

# MISSING EXECUTED LEGISLATION FORM

Resolution / Ordinance Number: 87635

City Council Meeting Date APR 30 2019

Agenda Item No. 5

Recorded Vote 5 Ayes, 1 Abstained - Korb, 2 Excused - McElhenny and Vice Mayor Reed.

**Status of Resolution/Ordinance:**

- Filed without signature
- No signed version will be filed
- Council amended legislation
- No signed version will be filed

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Department Council President Kaplan

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Notes (if any)  
The Council Approved Kaplans Alternated Resolution - See Draft.

Draft

City leg's Office

19 APR 25 PM 3:38

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN, COUNCILMEMBER GALLO,  
AND COUNCILMEMBER BAS

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**A RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO  
RELEASE THE JOB DESCRIPTION FOR THE POSITION OF  
INSPECTOR GENERAL, AS APPROVED BY THE POLICE  
COMMISSION**

**WHEREAS**, the voters of the City of Oakland overwhelmingly voted yes (83.19%) for Measure LL on November 8, 2016, that established an Independent Police Commission; and

**WHEREAS**, the lack of trust and accountability between the community and the police department undermine community cohesion and weaken public safety; and

**WHEREAS**, an effective and well-functioning independent police commission is a vital tool in strengthening trust and accountability to improve community-police relations; and

**WHEREAS**, in order to be able to perform its functions, the independent police commission must have necessary key personnel, who are responsive to their requests, to fulfill their duties; and

**WHEREAS**, the Oakland City Council voted on Ordinance No. 13498 on July 10, 2018 (Attachment A), Measure LL enabling legislation, that included the addition of Sections 2.45.100, 2.45.110, 2.45.120 to the Oakland Municipal Code "to establish the Office of Inspector General and to appoint a civilian Inspector General' who shall serve and report to the Commission and be hired and supervised by the Commission; and

**WHEREAS**, Ordinance No. 13498 also states that "the Commission, with the assistance of the Human Resources Management Department and in accordance with the City's Civil Service Rules, shall prepare a job description and list of required qualifications for the position of civilian Inspector General"; and

**WHEREAS**, the Police Commission was entrusted by the voters of Oakland to have the power, authority, and capability to ensure proper oversight of key matters regarding police conduct, which cannot be accomplished without necessary personnel; and

**WHEREAS**, on the September 27, 2018 Police Commission meeting, a first draft of the Inspector General position was made public and discussed; and

**WHEREAS**, on the October 11, 2018 Police Commission meeting, a job description for Inspector general was adopted by a 5-0 vote; and

**WHEREAS**, the Public Safety Committee ("PSC") of the Oakland City Council discussed and reviewed the Inspector General job description which was an attachment to Item # 6 of the April 9, 2019 PSC agenda; and

**WHEREAS**, the Police Commission has publicly expressed its need for the Inspector General, to be responsive to their needs and perform their duties; and

**WHEREAS**, the current Oakland City Administrator previously served as Chief of Police for the City of Oakland, and therefore, as a potential person whose conduct may be examined by the Police Commission, would have a conflict of interest in overseeing the Police Commission's personnel; and

**WHEREAS**, the Charter of the City of Oakland states that "Section 504. Duties. The City Administrator shall have the power and it shall be his duty:

(a) To execute and enforce all laws and ordinances and policies of the Council"; now, therefore, be it

**RESOLVED:** That the Oakland City Council does hereby direct the City Administrator to authorize and proceed with the next steps needed to approve and post the job description (Attachment B) for the Inspector General (including, as needed, referral for civil service approval), as approved by the Police Commission, to report directly to the Police Commission.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

  
Office of the City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION NO. # 87685 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN, COUNCILMEMBER GALLO,  
AND COUNCILMEMBER BAS

