

CITY OF OAKLAND

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AGENDA REPORT

TO: City Council

FROM: Sabrina B. Landreth
City Administrator

SUBJECT: Supplemental Report – Staff Analysis
on the Creation of the Dept. of
Violence Prevention

DATE: April 27, 2017

City Administrator Approval

Date:

5/5/17

RECOMMENDATION

Receive A Supplemental Report Staff Analysis On The Creation Of The Department Of Violence Prevention.

REASON FOR SUPPLEMENTAL

On April 3, 2017, staff submitted a supplemental report stating that additional analysis was necessary on the proposed Department of Violence Prevention (DVP) due to the timing of when the initial report printed for the April 11th Life Enrichment Committee (LEC). This current supplemental report provides such analysis and is organized according to the following:

- General background information about violence prevention efforts in Oakland (including Measure Z), the three (3) Measure Z objectives, and the overall Measure Z investments and allowable uses of the funds;
- General background information on violent crime in Oakland over the past 5-10 years;
- Summary information from a sample of other cities with violence prevention strategies;
- A fiscal impact analysis for the status quo and the proposed DVP; and lastly
- Analysis summary and conclusion.

EXECUTIVE SUMMARY

At this time, staff does not recommend creating a new Department of Violence Prevention (DVP), as there is a need for more evidence to prove that a separate department would further the City's violence reduction goals. The proposed DVP would direct funds toward increased administrative expenses instead of toward direct violence prevention services, and may even decrease funds available for services unless ongoing supplemental City funds are made available. Based on staff's interpretation of the current proposal's components, the proposed department could cost the City approximately \$945,411 from either Measure Z funding or the General Purpose Fund.

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The intended outcomes for the proposed DVP require the work of more than just one City department and it is unclear in the proposal how the creation of the proposed DVP will be able to accomplish the desired goals. Although far too many Oakland residents still lose their lives to violence, the City has seen a period of time from 2012 to 2016 with consecutive years of fewer than 90 homicides for the first time since the late 1990s.

The DVP proposal suggests that the City could achieve even more significant reductions if it elevates and focuses on violence intervention services within the City structure by creating the DVP. Comparable cities with comprehensive violence reduction strategies have a range of structures designed to achieve their goals. There has been no outcome evaluation showing that the structural change of creating a separate department is a core element of creating or sustaining major reductions in violence.

Key policy questions for the City Council to consider in relation to this proposal are as follows:

1. Outcomes: What are the desired outcomes that the City Council would like to see related to violence prevention¹ and how does the proposed DVP get the City there? What other partners, such as the Oakland Community Organizations (OCO), should be involved in the discussions?
2. Focus: What types of “violent crime²” is the proposed DVP intended to address? How will it vary from the City’s current investments? How will the DVP increase the City’s focus on violence intervention and improve coordination?
3. Sustainability: What is the ongoing investment required? Where would the funding for the additional staffing necessary for this department come from and is it sustainable? What supports are necessary to sustain long-term reductions in violence?
4. Structure: Which staff would move to the proposed DVP? Is it all non-sworn staff funded by Measure Z or only the Oakland Unite unit of the Human Services Department? What new staff positions would need to be created to support the DVP?
5. Service Impact: Given the City’s holistic approach to violence prevention, are coordination and alignment lost through the creation of a stand-alone department? Will the creation of the proposed DVP disrupt existing positive work?
6. Scale: Does the City want Oakland Unite to explore re-aligning program funding to bring certain types of interventions to scale (i.e. those focused on gun violence or family violence)? Alternately, does the City wish to dedicate additional funding (likely General Purpose Funds) to bring certain programs to scale without decreasing other investments?

BACKGROUND INFORMATION

Earlier iterations of specific violence prevention efforts within the City of Oakland began in about 2000 with the gun violence-focused programs, Project Exile and Project Choice. The City

¹ Note that this report uses both “prevention” and “intervention” to describe services and approaches to addressing violence. “Prevention” typically encompasses an earlier and / or more holistic approach to violence reduction, while “intervention” typically includes approaches targeted towards individuals directly involved in and affected by violence.

² The FBI Uniform Crime Report defines “Violent Crime” as murder/homicide, rape, robbery, and aggravated assaults.

Manager at the time initiated these programs and his City Manager's Office staff implemented the programs. However, due to implementation challenges and given natural alignment with human services work overall, the City transferred the projects to the Human Services Department (HSD). In 2001, HSD secured a \$2 million grant from Department of Justice to launch a fully scaled reentry project known as "Project Choice," serving young men returning to Oakland from adult and juvenile state facilities.

In 2004, voters passed Measure Y, and the violence prevention funding and work was assigned to HSD given HSD's collaborative relationships with County Probation and state Parole and given the successful Project Choice program. At that time, this was the only robust and intervention-oriented violence prevention work in Oakland city government outside of the Oakland Police Department. Measure Y resources led to the development of the City's current violence prevention infrastructure including Street Outreach, Crisis and Homicide Response, Ceasefire, Life Coaching, Reentry Employment, and Domestic Violence/CSEC services based on national best practices. Measure Z, passed by voters in 2014, allowed for increased focus and retooling of these investments specifically on gun violence, again based on learning from national best practices. Measure Z also continued to sustain interventions focused on family violence and Commercially Sexually Exploited Children.

Measure Z Background Information:

The DVP proposal references Measure Z as a core funding source for the proposed DVP and as a rationale for creating a new department (in that the proposed DVP would help fulfill Measure Z goals). Background information regarding the measure is included here and in **Attachments A and B** to provide context of Measure Z's intended goals and required structure.

In July 2014, the City Council adopted Resolution No. 85149 C.M.S. which sent the 2014 Oakland Public Safety and Services Violence Prevention Act, also known as the Safety and Services Act or Measure Z, to the November 4, 2014 General Municipal Election ballot. Oakland voters approved the Act with 77.05 percent of the vote, which surpassed the 66.7 percent approval requirement. The Act (**Attachment A**) maintained the existing parcel tax (\$99.77 plus annual inflation per parcel) and parking tax surcharge rates (8.5 percent surcharge) for a period of 10 years in order to improve police, fire, and emergency response services as well as community strategies for at risk youth and young adults. The parcel tax and parking tax rates (not programs) were continued from the previous Oakland violence prevention and public safety ballot initiative (Measure Y of 2004). The act was not fully implemented until summer 2015 and new service contracts with grantees began in January 2016. **Attachment B** contains Measure Z summary information.

Overall Measure Z Investments and Allowable Uses of Funds:

Measure Z provides approximately \$25-26 million annually for violence prevention and public safety services managed by the Police Department, the Human Services Department, and the Fire Department. The City Administrator's Office provides administrative support for the Measure and the Safety and Services Oversight Commission as well as overseeing the evaluation contract(s). The Controller's Bureau is responsible for overseeing the contract with a third-party independent auditor who ensures spending integrity. Measure Z does not link funding

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uses to any specific City departments although the program descriptions naturally match existing departments.

Table 1 below summarizes the Measure Z funding equation as required by the enabling ordinance along with the implementing department (not required by the legislation) and the average annual revenue for each service. Tables in **Attachment B** summarize the types of investments paid for by each department with the funding since Measure Z implementation.

Table 1: Measure Z Funding Allocation (as required by enabling ordinance)

Service	Funding Amount or Percentage	Implementing Department*	Average Annual Amount
Evaluation, Financial Audit, Oversight Commission, and Oversight Commission Support	3% of overall revenue	City Administrator's Office and Finance Department (Controller's Bureau)	~\$730,000
Fire Services	\$2,000,000 / year	Fire Department	\$2 Million
The Remainder of the Funds are to be Split According to the Following:			
Community-Focused Violence Prevention / Intervention Services	40% of the remaining funds	Human Services Department**	~\$9 – 9.5 Million
Geographic and Community Policing Services	60% of the remaining funds	Police Department	~\$14 – 14.5 Million

* The "implementing department" is not explicitly stated in the Measure Z enabling legislation.

** Support for the Mayor's Director of Public Safety comes from the Human Services Dept. Measure Z allocation Source: Measure Z legislation, page 3 and the City of Oakland Budget

Three (3) Measure Z Objectives:

The full Measure Z text can be found in **Attachment A** to this report or online at: <http://oaklandunite.org/wp-content/uploads/2011/05/Measure-Z-Legislation.pdf>. The language describes the overall three (3) Measure Z objectives as:

- Reduce homicides, robberies, burglaries, and gun-related violence;
- Improve police and fire emergency 9-1-1 response times and other police services; and,
- Invest in violence intervention and prevention strategies that provide support for at-risk youth and young adults to interrupt the cycle of violence and recidivism.

