment.

## **BACKGROUND**

### **Overview of Measure Y Legislation**

On November 2, 2004, the voters of the City of Oakland voted to adopt the Violence Prevention and Public Safety Act of 2004, also known as Measure Y. This measure provided for the collection of a dedicated parcel tax and a parking tax surcharge to pay for additional programs and services to increase police staffing, enhance fire safety, and expand violence prevention programs. The taxes in Measure Y became effective January 1, 2005, and "shall continue in effect for 10 year." (Part 2, Section 5)

Measure Y sets up a multi-step allocation process for use of the tax proceeds. First, up to \$4 million is allocated for fire services. (Part 1, Section 3(3).) Of the remaining money (the "anti-violence money"), at least 40% percent must be allocated for violence prevention social services. (Part 1, Section 3(5).) The remainder is allocated to police services and equipment (Part 1, Section 3(1).)<sup>1</sup>

### **Use of Measure Y Proceeds**

Part 1, Section 3 of Measure Y also provides other specific stipulations about how Measure Y funds can be used. The measure stipulates that "...tax proceeds raised by [Measure Y] may only be used as part of the following integrated program of violence prevention and public safety intervention, in accordance with the following specific purposes:"

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<sup>1</sup> Russo, John. City of Oakland, Office of the City Attorney "Allocations of Measure Y Money Between Violence Prevention and Public Services," Legal Opinion, January 3, 2008, p.1.

- **Community and Neighborhood Policing:**  
“Hire and maintain at least a total of 63 police officers...assigned to...specific community policing objectives” (Part 1, Section 3(1).)
- **Violence Prevention Services With an Emphasis on Youth and Children:**  
“Expand preventive social services provided by the City of Oakland or by adding capacity to community-based nonprofit programs with demonstrated past success...” (Part 1, Section 3(2).)
- **Fire Services:**  
“Maintain staffing and equipment to operate 25 (twenty-five) fire engine companies and 7 (seven) truck companies, expand paramedic services, and establish a mentorship program at each station...” (Part 1, Section 3(3).)
- **Evaluation:**  
“Not less than 1% or more than 3% of funds appropriated to each police services or social service program shall be set aside for the purpose of independent evaluation of program...” (Part 1, Section 3(4).)

### **Oversight, Annual Audit and Imposition of Tax**

#### *Summary of Oversight and Scope of Authority*

Measure Y established a citizen oversight committee, requires an annual independent audit, and outlines the conditions that must be met before any tax can be collected.

Part 2, Section 3 of Measure Y, created an 11-member “Violence Prevention and Public Safety Oversight Committee” – also known as the Measure Y Oversight Committee. Comprised of three (3) mayoral appointments and one appointment from each of the City Council members (8), the citizen oversight committee is charged with ensuring “proper administration of the revenue collection and spending, and the implementation of programs mandated by [Measure Y]....” (Part 2, Section 3).

Measure Y also provided for the Measure Y Oversight Committee to “review the annual audit, evaluate, inquire and review the administration, coordination and evaluations of the programs and make recommendations to the Mayor and City Council for any new regulations, resolutions or ordinances for the administration of the programs to comply with the requirements and intent of [Measure Y]” (Part 2, Section 3).

An annual audit is also required by Measure Y “...to assure accountability and the proper disbursement of the [tax] proceeds...” (Part 2, Section 1).

Measure Y also stipulates that no tax may be collected to fund programs and services in any year that the city budget for “...staffing of sworn uniformed officers is at a level lower than... (739).” (Part 2, Section 4). *Thus, Measure Y requires that the Oakland Police Department be funded to hire at least 739, but does not require these positions be filled, before the Measure Y tax can be collected.*

### Overview of Measure Y Oversight Committee

The Measure Y Oversight Committee first began meeting in October 2004. The composition of the Oversight Committee represents the diversity of Oakland. The Committee is racially mixed and gender balanced. Members range in age from under 30 to early 60's, representing multi-generational perspectives. Members represent neighborhoods from North Oakland to deep East Oakland, from the Oakland hills to the Oakland flatlands. Members are both lifelong residents and recent resident transplants have diverse expertise including an investment banker, former nonprofit executive, reentry coordinator, probation chief, attorney, CPA, former Board member of the Oakland Metropolitan Chamber of Commerce, and a violence prevention director. A brief summary of committee member backgrounds is provided in Appendix F.

The Oversight Committee meets monthly where it receives reports on funding, implementation, coordination and evaluation and provides a public forum for Oakland residents to voice their input on Measure Y policy and funding decisions. Until these meetings were suspended by city staff in February 2007, the Oversight Committee also participated in a monthly All-Hands meeting convened by Measure Y staff. The All-Hands meeting was a forum for all Measure Y partners to discuss implementation successes and challenges, exchange information, and brainstorm integration strategies.

The express language of Measure Y and legislative intent of the voters established the Measure Y Oversight Committee as the accountability mechanism to protect the public's interest in the use and effectiveness of Measure Y proceeds. The Oversight Committee achieves this legislative mandate through monthly staff reports, the annual independent audit and the annual independent evaluation. The Oversight Committee bases its annual recommendations partly on the independent evaluation- an objective research-based assessment of Measure Y implementation and program effectiveness.

In 2006, the Oversight Committee, in partnership with staff from the City Administrator's Office, the Department of Human Services, and the Police Department designed the initial independent evaluation. Though an outcome-focused evaluation is the evaluator's ultimate goal, it was determined that a process evaluation was more appropriate to evaluate the first year of implementation given first year start-up activities. This process evaluation resulted in a report authored by Berkeley Policy Associates and the RAND Corporation entitled "Community Policing and Violence Prevention in Oakland: Measure Y in Action." The recommendations contained herein are partly based on the findings from this independent evaluation and other findings by the Oversight Committee. An outcome evaluation will be produced by April, 2008, in time to inform Measure Y funding allocation recommendations for fiscal year 08-09.

### Current Financials and Fiscal Impact

In 2007, Measure Y funds generated by the parcel and parking surcharge taxes exceeded \$20 million. After adding the unused \$10 million carried over from 2006 and deducting funds expended in 2007 more than \$13 million unspent Measure Y funds were available for carry over into 2008 (\$3.7 million for violence prevention programs and \$8.6 million for police services).

An analysis of the fiscal year ending June 30, 2007, identifies a \$1.2 million budget surplus. This is in addition to the almost \$8.6 million carry over for police services and \$3.7 million carry over for violence prevention programs. These amounts continue to grow as unallocated, interest accumulating, carryover funds. Based on the financial reports,<sup>2</sup> it may be concluded that, using a straight line calculation, a future shortfall of Measure Y monies may emerge in 2012 time frame. For example, a straight line calculation from the 2007 Year End Fiscal Report might result in a perceived deficit of more than \$12.7 million (\$20,213,768 - \$32,941,886). However, this analysis would not appropriately take into account the fact that monies were budgeted for the police department to hire and maintain 63 new officers that were unlikely, by all estimates, to be hired during the fiscal year. In fact, there was substantial salary savings already projected due to OPD staffing shortages. According to a 10-Year Analysis of Projection police expenditures of Measure Y produced by city staff such salary savings would be necessary in later years to cover increase in salaries, fringe benefits, and cost of living overtime.

The burgeoning unspent Measure Y fund has resulted in a number of public recommendations on how to expend the resources more effectively. The following are a summary of these recommendations:

**1) Immediately hire all 63 officers mandated by Measure Y**

The current issues that have resulted in a delay in filling all 63 community police positions mandated by Measure Y does not directly result from a shortage of staff, but is the result of departmental priorities. In an arrangement presented by the Oakland Police Department and approved by the Oversight Committee and City Council, 60 percent of graduates from each training academy are assigned to patrol. The other 40 percent are assigned as Measure Y problem solving officers (PSOs). In exchange for this arrangement, City Council approved the use of Measure Y funds to cover an equivalent portion of OPD recruitment costs. That is, Measure Y funds pay for about 40 percent of the City's current accelerated recruitment strategy. Measure Y police recruitment and training expenditures totaled more than \$1 million in 2007.

This arrangement has not resulted in filling the 63 officers promised by Measure Y in an appropriate timeframe. While it is clear the Oakland Police Department suffers from a lack of officers on the whole, City Council and Mayor could set priorities such that all graduates from the next two or three training academies be assigned as PSOs. This would come at the expense of filling beat patrol officers who respond to 9-1-1 calls, but would quell two growing movements: 1) to reallocate a portion of the unspent police resources to violence prevention programs and 2) repeal the tax that funds Measure Y all together. The City of Oakland can not in good conscious continue collecting a tax to fulfill a mandate which it is unable or unwilling to do at this time even if for notable and understandable reasons. This was recently confirmed in a legal opinion from the City Attorney which states while "Measure Y does not specify a deadline for when the 63 officers must be hired....the City is required to use its best efforts to hire the 63 Measure Y officers."<sup>3</sup> In this case, best effort is interpreted to mean fill the positions for which

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<sup>2</sup> Adjusted Budget (Total Revenues) – Adjusted Budget (Total Expenditures)

<sup>3</sup> January 3, 2008 City Attorney Opinion

there are candidates. This could be accomplished by using the graduates from the next two or three training academies to fill the Measure Y PSO positions.

**2) Change annual funding allocations between police services and violence prevention programs**

There is mounting frustration that the City has not delivered the 63 officers mandated by Measure Y. There is a growing movement to reallocate how funds are split between police services and violence prevention programs. Many have said that if the City is not going to deliver the 63 officers more money should be given to social services which are working directly with at risk youth to mitigate what has become commonplace violence. Allocating more than 40 percent to violence prevention programs is legally permissible under Measure Y. The City Attorney recently opined that “in any given year the City may allocate more than 40 percent to violence prevention social services...” if two conditions are satisfied:

1. Sufficient funds must be set aside to “hire and maintain” at least the 63 officers mandated by Measure Y, and
2. The city must be able to show that it is in fact exercising its best efforts to hire the 63 officers in the interim

**3) Suspend collecting the Measure Y taxes**

There are increased calls to repeal the Measure Y legislation to force the City to stop collecting the taxes that fund programs and services. These voters are frustrated that taxes continue to be collected even though Measure Y mandated police services are not yet being provided as promised.

