



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Margaret O'Brien  
Interim Director of Finance

**SUBJECT:** Measure KK Public Oversight  
Committee

**DATE:** September 21, 2020

City Administrator Approval

Date: Sep 25, 2020

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt An Ordinance Establishing Pursuant To City Of Oakland Charter Section 601 The Affordable Housing & Infrastructure (Measure KK) Public Oversight Committee And Prescribing The Functions, Duties, Powers, And Terms Of Its Members.**

## **EXECUTIVE SUMMARY**

Measure KK, which authorized the issuance of \$600 million in general obligation bonds to fund various City infrastructure and affordable housing projects, was passed by Oakland voters on November 8, 2016. Measure KK requires, among other things, that the City Council establish a new Board or Commission or assign to an existing Board or Commission the responsibility for citizen oversight of the expenditure of Measure KK bond proceeds.

A nine-member Affordable Housing & Infrastructure (Measure KK) Public Oversight Committee was created by Resolution in December 2017 but Section 601 of the Charter of the City of Oakland requires that Council create and prescribe the functions, duties, powers and terms of boards and commissions by ordinance. Adoption of this ordinance will formally establish and prescribe the functions, duties, powers and terms of the nine-member Affordable Housing & Infrastructure (Measure KK) Public Oversight Committee, in accordance with Charter Section 601.

## **BACKGROUND / LEGISLATIVE HISTORY**

On July 19, 2016, City Council passed Resolution No. 86335 C.M.S. (Attachment A), which submitted a proposed ordinance to authorize the issuance of \$600 million in general obligation bonds to fund various City infrastructure and affordable housing projects ("Measure KK") to the November 8, 2016 statewide general election. Measure KK was passed by Oakland voters on November 8, 2016.

Measure KK requires, among other things, that the City Council establish a new Board or Commission or assign to an existing Board or Commission the responsibility for citizen oversight of the expenditure of Measure KK bond proceeds. Pursuant to section 601 of the Charter of the

City Council  
October 6, 2020

City of Oakland, City Council is authorized to create by ordinance boards and commissions as may be required for the proper operation of any function or agency of the City and to prescribe the board's function, duties, powers, jurisdiction, number of members, and membership terms.

On November 29, 2016, City Council adopted Ordinance No. 13403 C.M.S. (Attachment B), which enacted the City's Affordable Housing and Infrastructure Bond Law and specifically authorized City Council to create a public oversight committee to assure fair and equitable distribution of Measure KK bond funds. Although Ordinance No. 13403 C.M.S. prescribed the number of members of the public oversight committee, it did not prescribe the functions, duties, powers or the terms of the committee.

On December 18, 2017, the City Council passed Resolution No. 87010 C.M.S. (Attachment C) confirming the appointment of the first nine members of the Affordable Housing & Infrastructure Public Oversight Committee ("Committee"). Since that time, the Committee has met to establish bylaws for its operation, set regular meeting times and location, and to perform initial oversight responsibilities to assure fair and equitable distribution of Measure KK bond proceeds.

### **ANALYSIS AND POLICY ALTERNATIVES**

The proposed Ordinance will not change the current Committee membership, nor will it change the functions, duties, powers or terms under which the Committee has been operating since 2017. Instead, it will solidify the establishment of the Committee and the functions, duties, powers and terms thereof by ordinance as required by Charter section 601. Taking the action to pass this ordinance is necessary to ensure that the Committee can continue to function as intended by Oakland voters and to ensure the timely and consistent appointment of Committee members when vacancies arise.

### **FISCAL IMPACT**

Currently, Treasury staff supports the Measure KK Public Oversight Committee. This time would be absorbed by existing city staffs, so there is no additional cost implication from the adoption of this ordinance. This support would include: preparing the meeting minutes and agenda; developing and distributing the meeting agenda packet and supporting materials; posting meeting notices in accordance with the Brown Act and Sunshine Ordinance; staffing all meetings; responding to informational requests from Committee members and assist the chairperson in preparing and coordinating agenda reports to the Finance and Management Committee and City Council.

### **PUBLIC OUTREACH / INTEREST**

Measure KK, passed by Oakland voters on November 8, 2016, requires that City Council establish a board or commission to oversee the expenditure of Measure KK bond proceeds.

## **COORDINATION**

This report was reviewed by the Treasury's Bureau of the Finance Department and the Oakland City Attorney's office.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no Economic opportunities associated with this report

***Environmental:*** There are no Environmental opportunities associated with this report

***Race & Equity:*** The establishment of the Measure KK Public Oversight Committee and setting the functions, duties, powers, and terms will allow the committee members to continue carry out their responsibilities as a citizen oversight committee as intended by Oakland voters which are to assure the fair and equitable distribution of Measure KK bond funds; encourage public participation and input into fiscal oversight; improve the transparency and accountability of City fiscal information and decision-making; and evaluate the impacts and outcomes of bond expenditures on the bond measure's stated goals, including social equity, anti-displacement and affordable housing.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

This action is exempt under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15061 (b)(3) (no significant environmental impact).

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt An Ordinance Establishing Pursuant To City Of Oakland Charter Section 601 The Affordable Housing & Infrastructure (Measure KK) Public Oversight Committee And Prescribing The Functions, Duties, Powers, And Terms Of Its Members.

For questions regarding this report, please contact Margaret O'Brien, Interim Director of Finance, at (510) 238-7480.

Respectfully submitted,

*Margaret L. O'Brien*

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MARGARET O'BRIEN  
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Reviewed by:  
David Jones, Treasury Administrator

Prepared by:  
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Treasury Bureau

Attachments (3):  
Attachment A: Resolution No. 86335 C.M.S.  
Attachment B: Ordinance No. 13403 C.M.S.  
Attachment C: Resolution No. 87010 C.M.S.