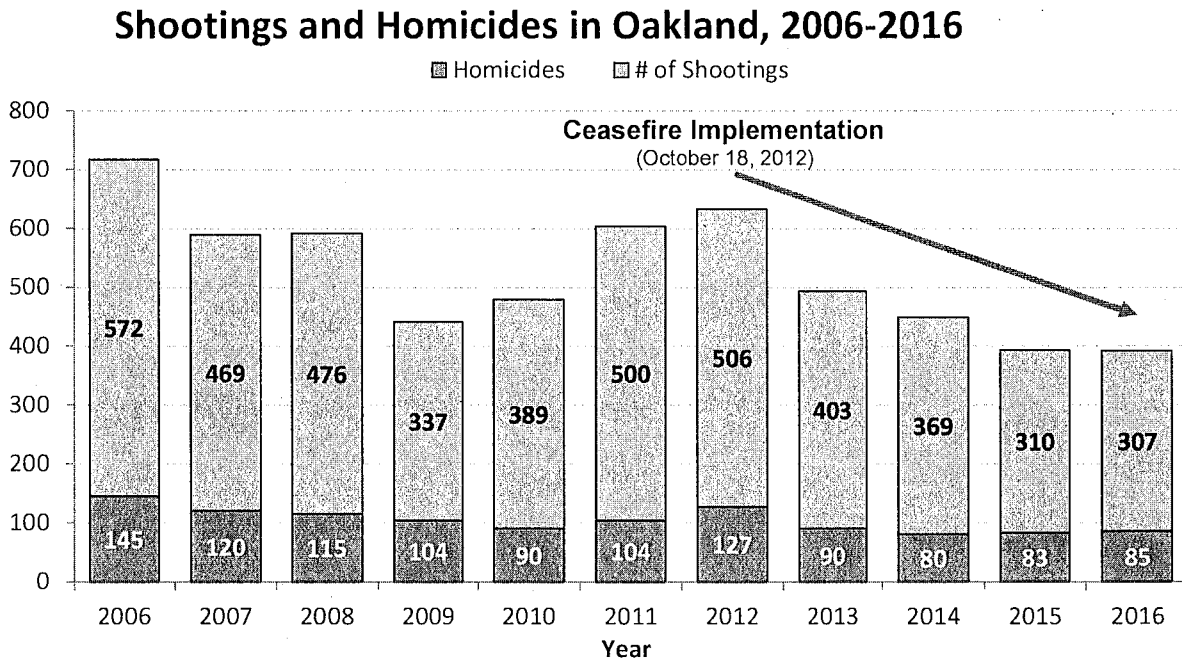
General Background Information on Violent Crime in Oakland and Other Cities:

Oakland has seen an overall reduction in homicides and shooting, as well as in violent crime overall, since late 2012. Violent crime rates include murder/homicides, forcible rape, robbery, and aggravated assault, and cannot be used interchangeably with homicide and shooting rates.³ Many cities use homicides and shootings, rather than violent crime overall, as a strong indicator of the city's trends in violence.

³ Source: FBI's Uniform Crime Reporting classifications

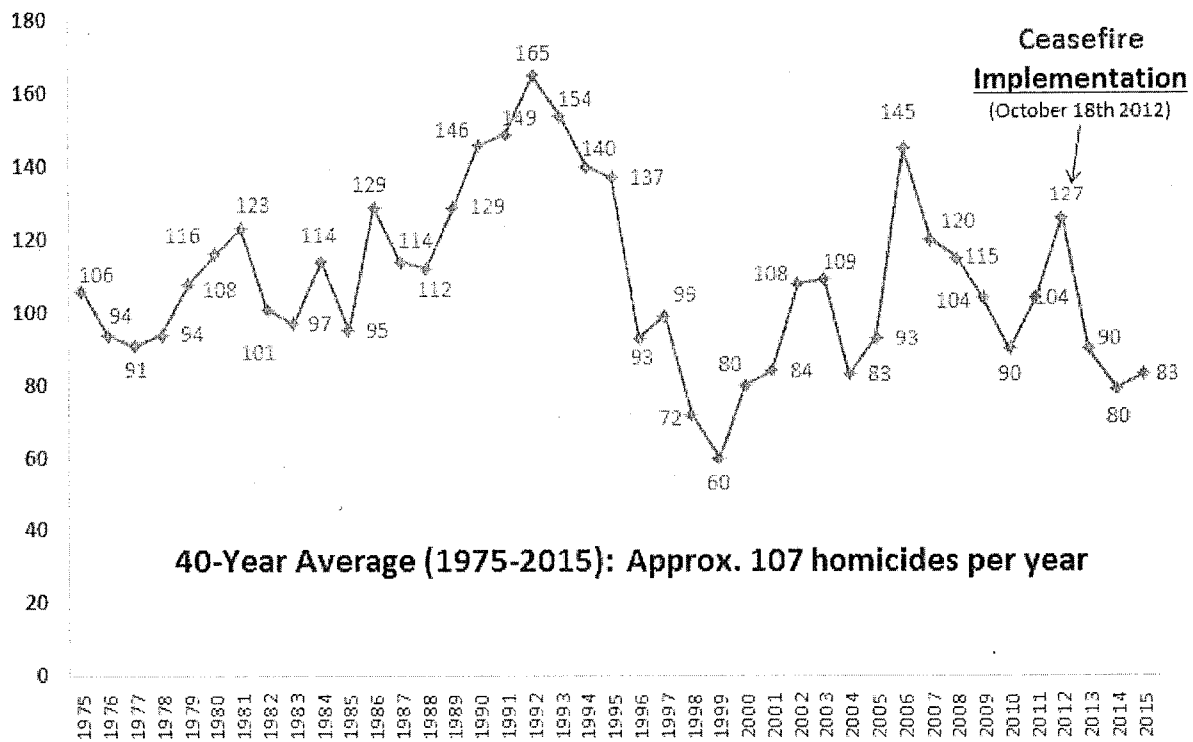
Oakland was not among the United States cities with the highest homicide rate in 2016,⁴ but the City has had a persistent and unacceptably high homicide rate. Figure 1 below shows Oakland’s homicides and shootings over the last 10 years. In late 2012, the City retooled many of its violence prevention and intervention efforts, including increasing funding for services focused on gun violence in Oakland Unite, and full implementation of the citywide Ceasefire strategy. The Figure denotes the starting date of the full implementation of Ceasefire. The Figure also demonstrates that Oakland has had four (4) consecutive years of 90 or fewer homicides. Figure 2 shows the 40-year history of homicides in Oakland which shows that this is only the second time in the last 40 years that Oakland has had four (4) consecutive years of less than 90 homicides.

Figure 1: Shootings and Homicides in Oakland, 2006-2016



⁴ Source: FiveThirtyEight, “Us Cities Experienced Another Big Rise in Murder in 2016,” January 9, 2017. Accessed May 2, 2017 from: <https://fivethirtyeight.com/features/u-s-cities-experienced-another-big-rise-in-murder-in-2016/>

Figure 2: Forty (40)-Years History of Homicides in Oakland

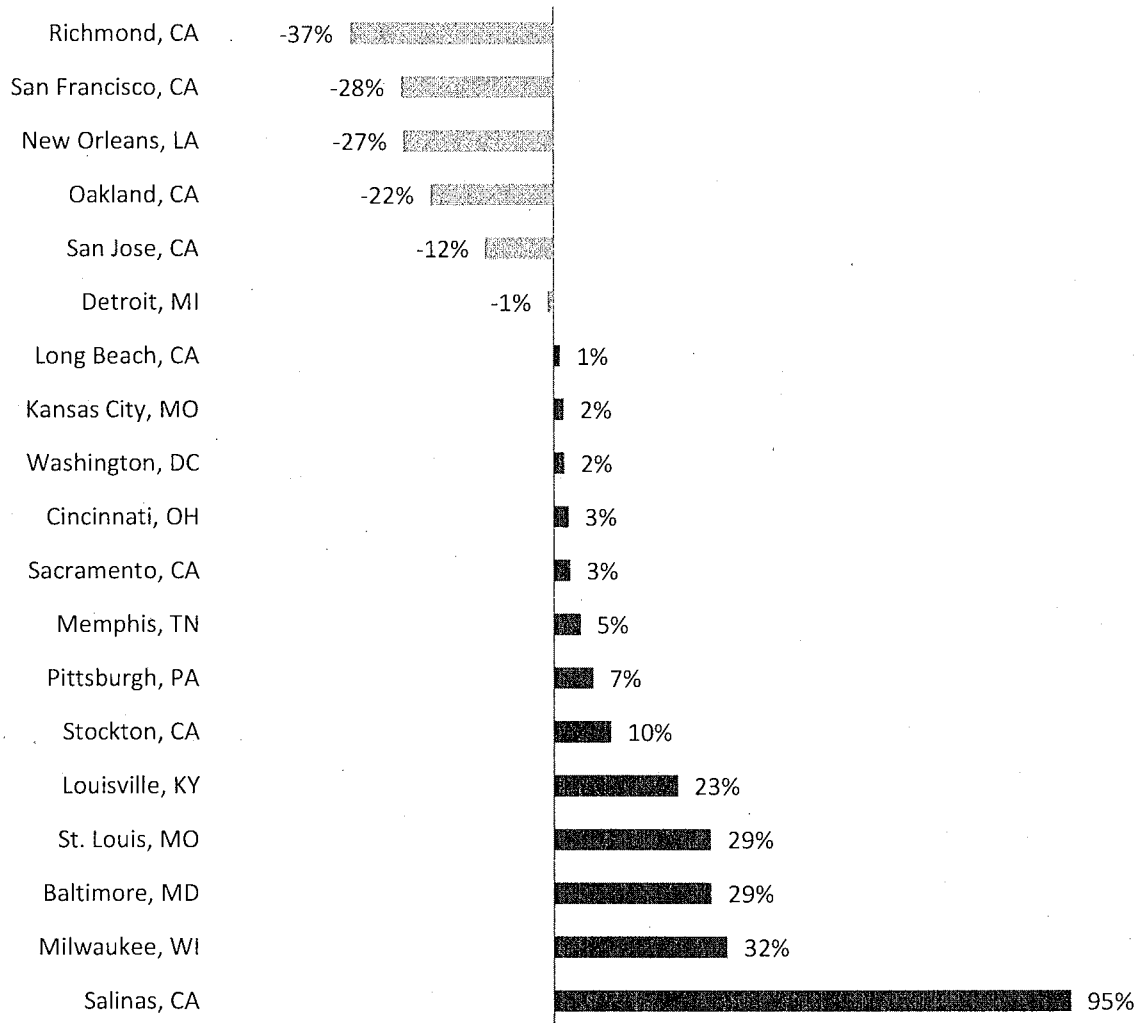


Homicides rates rose significantly in many cities across the United States in 2015 and 2016, including in many California cities, but not in Oakland.⁵ Figure 3 compares the percentage change homicide rate from 2015 to the 10-year average homicide rate for a number of California cities and cities with comparable homicide rates.