In addition to the burgeoning debate about the proper split of Measure Y funds, questions and concerns are also raised about the efficacy of the city’s investment in violence prevention programs.

**EVALUATION FINDINGS**

Measure Y Administrative Findings

- There is little evidence of the integration of funds and activities toward a single citywide (strategy) that Measure Y intended to foster. The goal of a single strategy is a close working relationship between the police, violence prevention programs, and the community.

Findings on Community Policing

- Financial constraints and various administrative challenges have undermined the implementation of Measure Y’s community policing component.
- Problem solving officers (the cornerstone of the city’s community policing initiative) has been delayed due to lack of available officers, resulting in frustration over the need for equipment, training, and frequent transferring of current officers out of their beat.
- Evidence suggests that the city should make it a priority to find ways to fully implement and adequately support the deployment of its PSOs.



- Community participation is an ongoing struggle for many NCPCs and therefore compromises community policing in Oakland.

#### Findings on Violence Prevention Programs

- Attracting new participants and staff turnover had been a challenge for several Measure Y grantees.
- It is unclear how successful introductory meetings were in terms of promoting effective and consistent utilization of the city's database, as well as whether a shared data system continues to promote collaboration among programs serving similar populations.
- Extant literature on youth programming suggests that social and educational programs need both high intensity and strong retention to make a lasting difference in the lives of young people.
- Programs are meeting enrollment targets, but many are not meeting service delivery targets
- Focus groups have noted some of the key benefits of the Measure Y-funded service programs to be safe spaces, role models old enough to be accomplished yet young enough to relate with the participants.
- Review of program data along with discussions with program managers and staff suggest that the city provides little oversight and direction to Measure Y-funded programs.
- Little evidence demonstrates regular monitoring by city staff over program intake statistics, or program participation rates.
- The city lacks effective engagement of its funded public partners including the Oakland Public School District.

### **EVALUATION RECOMMENDATIONS**

#### Measure Y Programwide Recommendations

- Increase oversight of Measure Y activities
- Improve communication with the public
- Integrate and focus Measure Y activities

#### Community Policing Recommendations

- Actively manage police workforce levels
- Provide one PSO per best
- Foster community participation
- Enhance and institutionalize problem-solving training and resources
- Integrate and utilize problem-solving database
- Promote coordination among police units
- Leverage funding for equipment

#### Violence Prevention Programs Recommendations

- Use graduates of the programs as peer mentors where possible
- Coordinate organizations and programs

## OVERSIGHT COMMITTEE RECOMMENDATIONS

### Administrative Recommendations

**Recommendation 1:** *The Measure Y Oversight Committee recommends City Council and the Mayor adopt a single integrated violence prevention strategy focused on coordination of violence prevention efforts.*

The Measure Y evaluation found that there was little evidence of the integration of Measure Y into a single citywide strategy to address root causes of violence as intended by the legislation. The evaluation recommended greater integration of Measure Y resources and activities. This can be achieved through greater coordination between the police, violence prevention programs, and the community including input by at-risk youth and young adults targeted by Measure Y. This will require greater coordination among city departments, county agencies, the Board of Supervisors, local, state, and national elected officials, the Mayor's Task Public Safety Task Force, the Community Policing Advisory Board (CPAB), and the Measure Y Oversight Committee. Increased coordination among these partners will result in greater alignment and leveraging of new and existing resources including the Mayor's Summer Job Programs, the Oakland Fund for Children and Youth (OFCY), and a recent grant from the California Department of Corrections and Rehabilitation for reentry services for example. Lastly, coordination within a single integrated violence prevention strategy would allow data sharing and information exchange that would result in the identification of emerging issues like nightlife safety and the associated policy implications related to the need for weekend cultural and recreational opportunities for youth and young adults.

**Recommendation 2:** *The Measure Y Oversight Committee recommends City Council and the Mayor ensure the Oversight Committee plays an integral role in the design and implementation of the independent evaluation.*

The Oversight Committee participated in designing the original evaluation on which these recommendations are based. However, the Committee was not invited to participate in the design of an outcome evaluation that will be made public in April 2008. The committee requests, that in order to increase evaluation transparency and to improve collaboration between staff and committee members, to have a continued presence in the evaluation design process. As the Oversight Committee bases its recommendations on the objective findings from the independent evaluation it should influence the design of the independent evaluation so that it answers specific outcomes mandated by Measure Y. There may also be a perceived conflict of interest when city staff solely designs an evaluation whose intent is to assess the effectiveness of the same staff's implementation and coordination of Measure Y programs.

The Oversight Committee's advisory participation in the evaluation design is not synonymous with contracting for professional services. It is the city's purview to manage contracts, but the Oversight Committee should have a role in determining the scope of work for evaluation in consultation with evaluators, the Department of Human Services and the Oakland Police Department to validate the effectiveness of Measure Y funded programs.

**Recommendation 3:** *The Measure Y Oversight Committee recommends that City Council and the Mayor comply with the Measure Y mandate that funding for violence prevention programs be based on past demonstrated success and ensure uniform evaluation standards across all programs funded by Measure Y.*

Prevention is a long-term investment. Change is unlikely to happen overnight even with best efforts. Results are expected in years two and three of programming. Programs should be funded with longer term commitments such as three-year funding cycles to create permanency and sustainability. Funding during those three years should not be automatic, but should be granted after evaluation of performance and outcomes.

Additionally, a significant portion of Measure Y violence prevention program monies were not allocated through competitive bid and the city has relied on these agencies – primarily other government agencies- own evaluations to determine program effectiveness. This raises concerns about equity and fairness in the standards being evaluated, as well as uniformity in service delivery and accountability.

Our evaluation like our strategy should be integrated and singular. That way, we ensure a comparison of apples to apples and oranges to oranges that help drive funding decisions that support effective programs.

**Recommendation 4:** *The Measure Y Oversight Committee recommends that City Council and the Mayor direct OPD and DHS to host quarterly workshops to bring PSOs, NSCs, NCPCs and service providers together to better integrate programming.*

**Recommendation 5:** *The Measure Y Oversight Committee recommends City Council and the Mayor agree that the Measure Y Oversight Committee should host an annual retreat bringing together DHS, OPD, City Administrator, Mayor, Council, County Agencies, Measure Y grantees, CPAB, NCPCs, philanthropy, and other elected officials to provide status updates on Measure Y and to brainstorm improvements that strengthen Measure Y's impact and integration.*

**Recommendation 6:** *The Measure Y Oversight Committee recommends City Council and the Mayor to set aside interest earnings in a fund to: 1) incubate new ideas and 2) emergency response strategies.*

The resources accumulating in the Measure Y fund earns interest. In 2006, city staff made recommendations to spend portions of the interest earnings to fill identified gaps in service. While this was important to do, it was done without protocols. This recommendation would establish the foundation for such a protocol that allows interest earnings to be spent on new ideas which Measure Y legislation does not currently allow. The interest earnings could also be spent as they were in 2006 to fill gaps to respond to crisis.

**Recommendation 7:** *The Measure Y Oversight Committee recommends City Council and the Mayor enact standard operating procedures in partnership with the Measure Y Oversight Committee that improve the information exchange and administration of Measure Y.*

The Oversight Committee could be more effective if there were standard operating procedures about the exchange of information between the Oversight Committee and the Mayor, City Council, the City Administrator, the Public Safety Committee and the Community Police Advisory Board. For example, the Committee believes it is important that matters related to Measure Y funding including any reallocation of violence prevention funding along with any plans that change the scope of work for the 63 police officers hired by Measure Y and any corresponding funding changes, be brought before the Oversight Committee before advancing to the Public Safety Committee, the full City Council and the Mayor for final decision. This would allow the Measure Y Oversight Committee the opportunity to "...make recommendations to the Mayor and City Council for any new regulations, resolutions or ordinances for the administration of the programs to comply with the requirements and intent of [Measure Y]" (Part 2, Section 3).

**Recommendation 8:** *The Measure Y Oversight Committee recommends City Council and the Mayor direct the Budget Office to work with the Oversight Committee to develop a consistent, legible and comprehensive budget format by March 2008.*

Monitoring and tracking Measure Y revenues and expenditures is one of the most important responsibilities of the Oversight Committee. It has been a frustrating task. For at least a year now, the Oversight Committee has been trying to get the monthly financial reports from the city in a more useful and user-friendly format. Several improvements were recently made, but the current format does not allow the reader to easily discern how much money is on reserve or how much money is carry forward from one year to another.

**Recommendation 9:** *The Measure Y Oversight Committee recommends City Council and the Mayor direct staff to update OPD staffing projections to reflect actual PSO hires, academy graduations and retirement and report this information monthly before the Measure Y oversight Committee.*

**Recommendation 10:** *The Measure Y Oversight Committee recommends City Council and the Mayor request an audit of quality controls for Measure Y funds.*

The annual audits of Measure Y from 2005, 2006, and 2007 conformed to national accounting principles. However, the audits fall short of 1) assessing whether or not funds were properly dispersed and 2) validating the efficacy of the investment. This is an outstanding question that requires further inquiry and may be ideal for audit by the Oakland City Auditor.

