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OFFICE OF THE CITY CLERK
OAKLAND

AGENDA REPORT

2015 JUL -3 AM 8:46

TO: Sabrina B. Landreth
CITY ADMINISTRATOR

FROM: Donna Hom

SUBJECT: Amendments to Oakland Municipal Code Chapter 2.29
DATE: June 30, 2015

City Administrator
Approval

Date 7/2/15

COUNCIL DISTRICT: CITY-WIDE

RECOMMENDATION

Staff recommends that City Council adopt:

An Ordinance Amending Chapter 2.29 Of The Oakland Municipal Code Entitled "City Agencies, Departments And Offices" To: Create The Public Ethics Commission Department; Create The Department Of Transportation; Transfer The Ball Fields Maintenance Unit To Public Works; Transfer The Neighborhood Services Division To The Police Department; And Eliminate Bureaus In The Fire, Public Works And Planning And Building Departments.

EXECUTIVE SUMMARY

On April 29, 2015, the Mayor proposed the formation of a new Department of Transportation for the City of Oakland as part of the Fiscal Year (FY) 2015-17 Proposed Policy Budget. Given Oakland's transportation needs and its critical role as a hub of the region's transportation systems, this new department is proposed to improve the City's ability to meet Oakland's transportation needs. The Mayor's Office and City Administrator's Office conducted an initial analysis of current transportation functions within the city, and of comparable cities with Departments of Transportation to understand the initial fiscal needs to support a reorganization, and strategic enhancement of Oakland's existing staff and resources.

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

The City Administrator has also determined that greater efficiencies can be gained by transferring the function of Ball Field Maintenance to the Oakland Public Works Department from the Oakland Parks & Recreation Department and transferring the function of the Neighborhood Services Division to the Police Department from the City Administrator's Office. By separate action before City Council, a first reading of an amendment to the Oakland Municipal Code section 2.29 adding a Department of Race & Equity was approved on June 22, 2015, and was heard for its second reading on June 30, 2015.

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The proposed ordinance revises the Oakland Municipal Code (OMC) Chapter 2.29 to reflect the organizational changes included in the City of Oakland FY 2015-17 Proposed Policy Budget.

BACKGROUND/LEGISLATIVE HISTORY

The Oakland City Charter, Article V designates the City Administrator to, “be responsible to the Council for the proper and efficient administration of all affairs of the City under his jurisdiction;” and Article VI of the Charter provides that the Oakland City Council, “shall by ordinance provide the form of organization through which the functions of the City under the jurisdiction of the City Administrator are to be administered.” Therefore, Chapter 2.29 of the Oakland Municipal Code is revised whenever there are structural changes made to the organization of the functions of the City of Oakland.

ANALYSIS

As proposed by the Mayor, the formation of the Department of Transportation provides an opportunity to reorganize and advance Oakland’s mobility infrastructure and services through new initiatives:

- Ensure Oakland competes aggressively and receives its fair share of new transportation sales tax funding (Measure BB) and other grant funds by developing competitive projects and grant applications;
- Improve the City’s capacity to plan, design, fund and deliver capital projects and mobility programs;
- Accelerate the repaving of our streets and repair our sidewalks to serve all residents;
- Use data, asset management tools and performance metrics to improve efficiency, responsiveness and transparency;
- Work with the community to improve pedestrian safety, conditions for transit riders, access for people with disabilities, and safety for bicyclists and drivers; and
- Provide training opportunities to all staff to implement best practices that serve the evolving needs of residents.

The Department’s ultimate organizational structure will be defined by the process of receiving input and direction from the affected work units, unions, City Administrator’s Office, external subject area experts, and the City Council.

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Community Support

There has been strong community support for the establishment of the Department of Transportation by the City's Bicycle and Pedestrian Commission, Oakland residents, and non-profit organizations representing a wide range of communities, including Bike East Bay, Transport Oakland, and Walk Oakland Bike Oakland.