⁵ Source: The Economist, "Murder Rates in 50 American Cities," February 7, 2017. Accessed May 2, 2017: <http://www.economist.com/blogs/graphicdetail/2017/02/daily-chart-3>

Figure 3: Change in Homicide Rate, 10-Year Average to 2015⁶

Change in Homicide Rate: 10 Year Average to 2015



Much work remains to be done to further reduce violence in Oakland, but Oakland has made progress at a time when other cities are experiencing major increases in homicides. Homicides alone do not show the whole story, of course, and shootings and violent crime in Oakland show a similar trend.

⁶ Source: FBI, Uniform Crime Reports, prepared by the National Archive of Criminal Justice Data. Accessed May 3, 2017.

Information from Other Cities with Violence Reduction Strategies:

Cities approach violence reduction in a wide variety of ways. In order to provide City Council with context, staff conducted a preliminary sampling of other cities' violence reduction strategies, structure, and outcomes.⁷ See **Attachment C** for information and a summary of the cities reviewed.

Structure: Most cities with explicit violence reduction strategies have a unit or units dedicated to implementing strategy components. Some cities, such as Richmond and Salinas, base these units within the City Manager's Office. Others, such as San Jose and Milwaukee, base their violence prevention units in another department such as the Public Health Department or Parks and Recreation Department. Still others, such as San Francisco and New Orleans, split responsibilities – for instance, with a team in the Mayor's Office focused on homicides and a team in the Public Health Department focused on youth violence. None of the cities reviewed have a full separate department focused on violence prevention. It should be noted that structure is also influenced by the form of local municipal government in place (Strong Mayor versus a Council-City Manager form of government; City-County combined structure, etc.).

Some violence prevention units, such as the one in Sacramento, have one (1) Full Time Equivalent (FTE) convening stakeholders and setting policy; while others, such as San Jose, have a staff of 40 FTE doing tasks that range from direct services to policy analysis. All units have some partnership element built into their structure, such as a task force, typically comprised of law enforcement, health and human service providers, faith and community leaders, and city leadership (such as the Mayor and City Manager).

Approach and Focus for the Units: Even among cities that share a similar structure, the approach and focus varies greatly. Cities such as Richmond and New Orleans focus their work on homicide and gun violence reduction. Some cities, such as San Jose, primarily focus on gangs – both early prevention and intervention. Others have a broader mandate, as in Long Beach where efforts range from gun violence prevention to elder abuse and hate crime prevention. Most cities have a community engagement component to their work.

Many areas focus their designated violence prevention offices or divisions primarily on violence prevention and youth development efforts, while some have a full range of prevention, intervention, enforcement, and reentry services. Most cities integrate all of these elements into an overall citywide violence prevention *plan*, regardless of whether or not the plan implementation is the primary focus of the unit leading violence prevention efforts.

Evaluation: Most cities track individual-level outcomes for program participants. Some of these cities have a robust program evaluation showing effects on recidivism and other outcomes of interest (such as Oakland, San Jose, and Washington, DC). Several cities that have fully implemented Ceasefire, such as Stockton, had citywide evaluations showing that the intervention had an effect on homicide during the period of implementation. Most cities, however, did not have outcome evaluations showing the impact of their programming on **citywide violence**. A process evaluation of Richmond (a city that experienced a dramatic

⁷ Information from staff conversations with each office or division (primarily with the Director) in May 2017, as well as City's plans and websites.

decrease in homicides) pointed out that multiple citywide interventions occurred within the City at the same time. Richmond has not conducted an outside evaluation that disentangles the role of each citywide intervention in reducing the homicide rates.⁸

ANALYSIS AND POLICY ALTERNATIVES

Below is an overview of the current violence intervention service structure and options the City may wish to consider, with detail concerning estimated costs, staffing considerations, and other factors related to any structural changes.

Summary of Current (Status Quo) Oakland Unite Violence Prevention Efforts:

Structure and Approach: Oakland has a holistic approach to violence prevention and intervention. The Oakland Unite division within HSD does not represent the totality of the City's violence prevention investments. Oakland Unite is a division within the HSD comprised of 18.6 FTE with a full-time Division Manager who reports to the Department Director. Oakland Unite's focus areas are determined based on a spending plan approved every three years by the City Council and reviewed by the Safety and Services Oversight Committee.

Oakland Unite currently allocates funding across five (5) strategic investment areas: Life Coaching, Education and Employment Services, Violent Incident and Crisis Response, Community Asset Building, and an Innovation Fund. This work aligns with other HSD efforts (as shown in the "Coordination" subsection below) as well as with the City's Ceasefire strategy led by a civilian Project Manager based in OPD. The Ceasefire team closely coordinates with the HSD Director, Oakland Unite Manager, and the Oakland Unite team. The Mayor's Public Safety Director is partially funded through the Oakland Unite service dollars and focuses on citywide public safety efforts.

Evaluation: HSD-funded violence intervention programs have been evaluated and found to reduce recidivism for high-risk individuals, prevent re-injury for hospital-based interventions, promote school re-engagement, and improve employment outcomes.⁹ Currently, a citywide evaluation of the Oakland Ceasefire strategy is underway, as is a quasi-experimental evaluation of current Oakland Unite programs.

Reporting: The HSD Director reports directly to the City Administrator on violence prevention.

Coordination within HSD: With a holistic approach to violence prevention, HSD is able to leverage Oakland Unite work with other divisions. A summary of such work is described here:

- Reentry housing project leverages Oakland Unite case management for young men with Oakland Housing Authority subsidies to create a supportive reentry-housing model.

⁸ Wolf, A. M., Del Prado Lippman, A., Glesmann, C., & Castro, E. (2015). Process evaluation for the Office of Neighborhood Safety. Oakland, CA: National Council on Crime and Delinquency. Accessed March 2017 from: http://www.nccdglobal.org/sites/default/files/publication_pdf/ons-process-evaluation.pdf

⁹ Resource Development Associates, "Oakland Unite Retrospective Evaluation Report: 2005-2013," 2014.

- Coordination with County Housing and Probation Departments lead to homeless support services for reentry clients under Assembly Bill 109.
- Aligned investment across OFCY and Oakland Unite ensure a full prevention / intervention continuum, avoid funding duplication, and ensure grantee coordination.
- The current exploration between Oakland Unite and the Oakland Fund for Children and Youth (OFCY) to explore a joint funding effort for youth diversion from the criminal justice system.
- Oakland Unite provides training and specific incident response to Head Start staff.
- Alameda County-Oakland Community Action Partnership has seeded funding for reentry strategies that were then adopted by Oakland Unite and helped fill funding gaps.
- A recent grant will allow for HSD-wide training in becoming a trauma-informed department and providing trauma-informed services that will extend to all staff and creates more alignment in service delivery from Head Start through Oakland Unite.

Coordination with County / State / National Partners: The HSD Director sits on the Joint Powers Authority for the City, County, and School District. The HSD Director, and / or Oakland Unite Manager, attends the Reentry One Table.

Coordination Citywide: Currently, a number of structures are in place to ensure coordination of Oakland's violence prevention and intervention efforts. On a citywide level, the Mayor's Public Safety Director is leading and implementing the Mayor's Comprehensive Community Safety Plan, acting as liaison for the mayor with all City agencies and relevant County, State, and Federal agencies, the Oakland Unified School District, neighborhood safety councils, non-profit organizations, and other community groups investing in improving community safety.. The Ceasefire Project Manager coordinates citywide efforts between OPD, faith partners, and Oakland Unite service providers. There are regular bi-monthly meetings with the Mayor, the Public Safety Committee Chairperson, the City Administrator, the Police Chief, the HSD Director, the Oakland Unite Manager, the Ceasefire Manager, community members, and related City staff to review gun violence data, outcomes, and the need for enhanced strategies. Follow up phone calls supplement these meetings to address specific gun violence incidents to ensure a coordinated response and support services. The role of active community organizations, such as OCO, is a very important part of these larger discussions about strategies for community-wide violence prevention and intervention. Overall, the City's public safety staff are very well coordinated, especially with the help of the Mayor's Public Safety Director, the Ceasefire Manager, and the Human Services Department Director.

Budget: Key facts about the current Oakland Unite budget that impact the fiscal analysis for the proposed DVP:

- Ninety (90) percent of the total Oakland Unite budget (both grant funds and Measure Z revenue) directly support violence intervention services. The remaining 10 percent of funds are the self-imposed cap for administrative costs.
- Of those services funds, over 85 percent are granted to community agencies, with the remainder supporting direct service positions as City staff (e.g., Life coaches).

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- HSD provides all administrative functions including fiscal (e.g., purchasing, invoicing, payments), human resources, payroll, employee relations and other administrative functions HSD also provides physical space, front desk management, etc.

The Councilmember's proposal focuses on homicide reduction, but references the need for services related to family violence and commercial sexual exploitation. For the purposes of the report, staff's analysis in options below assume that focus areas would remain relatively the same as current efforts but also include employment and community engagement. No change in the short-run is assumed.

Option 1: DVP Proposal (based on the Councilmembers' Report):

The funding source for the additional staffing is not stated in the proposal.