**Recommendation 11:** *The Measure Y Oversight Committee recommends City Council and the Mayor direct city staff to invite the Measure Y Oversight Committee to participate in the monthly All-Hands Meeting hosted by city staff as a coordination tool.*

#### Community Policing Recommendations

**Recommendation 12:** *The Measure Y Oversight Committee recommends City Council and the Mayor work to set priorities that immediately hire the 63 officers promised by Measure Y.*

**Recommendation 13:** *The Measure Y Oversight Committee recommends City Council and the Mayor work with OPD to explore where positions in the department can be civilianized.*

**Recommendation 14:** *The Measure Y Oversight Committee recommends City Council and the Mayor work with staff and their constituencies to increase community engagement and multi-agency collaboration.*

Create a civilian position within OPD to facilitate partnership with Measure Y CBOs and other city funded agencies to build trust between police, violence prevention service providers, and the clients they work with

**Recommendation 15:** *The Measure Y Oversight Committee recommends City Council and the Mayor work with OPD to strengthen community policing through increased training and capacity building for PSOs, and re-evaluate the structure and protocols for coordination between PSOs and NSCs.*

**Recommendation 16:** *The Measure Y Oversight Committee recommends City Council and the Mayor request an independent audit of police recruitment process including a comparative analysis of police training standards and an analysis of the nexus between the written test and actual skills required to be police officers with a focus on comparative standards.*

#### **Violence Prevention Program Recommendations**

**Recommendation 17:** *The Measure Y Oversight Committee recommends City Council and the Mayor direct city staff to develop minimum quality standards and uniform performance metrics for each program area and integrate them into future RFPs.*

**Recommendation 18:** *The Measure Y Oversight Committee recommends City Council and the Mayor direct staff to increase the frequency and enhance the scope of technical assistance and training for Measure Y grantees.*

**Recommendation 19:** *The Measure Y Oversight Committee recommends City Council and the Mayor direct city staff to host bi-monthly grantee meetings to establish protocols that streamline referrals to programs and coordinate case management.*

## **APPENDIX**

- A. Measure Y Ordinance
- B. City Attorney Opinion
  - Allocations of Measure Y Money Between Violence Prevention and Public Services (January 3, 2008)
  - Powers of the Measure Y Oversight Committee (January 24, 2008)
- C. Year End Financial Reports (2006-2007)
- D. Biographies for Measure Y Oversight Committee Members

**CITY OF OAKLAND**

**PROPOSED ORDINANCE**

A proposed Ordinance (1) Creating A Special Parcel Tax And (2) Increasing The Parking Tax In Order To Fund Violence And Crime Prevention Programs

CITY OF OAKLAND MEASURE Y	
<b>Y</b> MEASURE Y: To reduce violent crime and increase public safety, shall the City of Oakland increase successful after school, counseling, truancy, and job training programs, early intervention programs for children who witness violence, programs to prevent child abuse and domestic violence, and increase community police officers, paramedics and emergency fire personnel in each neighborhood by authorizing a surcharge on parking in commercial parking lots and parcel tax subject to annual performance and financial audits by a citizens oversight committee?	YES
	NO

**CITY ATTORNEY'S BALLOT TITLE AND SUMMARY OF MEASURE Y**

**Title:**

Violence Prevention and Public Safety Act of 2004. A Proposed Ordinance Creating A Parcel Tax And a Parking Surcharge on Parking in Commercial Parking Lots In Order To Fund Violence, Crime and Fire Prevention Programs

**Summary:**

This ordinance raises revenue to fund violence, crime and fire prevention programs in the City of Oakland.

The revenue will come from a new parcel tax along with a surcharge on those who park in commercial parking lots.

The permitted uses of the revenue are community and neighborhood policing (hiring and maintaining an additional 63 police officers above the currently budgeted 739 officers), violence prevention services with an emphasis on youth, and fire services. The revenue allocated to the violence prevention services will be not less than 40% of the total proceeds allocated for community and neighborhood policing plus violence prevention services. \$4 million of the tax proceeds will be allocated to fire services.

The parcel tax will be \$88.00 for a single family residential parcel, \$60.12 for each unit in a multi-family residential parcel. For non-residential parcels, the parcel tax varies depending on the frontage, area and use of the property. See the formula at Part 3, Section 2(c).

The surcharge for those who park in commercial parking lots will be 8 1/2%.

s/JOHN RUSSO  
City Attorney

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE Y**

California cities may impose special taxes only if two-thirds of a city's voters approve the tax. (California Constitution Article 13(A) §4.) A "special" tax is a tax that the City can use only for the purposes specified in the tax measure. To fund violence and crime prevention programs, this measure asks Oakland voters to approve (1) a parcel tax and (2) a surcharge on parking in commercial lots. With the tax rates as calculated in this measure, and upon two-thirds voter approval, these taxes would be constitutional.

Purpose of the Tax

The revenue generated from this tax may be expended only:

- A. For fire services staff, equipment and paramedic services (\$4 million),
- B. For preventive social services, including youth outreach counselors, after-school and in-school programs for at-risk adolescents and children, domestic violence and child abuse counselors, and ex-offender employment training,
- C. To hire 63 new sworn police officers, including at least one officer for each existing community policing beat, for combating truancy, for a crime reduction team, for domestic violence and child abuse intervention, and for community policing training and equipment.

At least 40% of the tax revenues remaining after the \$4 million designated for fire services must be appropriated for preventive social services.

Independent Audit

This measure also requires an annual independent audit and establishes a "Violence Prevention and Public Safety Oversight Committee" to review the annual audits, evaluate the effectiveness of the programs, and make recommendations to the Mayor and City Council regarding regulations.

Term of the Tax: Amount of Tax

For ten years, this measure would impose (1) a parking surcharge of eight and one-half (8 1/2) percent on every rented parking space in commercial parking lots in the City and (2) a parcel tax.

For residential property parcels, the annual parcel tax rate would be (1) \$88.00 for single-family parcels and (2) \$60.12 per unit for multi-unit residential parcels. For non-residential parcels, the tax would be \$45.07 multiplied by the number of "Single Family Equivalents ("SFE"). A property's SFE number is based on the parcel's frontage and square footage. (See the Proposed Ordinance, Part 3, Section 2(c) for the formula.)

Exemptions

Owners of undeveloped parcels are exempt from this parcel tax for each year that they can prove to the City that their parcel was undeveloped for at least six months of the year. All funds collected from the parcel tax and the parking surcharge will be deposited into a special fund.

The City may collect the taxes authorized by this measure only if the City's appropriation for sworn police officers (without including the taxes raised by this measure) is at least equal to the amount necessary to employ 739 officers.

s/JOHN RUSSO  
City Attorney

## CITY AUDITOR'S IMPARTIAL FINANCIAL ANALYSIS OF MEASURE Y

### SUMMARY

This measure authorizes the City of Oakland to collect an annual tax on all parcels and to increase the parking tax rate until December 31, 2014, in order to raise revenue necessary to fund violence and crime prevention programs and enhance fire safety. These funds will be used for the following purposes:

1. To hire 63 officers assigned to Community and Neighborhood Policing
2. To expand Violence Prevention Services
3. To maintain staffing and equipment for Fire Services.

Applicants must demonstrate that their program meets the stated objectives in order to be eligible to receive distributed funds. The City Council will determine both the recipients and the amount of revenue distributed to each recipient.

A Citizen's Oversight Committee appointed by the Mayor and the City Council will be established to insure that all funds are spent on these programs and services. The ordinance states that an independent annual audit will be performed to assure accountability and that the proper disbursement of the incremental proceeds of the parcel and parking taxes are in accordance with the ordinance's stated objectives. The ordinance contains a provision to finance the costs of performing these audits.

### FISCAL IMPACT

The City of Oakland projects that it would need to raise approximately \$19,920,000 annually to fully implement the violence and crime prevention programs. Each Single Family Residential parcel shall be taxed at an annual rate of \$88.00. All other parcels shall be taxed on a Single Family Residential Equivalent rate that includes occupancy, area and frontage components. The parking tax will increase by 8.5%. Estimates prepared by the City's independent consultants show that the proposed taxes should be sufficient to meet this goal as the following first year breakdown of tax revenues indicates:

Source of Funds: (Amounts in Millions)

New Parcel Tax	\$12.17
Parking Tax Surcharge	7.75
Total Revenue	<u>\$19.92</u>

The parcel tax rates shown above are the maximum rates that may be imposed for Fiscal Year 2004-2005. In subsequent years, this tax may be reduced or eliminated on or before June 30th in any year that the City Council determines that sufficient revenues exist to provide the services and programs described above.

There is a provision for annual increases in the tax assessment or rate increases, beginning in Fiscal Year 2004-2005. Each year thereafter, the City Council may increase the taxes imposed if it determines that an increase has occurred in the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for the San Francisco Bay Area as published by the U.S. Department of Labor. The increase is limited to the lesser of the rise in the CPI for five percent of the tax rates imposed by the City of Oakland.



Although our estimates are based upon the best data available at this time, it is difficult to make such estimates with precision; therefore, the actual results may vary from our estimates.

s/ROLAND E. SMITH, CPA, CFS  
City Auditor

#### ARGUMENT IN FAVOR OF MEASURE Y

In March 2004, Measure R was placed on the ballot to reduce violent crime in Oakland. Although an overwhelming majority of voters approved of the measure, it failed by a few hundred votes to receive the 2/3 support needed to pass.

Following this narrow defeat, community leaders, city officials, and neighborhood groups came together to develop what is now a more comprehensive response to violent crime in our community, Measure Y.

Measure Y is a smart, fiscally responsible plan that funds the expansion of effective violence prevention programs and increases the number of police officers in Oakland neighborhoods.

Measure Y will provide job training, mentoring and counseling programs for children and young adults, and expand afterschool and truancy programs for at-risk youth. Early intervention programs for children who witness violence will be expanded and funding will be provided to prevent child abuse and domestic violence against women. Measure Y will increase services to eliminate teen and child prostitution.

Measure Y will decrease violent crime by adding at least one community policing officer in each neighborhood beat, and expand specialized teams focused on violent crime, drug dealing, and gang activities.

Measure Y will ensure rapid response to emergencies by increasing the number of paramedics and firefighters in Oakland neighborhoods.

Measure Y includes strict financial oversight and performance reviews of police and violence prevention programs. An annual, independent audit will be performed to ensure fiscal accountability.

Programs will be evaluated based on the number of people served and the rate of crime reduction achieved. If it is determined that a program is not meeting specific requirements, funding for that program will be redirected to more effective programs.

Oakland needs a smart, comprehensive, balanced solution to improve public safety in our community. Please vote YES to reduce crime and violence in Oakland.

s/BARBARA LEE

Member of Congress

s/IGNACIO DE LA FUENTE

President City Council

s/NANCY NADEL

City Councilmember

s/DON LINK

Chairperson, Community Policing Advisory Board

s/SANDRA FROST

Co-Chair, Oakland Community Organizations

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Y

Measure Y would not give us what Oakland desperately needs – a safe city, effective and accountable violence prevention programs, and sufficient community police. When we need the police and call, they can't come because there are not enough officers. Most robberies and burglaries are no longer even being investigated.

Peace and safety should be the highest priority of the City within its existing \$800 million budget. Why then are they asking us to fund police and violence prevention with yet another parcel tax?

Violence prevention programs must be accountable, or the money will be wasted. Oakland already has a grab-bag of pork barrel projects, each spending on separate administration without coordination. Scandals like PUEBLO (\$185,000 embezzled) and the Job for Homeless Consortium (\$1.5 million owed back to the federal government) underline these dangers.

