



MEMORANDUM

TO: Jestin D. Johnson
City Administrator

FROM: "Son of Oakland"
Ken Houston
Councilmember – District 7

SUBJECT: Proposed Ballot Measure To Amend
The City Charter To Improve Civilian
Oversight of OPD

DATE: April 23, 2026

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RECOMMENDATION

RESOLUTION SUBMITTING TO THE VOTERS AT THE NOVEMBER 3, 2026 GENERAL MUNICIPAL ELECTION A MEASURE THAT WOULD AMEND CITY CHARTER SECTION 604 TO, AMONG OTHER THINGS:

- (1) SIMPLIFY THE PROCESS FOR APPOINTING POLICE COMMISSIONERS BY ONLY HAVING REGULAR POLICE COMMISSIONERS THAT ARE APPOINTED ONE EACH BY THE COUNCILMEMBERS AND ONE BY THE MAYOR;**
- (2) STRENGTHEN THE INDEPENDENCE OF THE OFFICE OF INSPECTOR GENERAL BY HAVING THE CITY AUDITOR, RATHER THAN THE POLICE COMMISSION, APPOINT THE INSPECTOR GENERAL;**
- (3) STREAMLINE THE PROCESS FOR APPOINTING POLICE CHIEFS BY USING THE SAME PROCESSES USED TO APPOINT OTHER DEPARTMENT HEADS;
AND**

DIRECTING THE CITY CLERK TO TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO SUBMIT THIS MEASURE TO THE VOTERS AT THE NOVEMBER 3, 2026 GENERAL MUNICIPAL ELECTION; AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

EXECUTIVE SUMMARY

City Council is recommended to adopt a resolution submitting a ballot measure to the voters of Oakland, that would amend Oakland City Charter section 604 for the November 3, 2026 general municipal election.

BACKGROUND / LEGISLATIVE HISTORY

In 2016, voters brought forth Measure LL, which established the Police Commission and defined the duties and power of the Commission. In 2020, The voters brought forth Measure S1, further defining and expanding the powers and duties of the Police Commission. The proposed amendments to Oakland City Charter section 604, are being brought forth by the City to improve the operations of the Police Commission in relation to relevant City departments. The proposed amendments seek to maintain strong Oakland Police Department (OPD) civilian oversight while simultaneously ensuring efficient operations of relevant City departments that engage with the various oversight bodies. Since the inception of the Police Commission, the City has gained ten years of practical experience with its civilian oversight bodies. The City remains committed to maintaining strong, transparent civilian oversight of OPD and seeks to bring an opportunity to the voters to reaffirm that commitment.

The proposed amendments to the City Charter are outlined below:

AMENDMENT ONE: Simplify The Process For Appointing Police Commissioners By Only Having Regular Police Commissioners That Are Appointed One Each By The Councilmembers And One By The Mayor

Presently, the Police Commission consists of nine members, seven of which are “regular” members and two “alternates”. The regular members are authorized to fully execute the powers and duties of a Commissioner. However, the “alternate” members, currently, do not possess the full authority as a “regular” Commissioner:

- “The Commission shall consist of seven (7) regular members and two (2) alternate members, all of whom shall be Oakland residents of at least eighteen (18) years of age.”
(*Charter Section 604 section C - Appointment, Terms, Vacancies, Removal*).

A slate of Commissioners that has two seats listed as “alternate” creates an imbalance of power and responsibility. The first amendment to Charter section 604 seeks to place the duty to appoint Police Commissioners into the hands of our elected City Council and Mayor, to each selected qualified individuals to serve as Police Commissioners and ultimately simplify the process to appoint Commissioners.

AMENDMENT TWO: *Strengthen The Independence Of The Office Of Inspector General By Having The City Auditor, Rather Than The Police Commission, Appoint The Inspector General.*

- Pursuant to the City Charter, the Inspector General must possess the independence to conduct thorough investigations and identify any institutional issues related to OPD and any oversight agency:
 - “The OIG may review legal claims, lawsuits, settlements, complaints, and investigations, by, against, or involving the Department and the Agency, to ensure that all allegations of police officer misconduct are thoroughly investigated, and to identify any systemic issues regarding Department and Agency practices and policies.” *(City Charter section 604 section F - Investigations)*
- The second amendment of section 604 seeks to place the Office of the Inspector General under the Office of the City Auditor, an elected Official, who will be responsible for appointing a candidate to the role of Inspector General. This action seeks to improve impartiality and institutional independence.

AMENDMENT THREE: *Streamline The Process For Appointing Police Chiefs By Using The Same Processes Used To Appoint Other Department Heads*

- From February 15, 2023 to May 11, 2024, the City conducted recruitment for a new Chief of Police to provide necessary leadership to members of OPD. Charter Section 604 vests the authority to remove the Chief of Police from Office within the power of the Police Commission and the Mayor:
 - “Notwithstanding any other provision of this Charter or any provision of the Oakland Municipal Code, and acting separately or jointly with the Mayor, remove the Chief of Police by a vote of no fewer than five (5) affirmative votes. If acting separately, the Commission may remove the Chief of Police only after adopting a finding or findings of cause, which shall be defined by City ordinance.” *(City Charter section 604 section B - Powers and Duties)*
- vests the authority to select the Chief of Police from Office within the power of the Police Commission and the City Administrator. Delays in the recruitment process led to extended periods of time without a Chief of Police noting the most recent Chief of Police stepped down in December of 2025 and the City has yet to announce a new Chief of Police. The Mayor and City Administration are best equipped to identify qualified individuals to fill the role of Chief of Police.

ANALYSIS AND POLICY ALTERNATIVES

The amendments to City Charter section ballot measure seeks to further clarify powers and duties of the Police Commission. If the proposed resolution is adopted, the City will need to submit all ballot measure materials to the Alameda County Registrar of Voters Office by the August 7, 2026 deadline to be placed on the ballot, for the November 3, 2026 General Election. Pursuant to Rule 23 of the Council’s Rules of Procedure, an agenda item seeking Charter

Amendments must be brought to the members of Rules and Legislation body for consideration prior to being discussed at a full City Council meeting. Pursuant to City Charter section 221, if the proposed resolution is adopted by members of the Rules and Legislation body, the resolution must be heard at full Council for a minimum of two times. These readings must be held at least 10 calendar – days apart, prior to final passage. Under this timeline, the proposed amendments to the City Charter would be published for public viewership in a timely manner and allow for public review, ultimately contributing to informed, robust decision making by our legislators. If delayed, the amount of time for public viewership and adequate deliberations will lessen, running the risk of voters missing an opportunity to cast a ballot on a matter that is deeply important to the entire City.

FISCAL IMPACT

There are no fiscal impacts associated with the proposed Charter Changes

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This report is exempt from CEQA requirements.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A:

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Respectfully submitted,



Son of Oakland, Ken Houston

District 7 Councilmember

Attachments (1):

A: Oakland City Council Resolution (Draft Ballot Measure)