To be minimally operational, a new Department would likely need the following positions based on comparison with other recently created City Departments:

- Director
- Fiscal / Administrative Services Manager
- Accountant
- Management Assistant
- Executive Assistant to the Director

The DVP proposal referenced moving nonsworn staff funded by Measure Z to the new department. The existing Measure Z-funded nonsworn positions that the proposal did not clarify would or would not be incorporated into the DVP include the following:

- Ceasefire Project Manager and Volunteer Coordinator, currently in OPD, 2 FTE
- Mayor's Public Safety Director, currently in Mayor's Office, .5 FTE funded by Measure Z
- Staff support for the Oversight Commission, currently in CAO, .8 FTE

Note that although these positions are currently funded, if these staff are included in the DVP, overall administration costs for the new DVP would likely increase.

Option 2 (another alternative to consider):

The assumption in this scenario is that there would be no shifts in focus areas for the moment, though violence intervention services could be expanded in chosen areas to bring services closer to scale in relation to services for homicide, Commercially Sexually Exploited Children, and family violence victims. City Council could also discuss committing additional City funding to support new or current work deemed most effective at reaching the desired outcomes.

In this option, the City would keep the Oakland Unite services within HSD, and could appoint a Deputy Director within HSD for violence prevention. This would allow the City to avoid expanded separate department administrative costs but it would elevate the profile of the current work.

Adding a Deputy Director for Violence Prevention and turning Oakland Unite into an office within HSD may increase the City's focus on violence reduction by providing higher-level direction centered solely on violence prevention.

Fiscal Impact Analysis for the Status Quo and Proposed DVP:

Because it is not completely clear from the original DVP proposal which staff are proposed to move to the proposed DVP, staff conducted a staffing analysis of the status quo and the options explained above. Table 2 summarizes the staffing for each scenario and the estimated costs.

Table 2: Staffing Options for the Proposed DVP Compared to the Status Quo

Staffing Position	# of FTE	Estimated Cost	# of FTE	Estimated Cost
	Option 1: DVP Proposal*		Option 2	
Department Director	1 FTE	\$290,926		--
Deputy Director			1 FTE	\$186,373
Administrative Services Manager	1 FTE	\$177,534		--
Accountant III**	1 FTE	\$141,549		--
Management Asst.	1 FTE	\$146,030		--
Executive Asst. to the Director	1 FTE	\$120,151		--
Internal Service Charges***		\$69,211		\$14,724
Total (in addition to existing costs)		\$945,411		\$201,097

Note: These costs are only the FY 2017-2018 estimated costs. Assume annual step increases for salary estimates.

* These costs only include salary and fringe benefits. The costs exclude departmental and Central Services overhead.

** Accountant is critical for processing and tracking grant funds.

*** Because Measure Z is not eligible for general administrative, internal service, and overhead expenses, the General Purpose Fund would have to absorb any of these costs in any scenario.

Additional other costs which would possibly be applied on top of the staffing costs with the creation of a new department:

- Physical Space Costs (likely one time)
- Equipment Costs

Analysis Summary and Conclusion

The DVP has been proposed as a way to dramatically reduce violence and prioritize the lives of black and brown Oakland residents. The City Council must consider whether there is evidence that a new department is the best way to achieve that primary goal, or whether other structures would better serve the goal. The following is a summary of staff's findings based on the analysis within this report.

Evidence of Effectiveness: There is some evidence from other cities that creating a separate department or division would increase the city's overall focus on violence prevention. However,

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there has been no outcome evaluation showing that such departmental change is a core element of creating or sustaining major reductions in violence.

Programs funded through Oakland Unite have been found effective in reducing recidivism and violence among program participants by independent evaluation. Since shifting intervention services to focus more on gun violence in Oakland Unite and since the full implementation of the Ceasefire program, Oakland has seen reductions in homicides and gun violence. Those reductions are in line with that of other cities implementing similar violence reduction strategies regardless of whether those cities run their strategies through a stand-alone office or department, or integrate them within another entity.

The City has much more work to do in order to save lives and reduce violence, and needs to ensure it is using the most effective strategies available to achieve this goal. Currently, the City is in contract with evaluators who will seek to better understand the long-term impact of Ceasefire and Oakland Unite programs on citywide violence and make recommendations for further changes.

Focus and Coordination: A long-term, sustainable effort to reduce violence in Oakland requires a holistic coordinated approach among a number of stakeholders including community members, the school district, police and other law enforcement entities, housing, and early childhood and youth development programs, among others. Targeted violence intervention efforts should be linked to a spectrum of other services and approaches in order to be most effective. Similarly, services among violence intervention providers must be coordinated in order to be most effective.

Sustainability: Oakland has a long-term violence problem, and efforts to reduce violence will similarly need to be long-term. Measure Z is a core element of ensuring sustainability for violence prevention and intervention efforts in Oakland. Given that a new department will generate new administrative costs, funds to cover these new infrastructural costs would also need to be sustainable. The City could choose to use funds currently going towards services to cover these new administrative costs. Alternatively, the City could also seek to identify new ongoing revenue streams to cover new administrative costs. Oakland Unite currently relies heavily on HSD-leveraged resources and grant funds to support its administrative infrastructure. Approximately half of current administrative positions are covered by end-dated federal and state grant funds. In the current federal landscape, it is likely that these grant funds will shrink and become more competitive, if available at all.

Given the likelihood of more limited resources for violence prevention, the City may wish to avoid committing itself to expanded administrative costs. This will ensure that available funds can go directly to services.

Service and Community Impact: A key question in deciding whether to change the current structure is what the likely impact will be on services in the community. In the short-term, there will be some disruption in services if City resources are focused on the creation of a new department rather than service implementation. Although staff would seek to minimize this disruption as much as realistic, a large department shift would likely lead to the potential for disruption to the current momentum of the existing programs.

Longer-term, unless new *ongoing* funding sources are identified, there is the potential for reductions in community-based services if some of the existing funds are needed for administrative costs. HSD caps administrative costs at 10 percent and dedicates the vast majority of funds to services, although the Measure Z legislation does not require such a cap. Oakland Unite funds a network of 26 community-based organizations to provide violence prevention services (this equates to about 75 FTE in the community). If the City wishes to commit more General Purpose funds to violence intervention, such funds could be used to expand existing services with a demonstrated positive effect on violence reduction, rather than on increased administrative costs. It is also important to note that given the City's current budget constraints, new General Purpose Funds are likely unavailable without making reductions elsewhere in the General Purpose Fund.

Conclusion: At this time, staff does not recommend creating a new Department of Violence Prevention (DVP), as there is a need for more evidence to prove that a separate department would further the City's violence reduction goals. The proposed DVP would direct funds toward increased administrative expenses instead of toward direct violence prevention services, and may even decrease funds available for services. Staff recommends that the City Council consider the policy questions mentioned in the Executive Summary section of this report in consideration of the DVP proposal.

ACTION REQUESTED OF THE CITY COUNCIL

Receive A Supplemental Report Staff Analysis On The Creation Of The Department Of Violence Prevention.

Respectfully submitted,



SABRINA B. LANDRETH
City Administrator

Reviewed by:
Sara Bedford, Director, HSD

Prepared by:
Chantal Cotton Gaines
Assistant to the City Administrator

Johanna Halpern-Finnerty
Program Planner, Oakland Unite, HSD

Attachments (3):

1. Adopted Ordinance – Measure Z – Safety and Services Act of 2014
2. Measure Z Background Information (Quick Summary)
3. City Comparison with Other Cities with Violence Prevention Strategies

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APPROVED AS TO FORM AND LEGALITY

Barbara J. Clarke
CITY ATTORNEY

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OAKLAND CITY COUNCIL
RESOLUTION NO. 85149 C.M.S.

INTRODUCED BY COUNCILMEMBERS GIBSON MCELHANEY, GALLO, KERNIGHAN, REID

RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE NOVEMBER 4, 2014 STATEWIDE GENERAL ELECTION, A PROPOSED ORDINANCE TO MAINTAIN THE CURRENT SPECIAL PARCEL TAX AND THE PARKING TAX SURCHARGE FOR POLICE SERVICES AND VIOLENCE PREVENTION STRATEGIES, TO ADDRESS VIOLENT CRIME AND TO IMPROVE PUBLIC SAFETY IN THE CITY OF OAKLAND; AND DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE NOVEMBER 4, 2014 STATEWIDE GENERAL ELECTION

WHEREAS, the City of Oakland has established public safety as one of its highest priorities and has determined that safety is essential for a thriving economy, healthy community and quality of life for all Oakland residents; and,

WHEREAS, the City of Oakland, like many other urban cities, continues to experience budget constraints due to impacts from the global, national, state, and regional recession causing Oakland to fund basic police and fire services at levels below those of similar-sized cities throughout the country; and,

WHEREAS, maintaining a well-equipped and appropriately staffed fire department is a necessary component to public safety including the critical paramedic services and other first responder needs related to acts of violence; and,

WHEREAS, investing in a coordinated system of early intervention, community policing and violence-prevention efforts before injury occurs will reduce economic and emotional costs and will be a fiscally responsible use of taxpayer dollars; and,

WHEREAS, in 2004, voters approved funding to augment basic police and fire services and funded violence prevention and intervention programs in a coordinated effort, now commonly known as "Oakland Unite" that invests in strategic violence prevention and intervention work that has been demonstrated to reduce recidivism, retaliatory violence and interrupt the cycle of violence by focusing efforts on the individuals who are likely to cause or be victims of violence; and

WHEREAS, findings from the California Legislative Analyst's Office reveal that investment in prevention and intervention strategies like those funded by Oakland Unite is fiscally responsible because it costs less than the average annual cost of incarceration and has demonstrated improved safety without increasing incarceration; and,

WHEREAS, the Oakland City Council determines it is in the best interests of the City of Oakland to submit to the voters this proposed ordinance to retain the existing tax structure approved by voters in 2004 to sustain funding for these critical efforts to address violent crime through targeted prevention, intervention and policing strategies, and improve emergency response; now therefore be it

RESOLVED: That the Oakland City Council finds and determines the forgoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: That the Oakland City Council does hereby submit to the voters, at the November 4, 2014, Statewide General Election, an Ordinance which reads as follows:

The people of the City of Oakland do ordain as follows:

PART 1. GENERAL

Section 1. TITLE AND PURPOSE.