Measure Y is a blatantly unfair tax. Homeowners with a \$200,000 or a \$2,000,000 home would pay the same tax. In addition, a Safeway or a Bank of America pays little more than a homeowner.

The peace and safety of our families are too important for us to accept Measure Y's botched solution for the next ten years.

Tell the Council: Peaceful Streets must be Job Number One. Please join thousands of your fellow Oaklanders by voting NO on Measure Y.

s/CHARLES PINE

Allendale Neighborhood Action

s/JEANNETTE M. O'SULLIVAN

Oakland Resident

s/GENE V. MALONEY

Oakland Resident

## ARGUMENT AGAINST MEASURE Y

Measure Y is a hastily cobbled \$19.5 million political compromise that adds 63 police officers to a 739 officer force that was just cut by 39 officers last year. It's another attempt to sidestep city responsibility for basic public services by transferring the burden for police and fire protection from general tax revenues to new, regressive parcel taxes.

The Council has slashed the police force to one half the police-to-resident ratio of Atlanta, Boston, and most other diverse cities. Given this gulf in staffing, the only impact of just 63 officers, with no plan for future additions, will be to leave citizen peace and safety in continued jeopardy.

Measure Y provides funds for unnamed social programs, but nothing prevents the council in the next budget crisis from cutting funding from existing programs for a net gain of zero.

Measure Y continues the endless stream of regressive parcel taxes, starting at \$88 per parcel for homeowners and rising every year with inflation, regardless of taxpayer income. Apartments will also be taxed, resulting in legal rent increases to tenants.

Measure Y gives \$6.4 million to unidentified social programs while existing ones have been rocked by waste and inadequate accountability. PUEBLO, funded by 1998's "Kids First" measure, has apparently cost Oakland taxpayers \$185,000 in embezzled funds, and it is but one example. City "oversight" went blind and it took a private lawsuit to discover the waste!

Measure Y's "oversight committees" will be appointed by the Council, analogous to the cooks appointing the food critics. We support police accountability. Social programs must be equally accountable before adding to the \$99 million already being spent on intervention, prevention, and rehabilitation programs.

Defeat Measure Y. We can then pass a citizen initiative with expanded community policing, violence prevention, and effective accountability.

s/CHARLES PINE

Chair, Allendale Neighborhood Action

s/JEANNETTE O'SULLIVAN

Retired – 40 year citizen

s/GENE V. MALONEY

Resident of Oakland, 75 years

**REBUTTAL TO ARGUMENT AGAINST  
MEASURE Y**

Opponents of Measure Y deliberately misinform voters with inaccurate and misleading statements. Some opponents say "more police is the only way to stop crime", other say, "more social programs is the only way to prevent violence". Neither extreme is correct.

Measure Y is a balanced solution that will increase public safety in Oakland. Measure Y has been carefully crafted to fund BOTH effective violence prevention programs AND expand the number of police officers to crack down on crime hot spots and gang activity.

Measure Y focuses violence prevention programs on children and at-risk youth. Measure Y funds job training, mentoring, counseling, after-school and early intervention programs to stop crime before it starts.

Measure Y will increase the number of officers that target the most dangerous violent crime. Measure Y will reduce gang violence, homicides, domestic violence, child abuse, and teen prostitution and will reduce overall crime in our city.

Measure Y ensures accountability. A yearly audit will be performed and independent oversight committee will review all Measure Y programs. Evaluation of programs will be based on the number of people served and the rate of crime or violence reduction achieved.

Violent crime in Oakland shatters lives and destroys families and neighborhoods. Now is the time to take action. It is time to stop talking about crime and violence and do something about it!

Please join Congresswoman Barbara Lee, Oakland firefighters and emergency service providers, violence prevention advocates, educators and neighborhood safety organizations in voting Yes on Y.

s/JERRY BROWN

Mayor of Oakland

s/JEAN QUAN

City Councilmember

s/DEANE CALHOUN

Executive Director, Youth Alive!

s/BOB JACKSON

Bishop

s/SHANNON JONES-ELLIS

Family Violence Law Center

## FULL TEXT OF MEASURE Y

WHEREAS, the citizens of the City of Oakland (the "City") are committed to a community-oriented approach to violence prevention in Oakland; and

WHEREAS, preventing violence and ensuring public safety requires an integrated system of social-services intervention, long-term crime-prevention programs, police services and fire-safety and paramedic support; and

WHEREAS, Oakland funds basic police and fire services at levels below those of similar-sized cities throughout the country; and

WHEREAS, the unemployment rate as of May, 2004 was 8.6%, and Oakland has a population of over 3,000 people on parole, many of whom have difficulty finding work; and

WHEREAS, in an effort to prevent violence and crime, the City has partnered with the State of California to work with parolees, to make sure they have an opportunity for successful reentry into society, including job opportunities, instead of resorting to crime; and

WHEREAS, in an effort to prevent violence and crime, Oakland currently funds or administers programs for youth recreation and counseling, recreation, job training, domestic violence intervention, and parole counseling;

WHEREAS, currently these programs are limited in scope or have been cut due to funding constraints; and

### NOW, THEREFORE BE IT RESOLVED:

That the City Council of the City of Oakland does hereby submit to the voters at the November 2, 2004 general election, an ordinance, which reads as follows:

#### PART 1. GENERAL

##### Section 1. TITLE AND PURPOSE.

(A) Title. This ordinance may be cited as the "Violence Prevention and Public Safety Act of 2004."

(B) Purpose. The taxes imposed or increased under this ordinance are solely for the purpose of raising revenue necessary to retain and enhance services and programs to prevent violence and crime and enhance fire safety in the City of Oakland.

The parcel tax imposed in Part 2 is not an ad valorem tax on real property, nor a transaction tax or sales tax on the sale of real property. It is an excise tax on the privilege of using and use of municipal services. Such municipal services increase and provide a greater benefit to Owners of Parcels when programs aimed at preventing violence and crime in the City are enhanced. Because the proceeds of the tax will be deposited in a special fund restricted for the services and programs specified herein, the tax is a special tax.

##### Section 2. FINDINGS

1. Investing in an coordinated system of early intervention, community policing and violence-prevention efforts before injury occurs will reduce economic and emotional costs and be a cost-effective use of taxpayer dollars.

2. Violence and crime occurs at workplaces, on school grounds, and in residential neighborhoods within the Oakland community.

3. Due to budget constraints, the City's police depart-

ment is staffed at a level significantly lower than cities of similar size in the United States.

4. Due to budget shortfalls, Oakland's fire department is currently operating with limited fire trucks and crews that rotate among several stations, thereby leaving certain fire stations under staffed.

5. Fully staffing and equipping fire stations throughout the City will provide the necessary fire and medical response in case of critical emergencies or natural disasters.

6. This special tax is based on a community assessment of innovative prevention strategies and is intended to be proportional to and based on estimates of typical use and benefit from these municipal services.

7. Crime in Oakland disrupts local commercial activity, reduces business and industrial productivity, deters tourism and outside financial investments, and depreciates the value of real estate.

8. The apportionment of the parcel tax to various types of properties is based, in part, on the intensity of policing, violence prevention and fire protection services needed for different kinds of land uses and on the average number of occupants of a parcel of each type of property. Users of residential property typically generate more calls for service to the police and fire departments, and the intensity of use of police and fire protection services increases as the number of residential units on a parcel increases. On the other hand, because of the typically large size of commercial and industrial parcels, and because the employees who work for businesses located on such parcels and the customers who visit such businesses generally outnumber the residents of even a similarly sized parcel of residential property (partly because non-residentially developed real property often has more than one business operating on it), the tax on commercial/industrial properties is calculated based on single family equivalent units.

9. As the density of residential development increases, the cost of providing policing and violence and crime prevention services also increases. The differing tax rates accurately reflect the differing costs of providing services to the different densities of residential development.

10. Some services, such as fire protection services and an additional neighborhood police officer in each community policing beat, are not based on density of population.

11. The parcel tax rates established in this ordinance are intended to be proportional to and based on estimates of typical use of and benefit to occupants of different residential parcels of policing and violence prevention services. The rates are not tailored to individual use both because such tailoring is not administratively feasible and because the City must make police and fire protection services available to all parcels and owners of parcels equally.

12. Each occupant of a parcel derives value from the availability policing and violence and crime prevention and fire protection services. The value of such services is in their availability and benefit to all residents, and it would be unfair to charge their costs only to those persons who actually use the services. Even if such services are not presently used by an occupant, they may be used in the future and, in any event, their availability benefits each

occupant. The City's policing, violence prevention and fire protection services enhance the health, safety and welfare of all occupants of property in the City and improve their quality of life both directly and indirectly. Reducing violence and crime is vitally important to the health, safety, and welfare of the occupants.

13. Nothing in this ordinance is intended to preclude owners from recovering the tax from the occupant. Whether the occupant is charged depends on the occupancy agreement and the requirements of the Residential Rent Adjustment Program. Moreover, non-payment will not be a lien on the property but a personal obligation of the occupant or owner.

14. It is not feasible for the City to collect the tax from the non-owner occupants on whom it is imposed because the records available to the City do not include the names of non-owner occupants. Therefore, the only practical way to collect a tax imposed on occupants is to collect it from the owners of the occupied properties.

15. There are existing general taxes in the form of parking and business license, the proceeds of which are deposited in the general fund. Additional revenues received as a result of this ordinance will be used for the purposes set for in Section 3 and thus are special taxes.

16. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 210000 et seq., as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

### Section 3. USE OF PROCEEDS

The tax proceeds raised by this ordinance may only be used as part of the following integrated program of violence prevention and public safety intervention, in accordance with the following specific purposes:

1. Community and Neighborhood Policing: Hire and maintain a least a total of 63 police officers assigned to the following specific community-policing objectives:

- a. *Neighborhood beat officers*: each community policing beat shall have at least one neighborhood officer assigned solely to serve the residents of that beat to provide consistent contact and familiarity between residents and officers, continuity in problem solving and basic availability of police response in each neighborhood;
- b. *School safety*: supplement police services available to respond to school safety and truancy;
- c. *Crime reduction team*: at least 6 of the total additional officers to investigate and respond to illegal narcotic transactions and commission of violent crimes in identified violence hot spots;
- d. *Domestic violence and child abuse intervention*: additional officers to team with social service providers to intervene in situations of domestic violence and child abuse, including child prostitution;
- e. *Officer training and equipment*: training in community-policing techniques, establishing

police-social services referrals and equipping officers provided in this paragraph, the total costs of which shall not exceed \$500,000 in any fiscal year that this ordinance is in effect.

