



AGENDA REPORT

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DATE: July 11, 2022
TO: Members of the City Council and Members of the Public
FROM: Councilmember Dan Kalb
SUBJECT: Charter Reform Ballot Measure Supplemental Report

RECOMMENDATION

That the City Council adopt a

RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS FOR THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION A MEASURE THAT WOULD AMEND THE CITY CHARTER TO ADD GOVERNMENT REFORM CHARTER AMENDMENTS TO PROMOTE DEMOCRACY, ACCOUNTABILITY, TRANSPARENCY, AND EQUITY INCLUDING BUT NOT LIMITED TO:

- (1) TERM LIMITS FOR COUNCILMEMBERS;**
- (2) REQUIRING A MINIMUM OF TWO COUNCIL HEARINGS BEFORE CERTAIN COUNCIL PROPOSED BALLOT MEASURES ARE APPROVED FOR PLACEMENT ON THE BALLOT;**
- (3) COUNTING COUNCILMEMBER ABSTENTIONS AND ABSENCES AS A 'NO' VOTE ON COUNCIL MOTIONS,**

RESOLUTIONS AND ORDINANCES FOR PURPOSES OF DETERMINING WHETHER MAYOR HAS AUTHORITY TO CAST TIE-BREAKING VOTE;

(4) CHANGING THE FORMULA FOR THE PUBLIC ETHICS COMMISSION TO SET COUNCILMEMBER SALARIES AND AUTHORIZING THE PUBLIC ETHICS COMMISSION TO SET THE SALARIES OF THE CITY AUDITOR AND CITY ATTORNEY; AND

(5) ADDING AND CLARIFYING DUTIES OF AND PROVIDING MINIMUM STAFFING FOR CITY AUDITOR; AND

DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION, AND TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION

Introduction

Dear Colleagues and Members of the Public:

Thank you for your consideration of the proposed Charter Reform ballot measure. The discussion during our City Council meeting on July 5th yielded feedback on key provisions in this measure. These incorporated changes are outlined below.

I. Term Limits for Councilmembers

Fellow councilmembers expressed support for this section during the July 5th City Council meeting. Councilmember Taylor expressed a desire for current terms to count toward the limit of three consecutive four-year terms. Because no other councilmembers expressed the desire for changes to this section and CM Kalb prefers not to include the existing terms in progress now, no changes were made to this section.

II. Requiring a Minimum of Two Council Hearings Before Certain Council Proposed Ballot Measures are Approved for Placement on the Ballot

Councilmember Reid and Taylor expressed support for extending this provision to all ballot measures. It appears that most councilmembers believe that the explicitly identified categories of ballot measures should be the focus of this new requirement. Note that the

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City Council, in our own Rules and Procedures, can extend this provision to all other ballot measure categories if we so desire.

III. Closing the Mayoral Tie-breaker Loophole by Counting Councilmember Abstentions and Absences as a ‘no’ Vote for the Purposes Only of Determining Whether the Mayor has Authority to Cast a Tie-breaking Vote

Fellow councilmembers expressed clear support for this section during the July 5th City Council meeting. No changes were made.

IV. Public Ethics Commission (PEC) Setting Councilmember Salaries and Authorizing the PEC to Set Salaries of the City Auditor and City Attorney

Multiple councilmembers expressed the desire to have these changes implemented immediately as opposed to waiting until 2025. Therefore, language was changed to specify that these potential salary changes to be determined by the Public Ethics Commission shall occur “annually,” which would make this change effective in 2023.

V. Granting Council Super-Majority Authority to Terminate City Administrator for Cause

Concerns were raised about the granting the authority of a super-majority of City Councilmembers to terminate the City Administrator for cause, potentially blurring the lines between the legislative and executive branches of city government. Given these concerns, this section has been deleted (note the new title above). Note that the City Administrator has agreed to work with councilmembers in crafting and implementing a resolution that (a) would help ensure that Council resolutions and budget directives that direct the City Administration to take specific action gets done within a reasonable amount of time and (b) will provide some transparency on this on-going process.

VI. Adding and Clarifying Duties of and Providing Minimum Staffing for City Auditor

Councilmember Taylor expressed that an outside advocacy group suggested that the minimum experience requirements for City Auditor candidates may be too stringent. CM Kalb stated that the newly listed experience requirements are modest and broadly defined, so it should not be difficult to adhere to; and that not having any such minimum requirements could allow an inexperienced candidate to run and get elected. No changes were made.

Added: Minor adjustment that certain reports from the Auditor are done annually, which is more realistic and adequate than semi-annually.

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VII. Additional Provisions:

Eliminating the position of Vice-Mayor

Added: “The President Pro Tempore shall perform the duties and shall have the powers of the President of the Council during any time that the President of the Council has assumed the office of Mayor.”

Concerns were raised about who on the Council would take over the duties of the Council President, should the Council President become Mayor. The above phrase was added to specify that this role would be filled by the President Pro Tempore. The Council, in its Rules and Procedures, can choose to create an additional officer position (such as Asst. President Pro Tem) if the Council feels it is truly needed.

For questions regarding this report, please contact Councilmember Dan Kalb at dkalb@oaklandca.gov or Keara O’Doherty at kodoherty@oaklandca.gov.

Respectfully submitted,



Councilmember Dan Kalb

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