(A) **Title**. This Ordinance may be cited as the "The 2014 Oakland Public Safety and Services Violence Prevention Act."

(B) **Purpose**. The taxes imposed under this Ordinance are solely for the purpose of raising revenue necessary to maintain police and fire services and violence prevention and intervention strategies, to address violent crime and to improve public safety in the City of Oakland.

The parcel tax imposed in Part 2 is an excise tax on the privilege of using and use of municipal services. Such municipal services increase and provide greater benefit to Owners of Parcels when programs to prevent violence and crime in the City are enhanced. Because the proceeds of the tax will be deposited in a special fund restricted for the services and programs specified herein, the tax is a special tax.

Section 2. FINDINGS.

(A) This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

(B) Nothing in this Ordinance is intended to preclude owners from recovering the tax from the occupant. Whether the occupant is charged depends on the occupancy agreement and the requirements of the Residential Rent Adjustment

Program. Moreover, non-payment will not be a lien on the property but a personal obligation of the occupant or owner.

Section 3. USE OF PROCEEDS.

(A) Objectives. The tax proceeds raised by these special taxes may be used only to pay for any costs or expenses relating to or arising from efforts to achieve the following objectives and desired outcomes:

1. Reduce homicides, robberies, burglaries, and gun-related violence;
2. Improve police and fire emergency 911 response times and other police services; and,
3. Invest in violence intervention and prevention strategies that provide support for at-risk youth and young adults to interrupt the cycle of violence and recidivism.

(B) Allocation. To achieve the objectives stated herein, three percent (3%) of the total funds collected shall be set aside annually for audit and evaluation of the programs, strategies and services funded by this measure, and to support the work of the Commission established herein (including meeting supplies, retreats, and the hiring of consultants). Of the remaining ninety-seven percent (97%), the Oakland Fire Department shall be allocated special tax revenue in the amount of \$2,000,000 annually. The tax funds remaining shall be allocated as follows: sixty percent (60%) for purposes described in subsection (C)(1) and forty percent (40%) for purposes described in subsection (C)(3) of this section.

(C) Uses. Taxes collected pursuant to the special taxes imposed herein shall be used only in connection with programs and services that further the objectives set forth in Section 3(A), such as the following:

1. Geographic Policing: hire, deploy and maintain sworn police personnel assigned to specific geographic areas or neighborhoods, performing duties such as:

(a) Crime Reduction Teams (CRTs): strategically geographically deployed sworn police personnel to investigate and respond to the commission of violent crimes in identified violence hot spots using intelligence-based policing;

(b) Community Resource Officers (CROs): these officers would engage in problem solving projects, attend Neighborhood Crime Prevention Council meetings, serve as a liaison with city services teams, provide foot/bike patrols, answer calls for service if needed, lead targeted enforcement projects and coordinate these projects with CRTs, Patrol units and other sworn police personnel;

(c) Conduct intelligence-based violence suppression operations such as field interviews, surveillance, undercover operations, high visibility patrol, probation/ parole compliance checks, search warrants, assist Community Resource Officers (formerly Problem Solving Officer program) projects, violent crime investigation and general follow up;

(d) Domestic violence and child abuse intervention: additional officers to team with social service providers to intervene in situations of domestic violence and child abuse, including sexual exploitation of children;

(e) Sustaining and strengthening of the City's Operation Ceasefire strategy, including project management and crime analysis positions.

2. Maintenance of Sworn Police Personnel: The intent of the augmented funding is to maintain sufficient resources to allow for the implementation of comprehensive policing within the City's limited resources and to begin the process of restoring the sworn staffing of the Oakland Police Department to a number of CRTs, CROs, and other sworn police personnel appropriate to meet the Oakland Police Department's stated mission of providing the people of Oakland an environment where they can live, work, play and thrive free from crime and the fear of crime. To ensure the Department's progress toward this mission, the following shall apply:

(a) Upon passage of this Ordinance, the City shall maintain a budgeted level of no fewer than six hundred seventy eight (678) sworn police personnel (including those sworn police personnel funded by this Ordinance) at all times, and shall hire and maintain no fewer than 678 sworn police personnel as early as practicable after the passage of this Ordinance and at all times after July 1, 2016.

(b) The City is prohibited from laying off any police officers if such layoffs will result in a reduction of sworn police personnel to a level of less than 800. Furthermore, the City is prohibited from laying off any police officers unless the City Council adopts a resolution containing factual findings that it is necessary to layoff officers.

(c) Each fiscal year, before the City adopts its two year policy budget or its mid-cycle budget adjustments, the City Administrator shall submit to the City Council, and the City Council shall adopt, a sworn police personnel hiring plan ("the hiring plan") demonstrating how the City will achieve and /or maintain the strength of force required by this Ordinance. The hiring plan will make use of assumptions that department attrition rates, recruiting success, academy yield and other relevant factors affecting the growth or shrinkage of the department will be comparable to the past two to four years' experience.

(d) The City shall be prohibited from collecting the taxes provided for in this Ordinance at any time that it has failed to budget for a minimum of 678 sworn police personnel. If the City fails to budget the requisite number, the prohibitions set forth in Section 3(C)(2)(e) will apply to the fiscal year of that budget. At any time after July 1, 2016, that the City has failed to hire and maintain a minimum of 678 sworn police personnel, with the exceptions listed below, the prohibitions set forth in Section 3(C)(2)(e) will apply to the fiscal year following 90 days from this determination. The City has 90 days to declare any of the following exceptions:

- i. If grant funding or other non-General Purpose Fund funding budgeted for sworn police personnel in the FY 2014-2015 budget becomes unavailable after that fiscal year, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the number of sworn police personnel previously funded by such lost revenue source. This exception shall apply only if the City Administrator submits a report to the City Council explaining the unavailability of the non-General Purpose Fund revenue, the steps that were taken by the City to try to replace such funding and the steps the City will take in the future to replace such funding. In addition, for this exception to apply, the City Council must adopt a resolution stating that such funding is no longer available and alternative non-General Purpose Fund revenue is not available. Such actions must be taken for each fiscal year in which the City fails to meet the minimum staffing requirements of this Ordinance for the reasons described in this sub-section.
- ii. If a severe and unanticipated financial or other event occurs that so adversely impacts the General Purpose Fund as to prevent the City from budgeting for, hiring and maintaining the minimum number of sworn police personnel required by this Ordinance, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the numbers the City is unable to fund as a result of such event. This exception shall apply only if the City Administrator submits a report to the City Council explaining the severe and unanticipated event, the steps that were taken by the City to avoid the need to reduce the number of sworn police personnel and the steps that will be taken by the City in the future to restore sworn police personnel. Such actions must be taken for each fiscal year in which the City fails to meet the minimum staffing requirements of this Ordinance for the reasons described in this sub-section.
- iii. If the number of sworn police personnel required by this Ordinance unexpectedly falls below the level required despite the City's adoption of and implementation of the hiring plan,

the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the shortfall. This exception shall apply only if the City Administrator reports to the City Council concerning the reasons for the shortfall, the steps that should be taken to restore the sworn police personnel level, and the time frame for doing so. If appropriate, the City Council will adopt resolution modifying the hiring plan. The specific facts and circumstances relied upon to establish an exception under this subsection shall not establish an exception in consecutive fiscal years.

(e) Suspension or Reduction of Taxes

- i. If at any time the City fails to budget for the staffing levels required in Section 3(C)(2) for a fiscal year and there has been no Council action establishing an exception set forth in Section 3(C)(2)(d), the City shall not impose and levy the parcel tax established pursuant to this ordinance during that fiscal year.
- ii. If at any time the City fails to budget for the staffing levels required in Section 3(C)(2) for a fiscal year and there has been no Council action establishing an exception set forth in Section 3(C)(2)(d), appropriate notice shall be provided to all parking lot operators that collection of the parking tax surcharge pursuant to this Ordinance shall be suspended during that fiscal year.
- iii. If the City fails to maintain staffing levels required in Section 3(C)(2) and there has been no Council action establishing an exception set forth in Section 3(C)(2)(d), the parcel tax imposed and levied during the following fiscal year shall be reduced by an amount proportionate to the number of days that the City did not meet staffing level requirements during the prior fiscal year.

Example: Parcel tax proportionally reduced for a period of 100 days where the City did not meet the required staffing level during the prior fiscal year, with a tax levied at a rate of \$99.77 for a single family residential parcel:

$$365 \text{ days} - 100 \text{ days} = 265 \text{ days}$$

$$265 \text{ days} \div 365 \text{ days} = 72.60\%$$

$$72.60\% \times \$99.77 = \$72.43$$

- iv. If the City fails to maintain staffing levels required in Section 3(C)(2) and there has been no Council action establishing an

exception set forth in Section 3(C)(2)(d), appropriate notice shall be provided to all parking lot operators that collection of the parking tax surcharge shall be suspended for a period of time determined by the number days that the City did not meet staffing level requirements during the following fiscal year.