→ 2. Violence Prevention Services With an Emphasis on Youth and Children: Expand preventive social services provided by the City of Oakland, or by adding capacity to community-based nonprofit programs with demonstrated past success for the following objectives:

- a. *Youth outreach counselors*: hire and train personnel who will reach out, counsel and mentor at-risk adolescents and young adults by providing services and presenting employment opportunities;
- b. *After and in school program for youth and children*: expand existing City programs and City supported programs that provide recreational, academic tutoring and mentoring opportunities for at-risk adolescents and children during after school hours; expand truancy enforcement programs to keep kids in school.
- c. *Domestic violence and child abuse counselors*: make available counselors who will team with police and the criminal justice system to assist victims of domestic violence or child prostitution and to find services that help to avoid repeat abuse situations; expand early childhood intervention programs for children exposed to violence in the home at an early age.
- d. *Offender/parolee employment training*: provide parolee pre-release employment skills training and provide employers with wage incentives to hire and train young offenders or parolees;

3. Fire Services: Maintain staffing and equipment to operate 25 (twenty-five) fire engine companies and 7 (seven) truck companies, expand paramedic services, and establish a mentorship program at each station with an amount not to exceed \$4,000,000 annually from funds collected under this Ordinance.

4. Evaluation: Not less than 1% or more than 3% of funds appropriated to each police service or social service program shall be set aside for the purpose of independent evaluation of the program, including the number of people served and the rate of crime or violence reduction achieved.

5. Mandated Apportionment to Social Service Programs: Of the total proceeds spent on programs enumerated in this Section 3, Paragraphs 1 and 2, not less than 40% of such proceeds must be allocated to programs enumerated in this Section 3, Paragraph 2 each year this Ordinance is in effect.

## PART 2. OVERSIGHT, MINIMUM STAFFING AND TERM OF TAX IMPOSITION

### Section 1. ANNUAL AUDIT.

An independent audit shall be performed to assure accountability and the proper disbursement of the proceeds of this tax in accordance with the objective stated

herein in accordance with Government Code sections 50075.1 and 50075.3. Tax proceeds may be used to pay for the audit.

Section 2. SPECIAL FUND

All funds collected by the City from the taxes imposed by this ordinance shall be deposited into a special fund in the City treasury and appropriated and expended only for the purposes authorized by this Ordinance.

Only the incremental taxes and surcharges approved by Parts 3, 4, 5, and 6 of this ordinance shall be dedicated to the purposes specified by this ordinance. Any portion of the parking and business license tax rate that were general taxes prior to the enactment of this ordinance shall remain general taxes.

Section 3. OVERSIGHT

To ensure proper administration of the revenue collection and spending, and the implementation of the programs mandated by this ordinance, the Mayor shall appoint three members of a "Violence Prevention and Public Safety Oversight Committee" and each council member shall appoint one member. The committee shall review the annual audit, evaluate, inquire and review the administration, coordination and evaluations of the programs and make recommendations to the Mayor and the City Council for any new regulations, resolutions or ordinances for the administration of the programs to comply with the requirements and intent of this Ordinance.

Section 4. MINIMUM POLICE STAFFING PREREQUISITE AT FISCAL YEAR 03-04 LEVEL

No tax authorized by this Ordinance may be collected in any year that the appropriation for staffing of sworn uniformed police officers is at a level lower than the amount necessary to maintain the number of uniformed officers employed by the City of Oakland for the fiscal year 2003-2004 (739).

Section 5. TERM OF TAX IMPOSITION

The taxes imposed by this Ordinance shall become effective on January 1, 2005 and shall continue in effect for 10 years.

Section 6. SAVINGS CLAUSE

If any provision, sentence, clause, section or part of this ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intention of the City, that the City would have adopted this ordinance had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

If any tax or surcharge imposed by this ordinance is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel (as set forth in Part 3) required to be funded from such taxes and surcharges shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.

Section 7. REGULATIONS

The City Council is hereby authorized to promulgate such regulations or ordinances as it shall deem necessary in order to implement the provisions of this ordinance.

Section 8. NO AMENDMENT

The tax rates may not be amended by action of the City Council without the applicable voter approval.

Section 9. CHALLENGE TO TAX

Any action to challenge the taxes imposed by this ordinance shall be brought pursuant to Government Code section 50077.5 and Code of Civil Procedure section 860 et seq.

PART 3. PARCEL TAX

Section 1. DEFINITIONS

For purposes of this part only, the following terms shall be defined as set forth below:

(A) "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "Building" includes the word "structure."

(B) "Family" shall mean one or more persons related by blood, marriage, domestic partnership, or adoption, who are living together in a single residential unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Residential Unit and maintain a common household.

(C) "Hotel" shall mean as defined by Oakland Municipal Code section 4.24.020.

(D) "Multiple Residential Unit Parcel" shall mean a parcel zoned for a building, or those portions thereof, that accommodates or is intended to contain two or more residential units.

(E) "Non-Residential" shall mean all parcels that are not classified by this ordinance as Residential Parcels, and shall include, but not be limited to, industrial, commercial and institutional improvements, whether or not currently developed.

(F) "Occupancy" shall be as defined by Oakland Municipal Code section 4.24.020.

(G) "Operator" shall be as defined by Oakland Municipal Code section 4.24.020.

(H) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.

(I) "Parcel" shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.

(J) "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(K) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, shall mean possession of, claim to, or right to the possession of, land or improvements and shall include any

exclusive right to the use of such land or Improvements.

(L) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.

(M) "Single Family Residential Parcel" shall mean a parcel zoned for single-family residences, whether or not developed.

(N) "Transient" shall mean any individual who exercises Occupancy of a hotel or is entitled to Occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any individual so occupying space in a Hotel shall be deemed to be a Transient until the period of thirty (30) consecutive days as elapsed.

**Section 2. IMPOSITION OF PARCEL TAX.**

There is hereby imposed a special tax on all Owners of parcels in the City of Oakland for the privilege of using municipal services and the availability of such services. The tax imposed by this Section shall be assessed on the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of any Possessory Interest in such parcel, unless such holder is also by law exempt from taxation. The tax is imposed as of July 1 of each year on the person who owned the parcel on that date.

The tax hereby imposed shall be at the following rates, subject to annual adjustment as provided in Section 6:

(A) For owners of all Single Family Residential Parcels, the tax shall be at the annual rate of \$88.00 per Parcel.

(B) For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of \$60.12 per occupied Residential Unit. Owners of units that are vacant for six months or more per year, maybe apply to the Director of Finance to have the rate reduced by 50% to \$30.06 per vacant Residential Unit located on the Parcel.

(C) The tax for a Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total Single Family Residential Unit Equivalents. A frontage of 80 feet for a commercial/industrial parcel, for example, is equal to one (1) single family resident unit equivalent. (See matrix.) An area of 6,400 square feet for the commercial industrial parcel is equal to one (1) single family resident unit equivalent. The tax is the annual rate (\$45.07) multiplied by the total number of Single Family Equivalents (determined by the frontage and square footage).

LAND USE CATEGORY	FRONTAGE	AREA (SF)
Commercial Institutional	80	6,400
Industrial	100	10,000
Public Utility	1,000	100,000
Golf Course	500	100,000
Quarry	1,000	250,000

Example: assessment calculation for an owner of a commercial parcel with a frontage of 160 feet and an area of 12,800 square feet:

<u>Frontage</u>	<u>Area</u>
160 feet	12,800 sf
80 ft./SFE = 2 SFE	6,400 SF/SFE = 2 SFE
2 SFE + 2 SFE = 4 SFE	4 SFE x \$45.07 = \$180.28

(D) An Owner of An Undeveloped Parcel is exempt from this parcel tax if the owner can prove that the parcel was undeveloped for at least six months of the year in question.

**Section 3. HOTELS**

The tax imposed by this Ordinance shall be imposed on each Hotel within the City in accordance with the following:

1. Residential Hotels. If rooms in a Hotel were occupied by individuals who were not Transients for 80% or more of the previous fiscal year, such Hotel shall be deemed a Residential Hotel, and such rooms shall be deemed Residential Units and shall be subject to the Parcel tax imposed on Multiple Residential Units. The remainder of the Building shall be subject to the applicable Square Footage tax computed in accordance with the Single Family Residential Unit Equivalent calculations.

2. Transient Hotels. Notwithstanding the previous subsection, if 80% or more of the Operator's gross receipts for the previous fiscal year were reported as rent received from the Transients on a return filed by the Operator in compliance with section 4.24.010 of the Oakland Municipal Code (commonly known as the Uniform Transient Occupancy Tax of the City of Oakland), such Hotel shall be deemed a Transient Hotel. The entire Building shall be deemed a Non-Residential Parcel, categorized as Commercial, Institutional, and shall be subject to the Square Footage and Single Family Residential Unit Equivalent calculations set forth in Section 4(C), and the parcel tax imposed on Residential Units shall not apply.

**Section 4. EXEMPTIONS.**

Low income household exemption. Exempt from this tax are owners of single family residential units in which they reside whose combined income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low income" for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.,) for such year. Owners must apply for the exemptions provided for in this section annually by petition to the Director of the Finance and Management Agency of the City of Oakland ("Director of Finance") in the manner and time set forth in procedures established by the Director of Finance. Such petitions shall be on forms provided by the Director of Finance and shall provided such information as the Director of Finance shall require, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

**Section 5. REDUCTION IN TAX: RATE ADJUSTMENT.**

(A) Subject to paragraph (B) of this section, the tax

rates imposed by this ordinance are maximum rates and may not be increased by the City Council above such maximum rates. The tax imposed by the ordinance may be suspended, reduced or eliminated by the City Council for a subsequent fiscal year upon a vote of the City Council on or before June 30th in any year in which the City Council determines that after such suspension, reduction or elimination there will be sufficient revenues available to balance the City Council's Adopted Policy Budget and provide the services and programs described in Section 3 above. Such suspension, reduction or elimination shall be effective for the fiscal year following such vote.