Other Changes Proposed

Approving the recommended amendment to the Oakland Municipal Code (OMC) Section 2.29 to create the Public Ethics Commission Department is a necessary administrative step in implementing the amendments to the Oakland City Charter authorized by a vote of the people of Oakland in November 2014 and to formally add the Department of Transportation and other organizational changes as presented in the City of Oakland FY 2015-17 Proposed Policy Budget. Additionally, it is recommended to delete references to department divisions in the OMC because smaller operational units can change as organizational needs change. Removing the references to divisions allows the City Administrator greater flexibility in organizing work between budget cycles.

The City Administrator also recommended that the Ball Fields Maintenance unit be moved from Parks & Recreation to Public Works to align similar work into one department. It is anticipated that the move will create greater operational oversight and efficiency. The Neighborhood Services Division has long been operationally associated with the Oakland Police Department (OPD), but there was at one time an interest in moving it to the City Administrator's Office and the Municipal Code was amended for that purpose in 2012. However, the operational ties to OPD remain strong. Returning the division to OPD is the best fit in the City organization in terms of structure and budget.

The City is committed to meeting its obligations under the Meyers-Milias Brown Act regarding meeting and conferring with employee groups related to organizational changes. The City met and conferred with International Federation of Professional & Technical Engineers (IFPTE) Local 21 and Confidential Management Employees Association (CMEA) regarding the addition of positions and changes in structure for the Public Ethics Commission Department. The City also provided notice to both IFPTE Local 21 and Service Employees International Union Local (SEIU) Local 1021 regarding the City of Oakland FY 2015-17 Proposed Policy Budget recommendation to add the Department of Transportation. As planning gets underway and the structure of the Department of Transportation is being discussed and determined, the City will meet with affected employee groups to discuss related organizational changes.

COORDINATION

The Mayor's Policy Director for Infrastructure and Transportation has coordinated with the City's Budget Office and Human Resources Management to ensure fiscal and policy alignment

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for the Department of Transportation. City staff from the City Administrator's Office and Human Resources Management coordinated efforts with the impacted City departments in developing this report and the proposed organizational changes. The City Administrator's Office's Employee Relations Department has also been consulted and has facilitated initial notification to IFPTE Local 21 and SEIU Local 1021.

COST SUMMARY/IMPLICATIONS

Costs associated with the organizational changes being implemented in the proposed ordinance are included as part of the FY 2015-17 Proposed Policy Budget and will be determined by Council action on June 30, 2015.

SUSTAINABLE OPPORTUNITIES

Economic: No economic opportunities are identified in this report.

Environmental: No environmental opportunities are identified in this report.

Social Equity: No social equity opportunities are identified in this report.

For questions regarding this report, please contact Kip Walsh, Recruitment and Classification Manager at 238-7334.

Respectfully submitted,

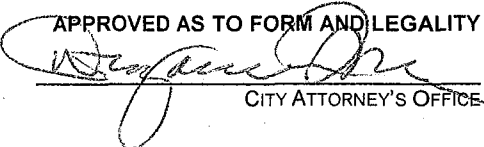


Donna Hom

Prepared by:
Anil Comelo
Director, Department of Human Resources

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OAKLAND
INTRODUCED BY COUNCILMEMBER _____
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APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

ORDINANCE NO. _____ C.M.S.

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

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

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

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

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

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

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

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

SECTION 2. Oakland Municipal Code Chapter 2.29, which establishes the City of Oakland organizational structure, is hereby amended to modify sections as set forth below; additions are

indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the Chapter not cited or not shown in underscoring or strike-through type are not changed.

2.29.010 Purpose.

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

2.29.015 Definitions.

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

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

2.29.020 Police Department.

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

2.29.030 Fire Department.

There is established in the City government a Fire Department which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said Department shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Fire Department shall be the responsibility of the Chief of Fire who shall serve as Director of said Department, subject to the direction of the City Administrator. In the Fire Department there shall be

the following Bureaus: Field Operations, Fire Prevention; and there shall be the following subordinate divisions: Fiscal and Administration Services, Emergency Management Services, Medical Services, Communications & Information Technology, and Training and Support Services.