3. ~~Community-focused Violence Prevention and Intervention Services and Strategies:~~ Coordination of public systems and community-based social services with a joint focus on youth and young adults at highest risk of violence as guided by data analysis. Invest in and engage the community in collaborative strategies such as:

(a) Street outreach and case management to youth and young adults at high-risk of involvement in violence in order to connect individuals in need of employment, mental health, or educational services to needed programs;

(b) Crisis response, advocacy and case management for victims of crime (including domestic violence victims, commercially sexually exploited children, and victims of shootings and homicides) with a strategic focus on reducing likelihood of being re-victimized;

(c) Reentry programs for youth and young adults, including case management, school support, job training and placement in order to reduce recidivism rates and improve educational and employment outcomes;

(d) Young children exposed to trauma or domestic and/or community violence.

4. Fire Services: Provide fire services such as:

(a) Maintain adequate personnel resources to respond to fire and medical emergencies including, but not limited, response to homicides and gun-related violence and investigate fire causes

Section 4. PLANNING, ACCOUNTABILITY AND EVALUATION.

To ensure the proper revenue collection, spending, and implementation of the programs mandated by this Ordinance, the City shall impose the following requirements:

(A) Commission: Adoption of this Ordinance shall establish a "Public Safety and Services Violence Prevention" Commission.

1. Qualifications: The Commission's membership must be comprised of individuals with experience in criminal justice, public health, social services, research and evaluation, finance, audits, and/or public policy.

2. Conflicts of Interest: Each Commission member shall certify that the member and the member's immediate family members, business

associates and employers have no financial interest in any program, project, organization, agency or other entity that is seeking or will seek funding approval under this Ordinance. Financial interest includes, without limitation, salaries, consultant fees, program fees, commissions, gifts, gratuities, favors, sales income, rental payments, investment income or other business income. A Commission member shall immediately notify the City Administrator and the Chair of the Commission of any real or possible conflict of interest between membership on the Commission and work or other involvement with entities funded by the taxes provided for in this Ordinance. Any dispute about whether a conflict of interest exists shall be resolved by the Public Ethics Commission.

3. **Composition:** The Commission shall consist of nine (9) members. The Mayor and each councilmember shall recommend one member of the Commission each. All commissioners shall be appointed by the Mayor and confirmed by the City Council in accordance with City Charter Section 601.

At least two (2) members will have experience working with service-eligible populations, two (2) members will reflect the service-eligible populations, and two (2) members will have a professional law enforcement or criminal justice background. Other members will meet the criteria as established in subsection 1 above.

4. **Meetings of the Commission:** The Commission shall conduct regular meetings and such special meetings as it deems necessary.
5. **Joint Meetings of the Commission and City Council:** The City Council, the Commission and other public safety-related boards and commissions shall conduct an annual joint special public informational meeting devoted to the subject of public safety. At each such meeting, the public, Commission and City Council will hear reports from representatives of all departments and the Chief of Police concerning progress of all of the City's efforts to reduce violent crime.
6. **Duties of the Commission:** The Commission shall perform the following duties:
 - (a) Evaluate, inquire, and review the administration, coordination, and evaluation of strategies and practices mandated in this Ordinance.
 - (b) Make recommendations to the City Administrator and, as appropriate, the independent evaluator regarding the scope of the annual program performance evaluation. Wherever possible, the scope shall relate directly to the efficacy of strategies to achieve desired outcomes and to issues raised in previous evaluations.
 - (c) Receive draft performance reviews to provide feedback before the evaluator finalizes the report.

(d) Report issues identified in the annual fiscal audit to the Mayor and City Council.

(e) Review the annual fiscal and performance audits and evaluations.

(f) Report in a public meeting to the Mayor and the City Council on the implementation of this Ordinance and recommend ordinances, resolutions, and regulations to ensure compliance with the requirements and intents of this Ordinance.

(g) Provide input on strategies: At least every three (3) years, the department head or his/her designee of each department receiving funds from this Ordinance shall present to the Commission a priority spending plan for funds received from this Ordinance. The priority spending plan shall include proposed expenditures, strategic rationales for those expenditures and intended measurable outcomes and metrics expected from those expenditures. The first presentation shall occur within 120 days of the effective date of this Ordinance. In a public meeting, the Commission shall make recommendations to the Mayor and City Council on the strategies in the plans prior to the City Council adoption of the plans. Spending of tax proceeds of this Ordinance must be sufficiently flexible to allow for timely responsiveness to the changing causes of violent crime. The priority spending plans shall reflect such changes.

The Commission will recommend to the Mayor and City Council those strategies and practices funded by tax proceeds of this Ordinance that should be continued and/or terminated, based on successes in responding to, reducing or preventing violent crime as demonstrated in the evaluation.

(h) Semi-Annual Progress Reports: Twice each year, the Commission shall receive a report from a representative of each department receiving funds from this Ordinance, updating the Commission on the priority spending plans and demonstrating progress towards the desired outcomes.

(B) Accountability and Reporting.

1. Annual Program Evaluation: Annual independent program evaluations pursuant to Section 3(C) shall include performance analysis and evidence that policing and violence prevention/intervention programs and strategies are progressing toward the desired outcomes. Evaluations will consider whether programs and strategies are achieving reductions in community violence and serving those at the highest risk. Short-term successes achieved by these strategies and long-term desired outcomes will be considered in the program evaluations.

2. Annual Audit Review: An independent audit shall be performed annually to ensure accountability and proper disbursement of the proceeds of this tax in accordance with the objectives stated herein as provided by Government Code sections 50075.1 and 50075.3. The City will, from time to time, retain an engineer for services pertaining to this parcel tax.

Section 5. SPECIAL FUND.

All funds collected by the City from the tax imposed by this Ordinance shall be deposited into a special fund in the City treasury and appropriated and expended only for the purposes and uses authorized by this Ordinance.

Section 6. EFFECTIVE DATE.

The taxes imposed by this Ordinance shall become effective upon passage.

Section 7. TERM OF TAX IMPOSITION.

The taxes enacted by this Ordinance shall be imposed and levied for a period of ten (10) years. The City shall place delinquencies on subsequent tax bills.

Section 8. SAVINGS CLAUSE.

If any provision, sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this Ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that the City would have adopted this Ordinance had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

If any tax imposed by this Ordinance is found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, the amounts, services, programs and personnel required to be funded from such tax shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.

Section 9. NO AMENDMENT.

The tax rates set forth herein may not be increased by action of the City Council without the applicable voter approval, but the City Council may make any other changes to this Ordinance as are consistent with its purpose.

PART 2. PARCEL TAX

Section 1. DEFINITIONS.

For purposes of this Ordinance, the following terms shall be defined as set forth below:

- (A) "Additional" shall mean an increase in the existing number.
- (B) "Administrative Costs" shall mean overhead costs, including central services, departmental and/or divisional.
- (C) "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "Building" includes the word "structure."
- (D) "Family" shall mean one or more persons related by blood, marriage, domestic partnership, or adoption, who are living together in a single residential unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Residential Unit and maintain a common household.
- (E) "Geographic Policing" means a decentralized and focused approach to policing. Sworn police personnel are assigned and deployed to specific geographic areas. The Commander leading each area is responsible and accountable at all times for addressing crime within the area directing and allocating police resources according to particular local needs.
- (F) "Hotel" shall mean as defined by Oakland Municipal Code section 4.24.020.
- (G) "Multiple Residential Unit Parcel" shall mean a parcel zoned for a Building, or those portions thereof, which accommodates or is intended to contain two or more residential units.
- (H) "Non-Residential" shall mean all parcels that are not classified by this Ordinance as Residential Parcels, and shall include, but not be limited to, parcels for industrial, commercial and institutional improvements, whether or not currently developed.
- (I) "Occupancy" shall be as defined by Oakland Municipal Code section 4.24.020.
- (J) "Operator" shall be as defined by Oakland Municipal Code section 4.24.020.
- (K) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.
- (L) "Parcel" shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.
- (M) "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(N) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, shall mean possession of, claim to, or right to the possession of, land or improvements and shall include any exclusive right to the use of such land or improvements.

(O) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.

(P) "Single Family Residential Parcel" shall mean a parcel zoned for single-family residences, whether or not developed.

(Q) "Transient" shall mean any individual who exercises Occupancy of a hotel or is entitled to Occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any individual so occupying space in a Hotel shall be deemed to be a Transient until the period of thirty (30) consecutive days has elapsed.

Section 2. IMPOSITION OF PARCEL TAX.

There is hereby imposed a special tax on all Owners of parcels in the City of Oakland for the privilege of using municipal services and the availability of such services. The tax imposed by this Section shall be assessed on the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of any Possessory Interest in such parcel, unless such holder is also by law exempt from taxation. The tax is imposed as of July 1 of each year on the person who owned the parcel on that date. The tax shall be collected at the same time, by the same officials, and pursuant to the same procedures as the one percent property tax imposed pursuant to Article XIII A of the California Constitution.

Base Amount of Tax. The tax hereby imposed shall be set as follows subject to adjustment as provided in Section 5 below:

(A) For owners of all Single Family Residential Parcels, the tax shall be at the annual rate of \$99.77 per parcel.

(B) For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of per occupied Residential Unit of \$68.15 per parcel.

Owners of units that are vacant for six months or more per year may apply to the Director of Finance to have the rate reduced by 50% per vacant Residential Unit located on the Parcel of \$34.07 per parcel.

(C) The tax for Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total Single Family Residential Unit Equivalentents (SFE). A frontage of 80 feet for a commercial/industrial parcel, for example, is equal to one (1) single family resident unit equivalent. (See matrix.) An area of 6,400 square feet for the commercial industrial parcel is equal to one (1) single family resident

unit equivalent. The tax is the annual rate \$51.09 multiplied by the total number of Single Family Equivalents (determined by the frontage and square footage).