(B) Beginning in Fiscal Year 2004-2005, and each year thereafter, the City Council may increase the tax imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased. The percentage increase of the tax imposed hereby shall not exceed such increase, using Fiscal Year 2003-2004 as the index year and in no event shall any annual adjustment exceed 5% (five percent).

#### Section 6. DUTIES OF THE DIRECTOR OF FINANCE: NOTICE OF DECISIONS.

It shall be the duty of the Director of the Finance and Management Agency ("Director of Finance") to collect and receive all taxes imposed by this ordinance, and to keep an accurate record thereof.

The Director of Finance is charged with the enforcement of this ordinance, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this ordinance, including provisions for the re-examination and correction of returns and payments. The Director of Finance may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

Upon disallowing any claims submitted pursuant to this ordinance, the Director of Finance shall mail written notice thereof to the claimant at his/her address as shown on the Alameda County Assessor's property tax rolls.

#### Section 7. EXAMINATION OF BOOKS, RECORDS, WITNESSES: PENALTIES.

The Director of Finance or his/her designee is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of Parcels and computation of the tax imposed by this ordinance.

The Director of Finance or his/her designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this ordinance for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The Director of Finance, or his/her designee is hereby authorized to examine any person, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this ordinance and for this purpose may compel the production of books, papers and records before him/her, whether as parties or witnesses, whenever

s/he believes such persons have knowledge of such matters. The refusal of such examination by any person subject to the tax shall be deemed a violation of this ordinance.

#### Section 8. COLLECTION OF TAX: INTEREST AND PENALTIES.

The tax levied and imposed by this ordinance shall be due and payable on July 1 of each year, but it may be paid in two installments due no later than December 10 and April 10. The tax shall be delinquent if not received on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the Alameda County Tax Collector and shall be collected in such a manner as the City Council may decide.

A one-time penalty at a rate set by the City Council, which in no event shall exceed 25% of the tax due per year, is hereby imposed by this ordinance on all taxpayers who fail to timely pay the tax provided by this ordinance; in addition, interest shall be assessed at the rate of 1% per month on the unpaid tax and the penalty thereon.

Every penalty imposed and such interest as accrues under the provisions of this ordinance shall become a part of the tax herein required to be paid.

The City may authorize to have the taxes imposed by this ordinance collected by the County of Alameda in conjunction with and at the same time and in the same manner as the County's collection of property taxes for the City. If the City elects to so collect the tax, penalties and interest shall be those applicable to the nonpayment of property taxes.

In no event shall anything herein be construed to impose a tax lien on the Parcel to secure payment of the tax.

#### Section 9. COLLECTION OF UNPAID TAXES.

The amount of any tax, penalty, and interest imposed under the provisions of this ordinance shall be deemed a debt to the City. Any person owing money under the provisions of this ordinance shall be liable to an action brought in the name of the City for the recovery for such amount.

#### Section 10. REFUND OF TAX, PENALTY, OR INTEREST PAID MORE THAN ONCE, OR ERRONEOUSLY OR ILLEGALLY COLLECTED.

Whenever the amount of any tax, penalty, or interest imposed by this ordinance has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified claim in writing therefore, stating the specific ground upon which such claim is founded, is filed with the Director of Finance within one (1) year from the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator of the executor of her or his estate. No claim may be filed on behalf of other taxpayers or a class of taxpayers. The claim shall be reviewed by the Director of Finance and shall be made on forms provided by the Director of Finance. If the claim is approved by the Director of Finance, the excess amount collected or paid may be refunded or may be credited against any amounts



then due and payable from the Person from who it was collected or by whom paid, and the balance may be refunded to such Person, his/her administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

Section 11. MISDEMEANOR VIOLATION.

Any Owner who fails to perform any duty or obligation imposed by this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than \$1,000 or by imprisonment for a period of not more than one year, or by both such fine and imprisonment.

The penalties provided in this section are in addition to the several remedies provided in this ordinance, or as may otherwise be provided by law.

Section 12. BOARD OF REVIEW.

Any person dissatisfied with any decision of the Director of Finance adversely affecting the rights or interests of such person made by the Director of Finance under the authority of this ordinance, may appeal therefrom in writing to the Business Tax Board of Review (the "Board") within sixty (60) days from the date of mailing such decision by the Director. All filings with the Board relating to appeals or otherwise shall be made to the Chairperson of the Business Tax Board of Review in care of the Revenue Department, 250 Frank Ogawa Plaza, 1st Floor, Oakland, CA 94612. The Board may affirm, modify or reverse such decision or dismiss the appeal therefrom, as may be just, and shall prescribe such rules and regulations relating to appeals as it may deem necessary. The Board's decision on appeal will become final upon mailing notice thereof to the Person appealing the Board's decision at such Person's last known address shown on the Tax Records.

Any tax, penalty or interest found to be owed is due and payable at the time the Board's decision becomes final.

The Board shall approve, modify or disapprove all forms, rules and regulations prescribed by the Director of Finance in administration and enforcement of this tax. Such forms, rules and regulations shall be subject to and become effective only on such approval.

All decisions rendered by the Board shall be final, and no further administrative appeal of these decisions is provided or intended.

PART 4. PARKING TAX SURCHARGE

The Municipal Code is hereby amended to add as set forth below (section numbers and titles are indicated in bold type; additions are indicated by underscoring and deletions are indicated by ~~strike-through-type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed). Section 4.16.031 of the Municipal Code is hereby added to read as follows:

**4.16.031 Imposition of Surcharge**

Subject to the provisions for the collection of taxes and definitions in this chapter, there shall be an additional tax of eight and one-half (8 1/2) percent imposed on the rental of every parking space in a parking station in the City.

By adopting this ordinance the People of the City of Oakland do not intend to limit or in anyway curtail any

powers the City Council may exercise as to the subject matter of this ordinance, including, but not limited to, raising the rate of taxation or surcharge, lowering the rate of taxation or surcharge, eliminating the tax or surcharge, or creating or defining new categories of taxpayers under this ordinance.

## APPENDIX B – City Attorney Opinion

- Allocations of Measure Y Money Between Violence Prevention and Public Services  
(January 3, 2008)
- Powers of the Measure Y Oversight Committee  
(January 24, 2008)

**CITY OF OAKLAND**  
**Office of the City Attorney**  
**Legal Opinion**

TO: Public Safety Committee

CC: City Council;  
Violence Prevention and Public  
Safety Oversight Committee

FROM: John A. Russo  
City Attorney

DATE: January 3, 2008

SUBJECT: Allocations of Measure Y Money Between Violence Prevention and  
Public Services

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**I. INTRODUCTION**

On November 2, 2004, the voters of the City of Oakland voted to adopt the Violence Prevention and Public Safety Act of 2004, also known as Measure Y. This measure provided for the collection of a dedicated parcel tax and a parking tax surcharge to pay for additional programs and services to increase police staffing, enhance fire safety, and expand violence prevention programs. The taxes in Measure Y became effective on January 1, 2005, and "shall continue in effect for 10 years." (Measure Y, Part 2, Section 5.)<sup>1</sup>

Measure Y sets up a multi-step allocation process for use of the tax proceeds. First, up to \$4 million is allocated for fire services. (Part I, Section 3(3).) Of the remaining money (the "Anti-violence Money"), at least 40% percent must be allocated for violence prevention social services. (Part 1, Section 3(5).) The remainder is allocated to police services and equipment. (Part 1, Section 3(1).)

At its November 27, 2007, meeting, the City Council Public Safety Committee requested this opinion from the City Attorney's Office regarding the permitted annual allocation of money collected under the Measure Y tax.

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<sup>1</sup> All references are to Violence Prevention and Public Safety Act of 2004, also known as Measure Y, enacted at the November 2, 2004, election, unless otherwise indicated.

## II. QUESTION

May the City Council allocate more than 40 percent of Measure Y Anti-violence Money in any given year to violence prevention social services?

## III. BRIEF ANSWER

Yes, but only if the allocation in excess of 40 percent will not prevent the City from hiring at least 63 police officers to conduct the policing objectives set forth in Measure Y. Since the City has not yet hired all 63 Measure Y officers, the City must be able to set aside sufficient funds so it can reach the targeted 63 officers and to show that it is in fact exercising its best efforts to hire the 63 officers in the interim.

## IV. ANALYSIS

To determine whether Measure Y allows the City Council to allocate more than 40% of Measure Y Anti-violence Money to violence prevention social services, we examine the language of Measure Y. Section 3(5) of Measure Y provides that "not less than 40% . . . each year" of the amount spent on policing and violence prevention social services be spent on violence prevention social services.

Mandated Apportionment to Social Service Programs: Of the total proceeds spent on programs enumerated in this Section 3, Paragraphs 1 and 2, not less than 40% of such proceeds must be allocated to programs enumerated in this Section 3, Paragraph 2 each year this Ordinance is in effect. (Part 1, Section 3(5)).

The use of the language "not less than" denotes a minimum, not a maximum. Accordingly, this language allows more than just 40 percent of the proceeds to be spent on violence prevention social services.

But this is not the end of the analysis. The voters in voting for Measure Y expected that the Measure Y money would be used for both violence prevention services and more police, and not allow for just one of these programs. The "Use of Proceeds" section of Measure Y begins by stating that the tax proceeds of the measure may only be used as part of an "integrated program of violence prevention and public safety intervention . . ." (Part 1, Section 3.)

Section 3(1) requires that tax proceeds be used to "[h]ire and maintain at least a total of 63 police officers . . . ."

The tax proceeds raised by this ordinance may only be used as part of the following integrated program of violence prevention and public safety intervention, in accordance with the following specific purposes:

1. Community and Neighborhood Policing: Hire and maintain at least a total of 63 police officers . . . .

(Emphasis added.)

Despite the "not less than 40 percent" language, the City certainly cannot allocate 100 percent of the Anti-violence Money to social services and 0% to police. The language, "The tax proceeds raised by this ordinance may only be used . . . in accordance with the following specific purpose: Hire and maintain at least a total of 63 police officers . . . .", requires the City to make continuous and best efforts to hire and maintain 63 officers so long as there is available Measure Y money.

Measure Y does not specify a deadline for when the 63 officers must be hired. However once hired, the language indicates an expectation that the officers will be maintained with Measure Y money.