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

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

2.29.040 Finance Department.

There is established in the City government a Finance Department which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said Department shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Finance Department shall be the responsibility of the Director of Finance, subject to the direction of the City Administrator. In the Finance Department there shall be the following bureaus: Treasury, Controller, and Revenue Management; and there shall be a subordinate division of Administration.

2.29.050 Oakland Public Works Department.

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

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

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

~~C. The Bureau of Facilities & Environment shall consist of the following subordinate divisions: Environmental Services, Facilities Services, Keep Oakland Clean & Beautiful, and Parks & Tree Services.~~

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

2.29.060 Human Services Department.

There is established in the City government a Human Services Department which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said Department shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Human Services Department shall be the responsibility of the Director of Human Services, subject to the direction of the City Administrator. In the Human Services Department there shall be the following subordinate divisions: Administration, Policy & Planning, Early Childhood & Family Services, Children and Youth Services, Aging & Adult Services, Community Housing Services.

2.29.070 Housing & Community Development Department.

There is established in the City government a Housing & Community Development Department which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said Department shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Housing & Community Development Department shall be the responsibility of the Director of Housing & Community Development, subject to the direction of the City Administrator.

2.29.080 Oakland Parks & Recreation Department.

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

2.29.090 Planning & Building Department.

There is established in the City government a Planning & Building Department, which shall be under the supervision and administrative control of the City

Administrator. The powers, functions, and duties of said Department shall be those assigned, authorized, and directed by the City Administrator. The management and operation of the Planning and Building Department shall be the responsibility of the Director of Planning & Building, subject to the direction of the City Administrator. In the Planning & Building there are two bureaus; Planning and Building.

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

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

2.29.100 Oakland Public Library Department.

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

2.29.110 Human Resources Management Department.

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

2.29.120 Information Technology Department.

There is established in the City government an Information Technology Department, which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said Department shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Information Technology Department shall be the responsibility of the

Director of Information Technology, subject to the direction of the City Administrator. In the Information Technology Department there are the following divisions: Administration, Customer Support, Application Services, Infrastructure Systems, and Public Safety Systems.

2.29.130 Economic & Workforce Development Department.

There is established in the City government an Economic & Workforce Development Department, which shall be under the supervision and administrative control of the City Administrator. The powers, functions and duties of said Department shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Economic & Workforce Development Department shall be the responsibility of the Director of Economic & Workforce Development, subject to the direction of the City Administrator. The Economic and Workforce Development Department shall consist of the following subordinate divisions: Economic Development, Workforce Development, Real Estate, Cultural Arts & Marketing, and Project Implementation.

2.29.140 Public Ethics Commission Department.

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

2.29.150 Department of Transportation

There is established in the City government a Department of Transportation which shall be under the supervision and administrative control of the City Administrator. The powers, functions, and duties of said Department shall be those assigned, authorized and directed by the City Administrator. The management and operation of the Department of Transportation shall be the responsibility of the Director of Transportation, subject to the direction of the City Administrator.

2.29.160 (Number reserved for Department of Race & Equity created by separate ordinance; first reading June 22, 2015.)

2.29.140-170 Office of the City Administrator.

There is established in the City government an Office of the City Administrator to assist in the operation and execution of functions as described in the City Charter under Articles IV, V, VI, VIII and IX. There shall be in the Office of the City Administrator the following Departments: Budget, Citizens' Police Review Board/Complaint Intake,

Employee Relations, and Oakland Animal Services, ~~and the Public Ethics Commission~~; there shall also be the following divisions: Administration, Contracts & Compliance, ~~Neighborhood Services~~, and Equal Opportunity Programs.

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

2.29.150-180 Preservation of City Charter Offices.

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

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

SECTION 4. This ordinance will take effect immediately if it is adopted by the Council with six affirmative votes; it will take effect seven days after final passage if it is adopted with five affirmative votes. The organizational structure established by this Ordinance will become effective on the effective date of the Ordinance.

SECTION 4. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

Date of Attestation: _____

NOTICE AND DIGEST

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

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

Upon final adoption on second reading this ordinance will become effective immediately if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.