LAND USE CATEGORY	FRONTAGE	AREA (SF)
Commercial Institutional	80	6,400
Industrial	100	10,000
Public Utility	1,000	100,000
Golf Course	500	100,000
Quarry	1,000	250,000

Example: assessment calculation for a Commercial Institutional Parcel with a Frontage of 160 feet and an Area of 12,800 square feet:

Frontage 160 feet ÷ 80 = 2 SFE

Area 12,800 square feet ÷ 6,400 = 2 SFE

2 SFE + 2 SFE = 4 SFE

4 SFE x \$51.09 = \$204.36 tax

(D) An Owner of an Undeveloped Parcel is exempt from this parcel tax if the Owner can prove that the parcel was undeveloped for at least six months of the year in question.

(E) The tax imposed by this Ordinance shall be imposed on each Hotel within the City as follows:

1. Residential Hotels. Rooms in a Hotel occupied by individuals who were not Transients for 80% or more of the previous Fiscal Year shall be deemed Residential Units and the parcel on which they are located shall be subject to the Parcel tax imposed on Multiple Residential Unit Parcels. The remainder of the Building shall be subject to the applicable tax computed in accordance with the Single Family Residential Unit Equivalent formula set forth in Section 2(C).

2. Transient Hotels. Notwithstanding the previous subsection, if 80% or more of the Operator's gross receipts for the previous Fiscal Year were reported as rent received from Transients on a return filed by the Operator in compliance with section 4.24.010 of the Oakland Municipal Code (commonly known as the Uniform Transient Occupancy Tax of the City of Oakland), such Hotel shall be deemed a Transient Hotel. The entire Building shall be deemed a Non-Residential Parcel, categorized as Commercial/Institutional, and shall be subject to the applicable tax computed in accordance with the Single Family Residential Unit Equivalent formula set forth in Section 2(C), and the parcel tax imposed on Multiple Residential Units shall not apply.

Section 3. EXEMPTIONS.

(A) Low income household exemption. The following is exempt from this tax: an Owner of a Single Family Residential Unit (1) who resides in such unit and (2) whose

combined family income, from all sources for the previous fiscal year, is at or below the income level qualifying as "very low income" for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.) for such fiscal year. Owners must apply for the exemption provided for in this section annually by petition to the Director of the Finance of the City of Oakland ("Director of Finance") or City Administrator designee in the manner and time set forth in procedures established by the Director of Finance. Such petitions shall be on forms provided by the Director of Finance and shall provide such information as the Director of Finance shall require, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

(B) Fifty percent reduction for affordable housing projects. Rental housing owned by nonprofit corporations and nonprofit-controlled partnerships for senior, disabled and low income households that are exempt from ad valorem property tax pursuant California Revenue and Taxation Code sections 214(f), (g) and (h) shall be liable for only 50% of the parcel tax. The exemption shall apply in the same proportion that is exempted from ad valorem property tax.

(C) Rebate to tenants in foreclosed single family homes. The City will provide a rebate of one-half of the tax and subsequent increases thereto ("Foreclosure Rebate") to tenants in single family homes that have been foreclosed upon who have paid a passed through Parcel Tax. To qualify for the Foreclosure Rebate, a tenant must: (1) have lived in the unit before foreclosure proceedings commenced; and (2) be at or below the income level qualifying as "very low income" for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.) for such fiscal year. The City will provide the Foreclosure Rebate for every month that the tax was applied and the tenant occupied the unit. The City will provide the Foreclosure Rebate at the end of each fiscal year, or when the tenant vacates the unit, whichever is earlier. The City Administrator will promulgate regulations to effectuate this Part 3, Section 3(C).

(D) Real property owned by a religious organization or school that is exempt from property taxes under California law is exempt from this tax. To qualify for this exemption, each religious organization or school seeking such exemption shall submit such information required to determine eligibility for such exemption.

Section 4. REDUCTION IN TAX; RATE ADJUSTMENT.

(A) Subject to paragraph (B) of this section, the tax rates imposed by this Ordinance are maximum rates and may not be increased by the City Council above such maximum rates. The tax imposed by the Ordinance may be suspended, reduced or eliminated by the City Council for a subsequent fiscal year upon a vote of the City Council on or before June 30th of the year in which the City Council determines that after such suspension, reduction or elimination, there will be sufficient revenues available to balance the City Council's Adopted Policy Budget and provide the services and programs described in Part I, Section 3 above. Such suspension, reduction or elimination shall be effective the fiscal year following such vote.

(B) Beginning in the Fiscal Year 2015-2016, and each year thereafter, the City Council may increase the tax imposed hereby only upon a finding that the cost of living in

the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased. The percentage increase of the tax imposed hereby shall not exceed such increase, using Fiscal Year 2014-2015 as the index year and in no event shall any annual adjustment exceed five percent (5%).

Section 5. DUTIES OF THE DIRECTOR OF FINANCE.

It shall be the duty of the Director of the Finance to collect and receive all taxes imposed by this Ordinance. The Director of Finance is charged with the enforcement of this Ordinance and may adopt rules and regulations relating to such enforcement.

Section 6. EXAMINATION OF BOOKS, RECORDS, WITNESSES; PENALTIES.

The Director of Finance or his/her designee is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of Parcels and computation of the tax imposed by this Ordinance.

The Director of Finance or his/her designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this Ordinance for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The Director of Finance, or his/her designee is hereby authorized to examine any person, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this Ordinance and for this purpose may compel the production of books, papers and records before him/her, whether as parties or witnesses, whenever s/he believes such persons have knowledge of such matters. The refusal of such examination by any person subject to the tax shall be deemed a violation of this Ordinance and of the Oakland Municipal Code and subject to any and all remedies specified therein.

Section 7. COLLECTION OF TAX; INTEREST AND PENALTIES.

The tax shall be delinquent if the City does not receive it on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the Alameda County Tax Collector; and the tax shall be collected in such a manner as the City Council may decide. The City may place delinquencies on a subsequent tax bill.

A one-time penalty at a rate set by the City Council, which in no event shall exceed 25% of the tax due per fiscal year, is hereby imposed by this Ordinance on all taxpayers who fail to timely pay the tax provided by this Ordinance; in addition, the City Council may assess interest at the rate of 1% per month on the unpaid tax and the penalty thereon.

Every penalty imposed and such interest as accrues under the provisions of this Ordinance shall become a part of the tax herein required to be paid.

The City may authorize the County of Alameda to collect the taxes imposed by this Ordinance in conjunction with and at the same time and in the same manner as the County collects property taxes for the City. If the City elects to authorize the County of Alameda to collect the tax, penalties and interest shall be those applicable to the nonpayment of property taxes.

Section 8. COLLECTION OF UNPAID TAXES.

The amount of any tax, penalty, and interest imposed under the provisions of this Ordinance shall be deemed a debt to the City. Any person owing money under the provisions of this Ordinance shall be liable to an action brought in the name of the City for the recovery for such amount.

Section 9. REFUND OF TAX, PENALTY, OR INTEREST PAID MORE THAN ONCE; OR ERRONEOUSLY OR ILLEGALLY COLLECTED.

Whenever the amount of any tax, penalty, or interest imposed by this Ordinance has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified written claim for refund, stating the specific ground upon which such claim is founded, is received by the Director of Finance within one (1) year of the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator, or the executor of her or his estate. No representative claim may be filed on behalf of a taxpayers or a class of taxpayers. The claim shall be reviewed by the Director of Finance and shall be made on forms provided by the Director of Finance. If the claim is approved by the Director of Finance, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the Person from whom it was collected or by whom paid, and the balance may be refunded to such Person, his/her administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

PART 3. 10-YEAR EXTENSION OF PARKING TAX SURCHARGE

The Municipal Code is hereby amended to add as set forth below (section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through~~ type; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed). Chapter 4.14, Section 4.16.020 and Section 4.16.031 of the Municipal Code are hereby amended to read as follows:

4.16.031 Imposition of Surcharge

Subject to the provisions for the collection of taxes and definitions in this chapter, there shall be an additional tax of eight and one-half (8 1/2) percent imposed on the rental of every parking space in a parking station in the City until December 31, 2024.

and be it,

FURTHER RESOLVED, that each ballot used at said election shall have printed therein, in addition to any other matter required by law, the following:

A PROPOSED ORDINANCE TO MAINTAIN A PARCEL TAX AND A PARKING TAX SURCHARGE FOR A PERIOD OF TEN YEARSTO IMPROVE POLICE, FIRE AND EMERGENCY RESPONSE SERVICES AND COMMUNITY STRATEGIES FOR AT-RISK YOUTH AND YOUNG ADULTS.

MEASURE _____

Measure __. Without increasing current tax rates, to reduce gun violence, robberies, and homicides, improve 9-1-1 response times and support at-risk youth/young adults, shall the City provide improved police, fire and emergency response services and proven community programs, including dropout prevention, crisis intervention, and job training/placement, by continuing to collect a parking tax surcharge and a parcel tax for 10 years subject to annual performance and financial audits monitored by a citizens oversight committee?	Yes	
	No	

and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Clerk of the City of Oakland (the "City Clerk") at least 88 days prior to November 4, 2014, to file with the Alameda County Clerk certified copies of this Resolution; and be it

FURTHER RESOLVED: That the City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots recitals and measure language to be voted on by the voters of the qualified electors of the City of Oakland; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Oakland, Chapter 3 of the Oakland Municipal Code, the Government Code and the Election Code of the State of California; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 11 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission

of arguments for or against said proposed Ordinance and rebuttals, and said date shall be posted in the Office of the City Clerk; and be it

FURTHER RESOLVED: That certain sections of this Ordinance may be codified into the City of Oakland Municipal Code at the direction of the City Clerk upon approval by the voters.