We determine the intent of a law first and foremost from the plain meaning of the actual language of the law. The actual language states that the Measure Y tax proceeds will be used for both the hiring of 63 officers and the provision of violence prevention social services. If the language is clear and unambiguous, the plain meaning of the language controls. But if the language of the law is considered to be ambiguous, then a court may examine the legislative history of a law to discern intent. (Board of Supervisors v. Lonegran, 27 Cal.3d 855, 866 (1980).) The legislative history of a voter approved initiative is the ballot pamphlet. (Id.; Amador Valley Joint Union High School District v. State Board of Equalization, 22 Cal. 3d. 208, 245-246 (1978); 2A Sutherland Statutory Construction § 48:19 (6<sup>th</sup> Ed.) (2005).) Here the arguments in favor of Measure Y support the concept that the revenue from Measure Y was to support a comprehensive program of both social services and police officers.

Following this narrow defeat, community leaders, city officials, and neighborhood groups came together to develop what is now a more comprehensive response to violent crime in our community, Measure Y.

Measure Y is a smart, fiscally responsible plan that funds the expansion of effective violence prevention programs and increases the number of police officers in Oakland neighborhoods. (Ballot Pamphlet Argument in Favor of Measure Y.)

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Measure Y is a balanced solution that will increase public safety in Oakland. Measure Y has been carefully crafted to fund BOTH effective violence prevention programs AND expand the number of police officers to crack down on crime hot spots and gang activity. (Ballot Pamphlet Rebuttal to Argument Against Measure Y.)

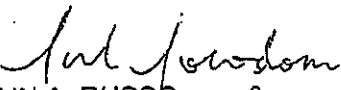
Both the express language of Measure Y and the legislative intent of the voters indicate that Measure Y would fund both violence prevention social services and police officers.

Accordingly, the City is required to use its best efforts to hire the 63 Measure Y officers. If the City forecasts that allocating more than 40 percent of the money to violence prevention services will prevent the City financially from hiring and maintaining 63 officers, then the City is not exercising its best efforts if it makes a greater than 40 percent allocation. Therefore, in any given year, the City may allocate more than 40% of the Measure Y Anti-violence Money so long as the allocation in excess of 40% does not in any way inhibit the City's ability to "hire and maintain" the 63 police officers, including the allocation of the necessary money to "hire and maintain" the officers. This opportunity may change from year to year if the projection changes because of a change in facts such as cost of living increases or labor agreements. If any more than a 40% allocation of violence prevention money will prevent the hiring of 63 Measure Y officers or maintaining the officers it has hired and projects to hire during the life of the tax, then the additional allocation to violence prevention social services would violate Measure Y.

## VI. CONCLUSION

In any given year the City may allocate more than 40 percent to violence prevention social services if the allocation in excess of 40 percent will not prevent the hiring and maintenance of 63 Measure Y officers

Very truly yours,

  
JOHN A. RUSSO  
City Attorney


Attorney Assigned:  
M. Morodomi

MTM:ww

**CITY OF OAKLAND**  
**Office of the City Attorney**  
**Legal Opinion**

TO: Mayor's Office

CC: Measure Y Oversight Committee  
City Administrator

FROM: Mark T. Morodomi   
Supervising Deputy City Attorney

DATE: January 24, 2008

SUBJECT: Powers of the Measure Y Oversight Committee

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I. **BACKGROUND**

The voters of the City of Oakland voted on November 2, 2004 to adopt the Violence Prevention and Public Safety Act of 2004, also known as Measure Y. This measure provided for the collection of a dedicated parcel tax and parking tax surcharge to pay for additional programs and services to increase police staffing, enhance fire safety, and expand violence prevention programs. Measure Y also contained provisions for the appointment of an 11-member Violence Prevention and Public Safety Oversight Committee, with three members being appointed by the Mayor and one member appointed by each City Councilmember. The Mayor's Office has requested an opinion on the scope of the Violence Prevention and Public Safety Oversight Committee's powers.

II. **QUESTION**

What are the powers of the Violence Prevention and Public Safety Oversight Committee ("Oversight Committee")?

III. **SUMMARY CONCLUSION**

Regarding Measure Y programs the Oversight Committee has the power to "review the annual audit, evaluate, inquire and review . . . ." and can make "recommendations" to the Mayor and City Council for new "regulations, resolutions, ordinances . . . ." (Measure Y, Part 2, Section 3.)

#### IV. LEGAL ANALYSIS

##### The Oversight Committee Has Oversight Powers.

The powers of the Oversight Committee are enumerated in Measure Y, Ordinance No. 12690, and its own bylaws. To the extent any of the authorities conflict, the City Charter trumps Measure Y, Measure Y trumps Ordinance No. 12690, and Ordinance No.12690 trumps the committee's bylaws.

Measure Y states:

##### Section 3. OVERSIGHT

To ensure proper administration of the revenue collection and spending, and the implementation of the programs mandated by this ordinance, the Mayor shall appoint three members of a "Violence Prevention and Public Safety Oversight Committee" and each councilmember shall appoint one member. The committee shall review the annual audit, evaluate, inquire and review the administration, coordination and evaluations of the programs and make recommendations to the Mayor and the City Council for any new regulations, resolutions or ordinances for the administration of the programs to comply with the requirements and intent of this Ordinance. (emphasis added.)

Accordingly, the Oversight Committee has the power to "review the annual audit, evaluate, inquire and review . . . ." The committee has the authority, therefore, to conduct evaluations, inquiries, and reviews of the Measure Y programs. The committee also can make recommendations to the Mayor and City Council for new "regulations, resolutions, ordinances . . . ." The Oversight Committee may advise the Council of its evaluations and assessments, and it may make recommendations to the Mayor and the Council. But the Oversight Committee does not have authority to direct staff to make changes in Measure Y programs or administration or coordination. The Oversight Committee's power is limited to apprising the Council and Mayor of its concerns, findings and making recommendations regarding the administration of the programs and other matters based on its review, evaluations and audits.

The language of Measure Y imposes no requirement that any proposal that involves Measure Y money be reviewed or approved by the Oversight Committee. However, the Oversight Committee has the option to place on its agenda discussion and "review" of any proposal. Under Measure Y, such review is not a precondition for any action by any other entity. Measure Y does not give the Oversight Committee the authority to enter into contracts, draft contracts, allocate money, or direct the assignment of police officers. The City Administrator and City Council maintain their powers under the City Charter and City ordinances to make contracts and allocate money under established City procedures.



**The Powers of the Committee Belong to the Committee, Not Individual Members.**

As quoted above, the "Committee" holds various powers. Individual Committee members are not the Committee. For the Committee to act, a majority of the Committee members must authorize the action. (In re Dunscomb, 58 Cal.App. 610, 613 (1922) (Individual member of Berkeley City Council has no power to subpoena because the individual has "the same but, no greater, power than any of the other members, and that body must function as a whole, and not by its members separately."))

It has been argued that the Oversight Committee members should have powers similar to the City Council members and that City Council members individually conduct inquiries or direct staff. First, the Non-interference Section of the City Charter prohibits City Councilmembers from directing administrative staff. (City Charter Section 218.) Second, the City Council has more power than the Measure Y Committee to make inquiries. The City Council is the legislative and governing body of the City. (City Charter Section 207). As such, the individual members have the inherent authority to individually obtain information in order to pass laws and govern the City. (City Charter Section 218 acknowledges that individual members have the power of inquiry.) In contrast, the Oversight Committee has no power to pass laws or govern. Its only power is to make inquiries and recommendations. Since that power is conferred upon the "committee" under Measure Y, the committee itself must act to exercise its power.

**V. CONCLUSION**

The Oversight Committee has the power to evaluate, inquire and review and to make recommendations to the Mayor and City Council for new regulations, resolutions, ordinances regarding the administration of Measure Y.

Very truly yours,

JOHN A. RUSSO  
City Attorney

By: 

Mark T. Morodomi  
Supervising Deputy City Attorney

MTM:ww

**APPENDIX C – Year End Financial Reports**  
(2006 and 2007)

## Violence Prevention and Public Safety Act

FY 2005-06 Budget & Year-to-Date Expenditures  
for the Period Ending June 30, 2006

	Adopted Budget	Adjusted Budget	YTD Encumbrances	Year-end/Actual	Variance
<b>Revenues</b>					
Voter-Approved Special Tax	\$ 12,211,212	\$ 12,211,212	\$ -	\$ 12,054,432	\$ 156,780
Parking Tax	7,405,133	7,405,133	-	7,130,341	274,792
Interest & Other Miscellaneous	-	-	-	207,056	
<b>Total Revenues</b>	<b>\$ 19,616,345</b>	<b>\$ 19,616,345</b>	<b>\$ -</b>	<b>\$ 19,391,830</b>	<b>\$ 224,515</b>
<b>Expenditures by Department</b>					
<b>City Administrator - Budget Office</b>					
Budget Analysis and Operations	\$ 15,000	\$ 20,230	\$ -	\$ 12,566	\$ 7,664
<b>Finance and Management Agency</b>					
Financial Management	30,000	30,000	-	30,000	-
Accelerated Police Recruitment	-	518,368	4,038	76,529	437,801
<b>Total Finance &amp; Management Agency</b>	<b>\$ 30,000</b>	<b>\$ 548,368</b>	<b>\$ 4,038</b>	<b>\$ 106,529</b>	<b>\$ 437,801</b>
<b>Police Services Agency</b>					
<b>Agencywide Administration (PS01)</b>					
Personnel	126,004	408,518	-	631,009	(222,491)
O & M	9,697	478,239	3,907	40,096	434,236
<b>Evaluation (PS01)</b>					
Personnel	-	62,696	-	62,696	-
O & M	281,485	218,789	106	1,858	216,824
<b>Patrol (PS11)</b>					
Personnel	6,490,498	7,819,046	-	1,488,967	6,330,080
O & M	-	130,000	-	44,213	85,787
<b>Police Training (PS09)</b>					
Personnel	-	-	-	564,586	(564,586)
O & M	475,165	775,311	20,233	85,502	669,576
<b>Vice/Narcotics (PS12)</b>					
Personnel	-	-	-	915	(915)
O & M	-	-	-	-	-
<b>Total Police Services Agency</b>	<b>\$ 9,382,849</b>	<b>\$ 9,892,599</b>	<b>\$ 24,246</b>	<b>\$ 2,919,842</b>	<b>\$ 6,948,511</b>