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**A RESOLUTION REQUESTING THAT THE CITY ADMINISTRATOR EXPEDITE THE PROCESS TO OBTAIN CIVIL SERVICE BOARD APPROVAL OF AND POST THE JOB DESCRIPTION FOR THE POSITION OF INSPECTOR GENERAL TO SUPPORT THE POLICE COMMISSION AND BRING A REPORT TO THE COUNCIL REGARDING THE ANTICIPATED TIME FRAME**

**WHEREAS**, the voters of the City of Oakland overwhelmingly voted yes (83.19%) for Measure LL on November 8, 2016, that established a Police Commission; and

**WHEREAS**, the lack of trust and accountability between the community and the police department undermine community cohesion and weaken public safety; and

**WHEREAS**, an effective and well-functioning Police Commission is a vital tool in strengthening trust and accountability to improve community-police relations; and

**WHEREAS**, in order to be able to perform its functions, the Police Commission must have necessary key personnel, who are responsive to their requests, to fulfill their duties; and

**WHEREAS**, on July 10, 2018 the Oakland City Council adopted Ordinance No. 13498 (Attachment A), Measure LL enabling legislation, that included the addition of Sections 2.45.100, 2.45.110, 2.45.120 to the Oakland Municipal Code "to establish the Office of Inspector General and to appoint a civilian Inspector General who shall serve and report to the Commission and be hired and supervised by the Commission;" and

**WHEREAS**, Ordinance No. 13498 also states that "the Commission, with the assistance of the Human Resources Management Department and in accordance with the City's Civil Service Rules, shall prepare a job description and list of required qualifications for the position of civilian Inspector General"; and

**WHEREAS**, the Office of the City Attorney issued two public legal opinions dated March 19, 2018 and June 14, 2018, that are posted on the City Attorney's website regarding the powers of the Police Commission related to the hiring of the Inspector General; and

**WHEREAS**, the March 19, 2018 and June 14, 2018 opinions advised that the City Administrator hires, disciplines and dismisses the Inspector General because the City Charter does not provide an exception to the City Administrator's Article V power to hire and fire all personnel under her jurisdiction, and the City Charter is the supreme law of the City and cannot be altered by Ordinance; and

**WHEREAS**, the Police Commission was entrusted by the voters of Oakland to have the power, authority, and capability to ensure proper oversight of key matters regarding police conduct, which cannot be accomplished without necessary personnel; and

**WHEREAS**, at the September 27, 2018 Police Commission meeting, a first draft of the Inspector General position was made public and discussed; and

**WHEREAS**, at the October 11, 2018 Police Commission meeting, the Commission approved a job description for Inspector general by a 5-0 vote; and

**WHEREAS**, the Public Safety Committee ("PSC") of the Oakland City Council discussed and reviewed the Inspector General job description which was "Attachment A" to Item # 6 of the April 9, 2019 PSC agenda; and

**WHEREAS**, the Police Commission has publicly expressed its need for the Inspector General, to be responsive to their needs and perform their duties; now, therefore, be it

**RESOLVED:** That the Oakland City Council does hereby request that the City Administrator expeditiously proceed with the steps needed to secure the Civil Service Board's approval of the job description (referred to as job classification in the Civil Service Rules) for the Inspector General position and post the job description for the Inspector General (including, as needed, referral for civil service approval) to support the Police Commission; and be it

**FURTHER RESOLVED:** That the City Administrator is directed to provide a report to the Council explaining the status and timing of the approval of the job description by the Civil Service Board and the posting of the job announcement for the Inspector General position.

IN COUNCIL, OAKLAND, CALIFORNIA,

**APR 30 2019**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, ~~WESLEY MCELHANEY, WESLEY MCELHANEY, WESLEY MCELHANEY, WESLEY MCELHANEY~~ TAYLOR, THAO AND PRESIDENT KAPLAN - 5

NOES - 0

ABSENT - 0

ABSTENTION - 1 - Kalb

2 Excused - McElhaney

Vice Mayor Reid

2749480v2

ATTEST: \_\_\_\_\_

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