IN COUNCIL, OAKLAND, CALIFORNIA JUL 29, 2014

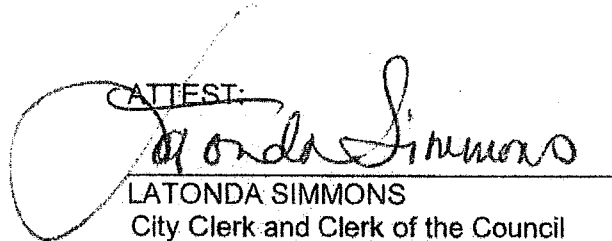
PASSED BY THE FOLLOWING VOTE:

AYES- ██████S, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ██████; SCHAAF and PRESIDENT KERNIGHAN -6

NOES 0

ABSENT Brooks, Reid -2

ABSTENTION 0

ATTEST:

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

Attachment B: Measure Z Background

Attachment B

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Table 1: Summary of Measure Z Funding Allowable Uses

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Service	Details
Administrative	Funding set aside to support the work of the Measure Z Commission.
Evaluation	Annual independent program evaluations pursuant to Section 3(C) shall include performance analysis and evidence that policing and violence prevention/intervention programs and strategies are progressing toward the desired outcomes. Evaluations will consider whether programs and strategies are achieving reductions in community violence and serving those at the highest risk. Short-term successes achieved by these strategies and long-term desired outcomes will be considered in the program evaluations.
Auditing	An independent audit shall be performed annually to ensure accountability and proper disbursement of the proceeds of this tax in accordance with the objectives stated herein as provided by Government Code sections 50075.1 and 50075.3.
Oversight	There will be an oversight commission to ensure the proper revenue collection, spending, and implementation of the programs mandated by Measure Z.
Fire Services	Provide fire services such as: Maintain adequate personnel resources to respond to fire and medical emergencies including, but not limited, response to homicides and gun-related violence and investigate fire causes.
Community-Focused Violence Prevention / Intervention Services	<p>Coordination of public systems and community-based social services with a joint focus on youth and young adults at highest risk of violence as guided by data analysis. Invest in and engage the community in collaborative strategies such as:</p> <ul style="list-style-type: none"> • Street outreach and case management to youth and young adults at high-risk of involvement in violence in order to connect individuals in need of employment, mental health, or educational services to needed programs; • Crisis response, advocacy and case management for victims of crime (including domestic violence victims, commercially sexually exploited children, and victims of shootings and homicides) with a strategic focus on reducing likelihood of being re-victimized; • Reentry programs for youth and young adults, including case management, school support, job training and placement in order to reduce recidivism rates and improve educational and employment outcomes; • Young children exposed to trauma or domestic and/or community violence.
Geographic and Community Policing Services	<p>Hire, deploy and maintain sworn police personnel assigned to specific geographic areas or neighborhoods, performing duties such as:</p> <ol style="list-style-type: none"> a. Crime Reduction Teams (CRTs): strategically geographically deployed sworn police personnel to investigate and respond to the commission of violent crimes in identified violence hot spots using intelligence-based policing; b. Community Resource Officers (CROs): these officers would engage in problem solving projects, attend Neighborhood Crime Prevention Council meetings, serve as a liaison with city services teams, provide foot/bike patrols, answer calls for service if needed, lead targeted enforcement projects and coordinate these projects with

Attachment B: Measure Z Background

Service	Details
	<p>CRTs, Patrol units and other sworn police personnel;</p> <p>c. Conduct intelligence-based violence suppression operations such as field interviews, surveillance, undercover operations, high visibility patrol, probation/ parole compliance checks, search warrants, assist Community Resource Officers (formerly Problem Solving Officer (PSO) program) projects, violent crime investigation and general follow up;</p> <p>d. Domestic violence and child abuse intervention: additional officers to team with social service providers to intervene in situations of domestic violence and child abuse, including sexual exploitation of children;</p> <p>e. Sustaining and strengthening of the City's Operation Ceasefire strategy, including project management and crime analysis positions.</p>

Table 2: Types of Measure Z Investments by Department Since 2015

Department	Types of Measure Z Investments Since 2015
City Administrator's Office	Staff support to the Oversight Commission (.8 FTE total); evaluation services contracts; funding for Cityspan database upgrades (system provides data for evaluations); support for a portion of a contract with outside engineer to do the annual tax assessments; .4 FTE in HSD to help with evaluation support; supplies support to the Oversight Commission
Finance Department – Controller's Bureau	Financial audit
Fire Department	Voluntary or mandatory overtime support to ensure compliance with the agreement on minimum staffing.
Human Services Department	<p>Oakland Unite's focus areas are determined based on a spending plan approved every three years by the Safety and Services Oversight Commission and City Council. FY 2017-2018 is the final year of the current spending plan. Oakland Unite currently allocates funding across five strategic investment areas:</p> <ul style="list-style-type: none"> • <u>Life Coaching</u> for youth/young adults at highest risk for violence • <u>Education and Employment Services</u> that support those individuals in preparing for and securing training and employment • <u>Violent Incident and Crisis Response</u> for victims of gun violence, family violence, and commercial sexual exploitation • <u>Community Asset Building</u> to support leadership development in neighborhoods most affected by violence • <u>Innovation Fund</u> to foster new ideas and practices such as diversion programs
Police Department	<p>2 non-sworn FTE for Ceasefire (1 Project Director and 1 Program Coordinator)</p> <p>Support for Ceasefire Partnership</p> <p>Community Resource Officers</p> <p>Crime Reduction Team Sworn Personnel</p> <p>Sergeants</p> <p>Support for technology upgrades for the SARAnet and Operations and Maintenance (O&M) Support for officers.</p>

Source: Measure Z Spending Plans for each of these departments

Sample of CA Cities with Citywide Violence Prevention Strategies¹

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City	Population ²	Entity Name	Launch Date	Location	Approach/Focus*	10-Year Ave. Homicide Rate ³	Change in Homicide Rate 2015 to 10-Year Average
Oakland, CA	408,073	Oakland Unite	2004/2015 ⁴	Unit in Human Services Dept., reports to Director and the City Administrator's Office. VP staff also based in OPD and Mayor's Office.	Approach: Mainly I, PER through other divisions in city Focus: guns, CSE, FV	26.1	-22%
Long Beach, CA	470,237	Mayor's Innovation Team	2014	VP staff split among Mayor's Office and Public Health Dept.	Approach: PIER Focus: FV, elder abuse, hate crimes, violent crime, gangs	7.5	1%
Richmond, CA	107,597	Office of Neighborhood Safety	2008	Office reporting to City Manager	Approach: Mainly I Focus: guns	27.5	-37%
Sacramento, CA	480,566	Mayor's Gang Prevention and Intervention Task Force	2011/2015	Staff in City Manager's Office	Approach: Mainly P, some IER Focus: Groups, guns	8.5	3%
Salinas, CA	155,366	Community Safety Division	2009	Division in City Manager's Office	Approach: PIER Focus: youth, guns and groups	13.0	95%
San Francisco, CA	805,235	Mayor's Office of Violence Prevention Services	2012	Staff report to Mayor, most VP staff based in other Depts.	Approach: PIER Focus: guns, groups, police reform	8.5	-28%
San Jose, CA	1,000,860	Mayor's Gang Prevention Task Force	1991	Division in Parks and Recreation Dept.	Approach: PIER Focus: Groups, guns	3.3	-12%
Stockton, CA	299,722	Office of Violence Prevention	Re-started 2014	In City Manager's Office, reports to Deputy	Approach: PIER Focus: guns, at-risk youth	14.6	10%

*Key: VP= Violence Prevention, CSE= commercial sexual exploitation, FV=family violence, PIER= Prevention, Intervention, Enforcement, Reentry

¹ Information from staff conversations with each office or division (primarily with the Director) in May 2017, as well as the city's plans and websites.

² United States Census, accessed May 2017 from: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

³ Per 100,000 residents. Source: FBI, Uniform Crime Reports, prepared by the National Archive of Criminal Justice Data, Accessed May 3, 2017

⁴ Violence intervention strategies revised and Ceasefire fully launched 2012.

Sample of Other Cities Nationwide with Citywide Violence Prevention Strategies⁵

City	Population ⁶	Entity Name	Launch Date	Location	Approach/Focus*	10-Year Ave. Homicide Rate	Change in Homicide Rate 2015 to 10-Year Average
Louisville, KY	608,732	Office of Safe and Healthy Neighborhoods	2013	Office funded within Public Health, reports to Deputy Mayor (Chief) of Community Building	Approach: PIER Focus: guns, some suicide, overdose prevention	9.2	23%
Milwaukee, WI	599,498	Office of Violence Prevention	2006	Office in Public Health Dept., reports to Health Commissioner and Mayor	Approach: Mainly P, some IER Focus: guns, CSE, FV, youth development	16.5	32%
New Orleans, LA	376,738	NOLA for Life	2012	Office reporting to Deputy Mayor	Approach: PIER Focus: guns, groups	53.1	-27%
Washington, DC	647,484	Office of Neighborhood Safety and Engagement	2017	Office reporting to Deputy Mayor	Approach: PIER Focus: violent crime	23.6	2%

*Key: VP= Violence Prevention, CSE= commercial sexual exploitation, FV=family violence, PIER= Prevention, Intervention, Enforcement, Reentry

Note: This chart was developed to inform the current decision before Council, but a more thorough analysis would be needed to tell the full story of each City’s efforts. Most cities have complex and varying arrangements to achieve their violence prevention work that relate to their particular government structure, relationship to County services, type of violence in their area, and other factors. This chart and the narrative within the report are intended as a surface snapshot of city investments in violence prevention.

⁵ Information from staff conversations with each office or division (primarily with the Director) in May 2017, as well as the city’s plans and websites.

⁶ United States Census, accessed May 2017 from: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>