	Adopted Budget	Adjusted Budget	YTD Encumbrances	Year-end/Actual	Variance
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**Fire Services Agency**

Fire Suppression/Field Operations (PS17)  
Personnel

\$ 3,929,989	\$ 3,984,113	\$ -	\$ -	\$ 3,717,963	\$ 266,150
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**Department of Human Services**

Measure Y - Provention & Intervention

Personnel	.147,156	-	-	-	-
O & M - Miscellaneous Contract Svcs	5,923,553	-	-	-	-

Youth Outreach & Comprehensive Services

Personnel	-	209,872	-	204,577	5,295
O & M - Miscellaneous Contract Svcs	-	1,281,755	713,701	192,734	375,320

School-Based Strategies

O & M - Miscellaneous Contract Svcs	-	750,862	34,000	716,862	-
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Special Services to Children & Youth Exposed to Violence

O & M - Miscellaneous Contract Svcs	-	933,306	235,783	348,188	349,335
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Diversion & Re-Entry Services

O & M - Miscellaneous Contract Svcs	-	1,007,428	514,322	240,366	252,739
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Employment & Training

O & M - Miscellaneous Contract Svcs	-	1,927,429	551,346	252,943	1,123,140
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Measure Y - Administrative Support

Personnel	-	289,061	-	240,613	48,448
O & M - Miscellaneous Contract Svcs	-	356,901	1,663	30,288	324,950

Measure Y - Evaluation

Personnel	-	70,777	-	53,182	17,594
O & M - Miscellaneous Contract Svcs	187,755	116,978	-	7,265	109,713

**Total Department of Human Services**

\$ 6,258,464	\$ 6,944,369	\$ 2,050,815	\$ 2,287,019	\$ 2,606,535
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<b>Total Expenditures</b>	\$ 19,616,302	\$ 21,389,679	\$ 2,079,099	\$ 9,043,918	\$ 10,266,661
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\* The Adjusted Budget reflects the Adopted Budget, plus or minus any Council-approved charges, budget-neutral administrative charges and the prior year unspent project balances.

## Violence Prevention and Public Safety Act

FY 2006-07 Budget & Year-to-Date Expenditures  
for the Period Ending June 30, 2007 <sup>(1)</sup>

	Adopted Budget	Adjusted Budget	May Revenues	June Revenues	N/A	Year-to-Date Revenues	Variance
Voter-Approved Special Tax <sup>(3)</sup>	\$ 12,512,430	\$12,512,430	\$ 1,260,276	\$ 542,952	\$ -	\$ 12,384,982	\$ 127,448
Parking Tax	7,701,338	7,701,338	722,034	1,223,661	-	\$ 7,309,876	391,462
Interest & Other Miscellaneous	-	-	63,960	61,635	-	\$ 759,888	(759,888)
<b>Total Revenues</b>	<b>\$ 20,213,768</b>	<b>\$20,213,768</b>	<b>\$ 2,046,269</b>	<b>\$ 1,828,248</b>	<b>\$ -</b>	<b>\$ 20,454,746</b>	<b>\$ (240,978)</b>

	Adopted Budget	Adjusted Budget	May Expenditures	June Expenditures	Year-to-Date Encumbrances	Year-to-Date Expenditures	Variance
<b>City Administrator's Office</b>							
Measure Y - Evaluation							
Personnel	190,404	190,404	5,594	30,044	-	121,606	68,798
O & M - Miscellaneous Contract Svcs	297,540	636,828	141	1,264	210,372	218,087	208,369
Budget Analysis and Operations	16,170	16,170	-	18	-	7,026	9,144
<b>Total City Administrator's Office</b>	<b>\$ 504,114</b>	<b>\$ 843,402</b>	<b>\$ 5,735</b>	<b>\$ 31,326</b>	<b>\$ 210,372</b>	<b>\$ 346,719</b>	<b>\$ 286,311</b>

### Finance and Management Agency

Financial Management	30,000	30,000	-	53	-	21,371	8,629
Accelerated Police Recruitment <sup>(4)</sup>	-	441,839	39,117	22,677	1,060	283,406	157,373
<b>Total Finance &amp; Management Agency</b>	<b>\$ 30,000</b>	<b>\$ 471,839</b>	<b>\$ 39,117</b>	<b>\$ 22,730</b>	<b>\$ 1,060</b>	<b>\$ 304,777</b>	<b>\$ 166,002</b>

### Police Services Agency

<b>Agencywide Administration (PS01) <sup>(4)</sup></b>							
Personnel	255,055	510,186	30,300	194,322	-	903,066	(392,880)
O & M	9,847	224,187	8,906	2,703	4,190	41,792	178,205
<b>Special Operations/Truancy Abatement (PS13)</b>							
Personnel	-	120,881	27,553	(1,201)	-	134,090	(13,209)
O & M	-	-	56	(56)	-	-	-
<b>Patrol (PS11)</b>							
Personnel	8,716,807	11,932,448	318,921	266,009	-	3,448,573	8,483,875
O & M	-	3,343,844	431,784	69,531	834,901	1,111,981	1,396,962
<b>Police Training (PS09)</b>							
Personnel	-	-	4,912	235,404	-	1,052,363	(1,052,363)
O & M	482,524	139,684	-	985	38,345	85,336	16,003
<b>Vice/Narcotics (PS12)</b>							
Personnel	-	-	-	-	-	-	-
O & M	-	-	-	-	-	-	-



APPENDIX D - Biographies for Measure Y  
Oversight Committee Members

## **Biographies for Measure Y Oversight Committee Members**

**Maya Dillard Smith, Chair** (District 7 Appointee) resides in Toler Heights. She has served on the Committee since its inception. She is the Director of Violence Prevention for San Francisco Mayor Gavin Newsom and a Member of the State of California Commission on Judicial Performance. She has worked as a private management consultant and held positions with the California Judicial Council/Administrative Office of the Courts, U.S. Representative Barbara Lee, the U.S. Census Monitoring Board, and the National Bureau of Economic Research. She also served on the board of directors and volunteered for a number of local nonprofit organizations. Maya is a fifth-generation Oaklander and graduate of Oakland Technical High School. She received a Bachelors of Arts in Economics from the University of California at Berkeley and Master of Public Policy degree from Harvard University, John F. Kennedy School of Government. She has three daughters.

**Eli Naor, Vice-Chair** (District 2 Appointee) resides in Crocker Highlands. He has served on the Committee since its inception. He is the Managing Principal of VBN Architects, a firm founded in Oakland in 1956, whose notable local projects are the Oakland City Hall Earthquake Repair, Jack London Square Amtrak Station and Oakland City Center. His projects span the western U.S. and China and he has been active in local and national professional organizations. Most recently he was on the Board of the Oakland Metropolitan Chamber of Commerce, President of the East Bay Chapter of American Institute of Architects, Vice President for Legislative Affairs for the California Chapter of the American Institute of Architects and a member, representing architecture, of the Metropolitan Transportation Commission's Advisory Committee. Eli has lived in Oakland for that past 24 years and graduated from University of California at Berkeley with a Masters of Architecture degree.

**Donald H. Blevins** (Mayoral Appointee) is the Chief Probation Officer for Alameda County. He has served on the Committee since its inception. He has an impressive career in law enforcement spanning almost thirty years. Some of his notable accomplishments include establishing model treatment and supervision programs for sex offenders and domestic violence offenders, developing standards to assist crime victims and increase restitution collection, increasing revenue and leading IT innovation. He is a member of numerous professional organizations including California Probation, Parole & Correctional Association (CPPCA), American Probation & Parole Association (APPA), and Urban Chiefs Network (NIC).

**Jose Dorado** (District 4 Appointee)

**Marcus Johnson** (Mayoral Appointee)

**Amy Lemley** (District 1 Appointee) resides in the Rockridge area. She has served on the Committee since its inception. She is Policy Director for the John Burton Foundation for foster Youth. She is also the founder and former executive director of the First Place Fund for Youth an Oakland-Based community organization providing advocacy and support services for homeless and foster care youth.



**Nicole Lee** (Mayoral Appointee) resides in West Oakland. She directs the "Silence the Violence" campaign for the Ella Baker Center where she is one of the senior-most staff members. Her roots are in organizing and she has past experience as a student organizer defending affirmative action and a labor organizer with the Hotel Employees and Restaurant Employees Union (HERE) Local 2850 in Oakland. As a labor organizer she helped launch EBASE (East Bay Alliance for a Sustainable Economy), now one of the most powerful grassroots economic justice organizations in the Bay Area. She also helped found the East Bay Interfaith Committee for Worker Justice. Her other accomplishments include taking the helm of Third Eye Movement's Oakland chapter (now Silence the Violence), steering the "Stop the Super-Jail" campaign to victory, preventing Alameda County from building one of the country's largest juvenile halls (per capita) and as Books Not Bars' lead organizer, she was key to the success of California juvenile justice reform. She is a 4<sup>th</sup> generation Oaklander.

**Ron Owens** (Mayoral Appointee)

**Deirdre Strickland-Meads** ((District 5 Appointee) resides in Glenview with her husband and two dogs. She is a Vice President and Fixed Income Trader for Wells Fargo Bank. Previously from Charlotte, North Carolina, she was a Structured Products Analyst in the Fixed Income Group of multi-line insurer, Royal & SunAlliance. As an active member of the community, Deirdre is the Chair of the Glenview Crime and Safety committee providing leadership to other concerned citizens living in Glenview on how to respond to crime waves. She is also a co-head of her block for Neighborhood Watch and Citizens of Oakland Respond to Emergencies (C.O.R.E.). Deirdre holds a Bachelor of Science in Business Management from Shorter College in Rome, Georgia. She has lived in the Bay Area since 2003.

**Roseann Torres** (District 3 Appointee) resides in Adams Point. She is an attorney with experience in both civil and criminal law. She is currently a solo practitioner with offices in Oakland and Lafayette. She also serves on the board of directors for Youth Movement Records, an Oakland-based non-profit organization providing after-school programs for youth. She has previous experience as both Deputy County Counsel and Deputy District Attorney for San Joaquin County. Roseann has a Bachelor's of Science Degree in Marketing from San Francisco State University and she attended Albany Law School.