



City of Oakland

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City
Clerk

Meeting Agenda - FINAL

* Special Meeting of the Oakland City Council

City Hall, 1 Frank H. Ogawa Plaza, Oakland, California 94612

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, July 26, 2016

5:00 PM

City Council Chamber, 3rd Floor

1 PLEDGE OF ALLEGIANCE

2 ROLL CALL / CITY COUNCIL

3 OPEN FORUM (Total Time Available: 15 Minutes)

4 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION & DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS

- 5** Subject: Honoring And Recognizing Annette Fontaine
From: Councilmember Brooks
Recommendation: Adopt A Resolution Recognizing And Honoring Fire Communications Supervisor Annette Fontaine For 30 Years Of Dedicated Service To The Residents Of Oakland And The Oakland Fire Department
[15-1292](#)

Sponsors: Ms. Brooks

Attachments: [View Report](#)

Legislative History

7/7/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
7/7/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council

- 6** Subject: Karen L. Harris Retirement
From: Councilmember Brooks And President Pro Tem Reid
Recommendation: Adopt A Resolution Commending Karen L. Harris For More Than 19 Years Of Exemplary And Dedicated Service To The City Of Oakland And Congratulating Her On Her Retirement And Bidding Her Farewell
[15-1286](#)

Sponsors: Ms. Brooks

Attachments: [View Report](#)

[PROCLAMATION KAREN L. HARRIS](#)

Legislative History

7/7/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
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7/7/16

*Rules & Legislation
Committee

Scheduled to the * Special Meeting of the
Oakland City Council

- 7 Subject: Resolution Honoring and Recognizing Crystal Roza
From: Councilmember Gallo
Recommendation: Adopt A Resolution Honoring and Recognizing Crystal Roza Upon
Her Retirement From The City Of Oakland After 18 Years of Dedicated Service
[15-1239](#)

Attachments: [View Report](#)

Legislative History

6/23/16

*Rules & Legislation
Committee

Scheduled to the Concurrent Meeting of the
Oakland Redevelopment Successor
Agency and the City Council

6/23/16

*Rules & Legislation
Committee

Scheduled to the Concurrent Meeting of the
Oakland Redevelopment Successor
Agency and the City Council

7/7/16

*Rules & Legislation
Committee

Rescheduled to the Special Concurrent
Meeting of the Oakland Redevelopment
Successor Agency/City Council

7/7/16

*Rules & Legislation
Committee

Rescheduled to the Special Concurrent
Meeting of the Oakland Redevelopment
Successor Agency/City Council

- 8 Subject: Designating The City Clerk To Keep Minutes In Closed Session
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Pursuant To Government Code Section
54957.2. (A) Designating The City Clerk To Attend City Council Closed Sessions To
Keep And Enter In A Confidential Minute Book A Record Of Topics Discussed And
Decisions Made At The Meeting
[15-1282](#)

Sponsors: Gibson McElhaney

Attachments: [View Report](#)

Legislative History

7/7/16

*Rules & Legislation
Committee

Scheduled to the * Special Meeting of the
Oakland City Council

7/7/16

*Rules & Legislation
Committee

Scheduled to the * Special Meeting of the
Oakland City Council

- 9 Subject: Auditor's Report dated June 27, 2016 (RAP)
From: Gene Hazzard
Recommendation: Receive A Presentation From The City Auditor On The Performance Audit Of The City Of Oakland Rent Adjustment Program (RAP) Dated June 27th 2016. The Special Meeting On July 26, 2016 Is Regarding The RAP To Which The Auditor's Information Is Pertinent To The Topic.

[15-1304](#)

Sponsors: Member(s) of the Public

Attachments: [View Report](#)

[Oakland City Auditor - Rent Adjustment Program Audit report - June 27, 2016](#)

Legislative History

7/14/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
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7/14/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
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- 10 Subject: Amendment to the Salary Ordinance
From: Human Resource Management
Recommendation: Adopt An Ordinance Amending Ordinance No. 12187 C.M.S., "The Salary Ordinance," To Clarify The Authority Of The City Administrator In Setting The Compensation And Other Terms And Conditions Of Employment For Department Heads And Amending Ordinance No. 12903 C.M.S. And Repealing Ordinance No. 12918 C.M.S.

[15-1241](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON JULY 19, 2016; 8 AYES.

Legislative History

6/23/16	*Rules & Legislation Committee	Scheduled to the *Finance & Management Committee
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6/23/16	*Rules & Legislation Committee	Scheduled to the *Finance & Management Committee
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7/12/16	*Special Finance & Management Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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There was 1 speaker on this item.

7/12/16	*Special Finance & Management Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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There was 1 speaker on this item.

7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Approved On Introduction and Scheduled for Final Passage to the * Special Meeting of the Oakland City Council
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Approved On Introduction and Scheduled for Final Passage to the * Special Meeting of the Oakland City Council
7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council

- 11** Subject: Authorizing A Grant Of \$25,000 From Council Member Larry Reid's Graffiti Abatement Mural And Green Walls Funds
From: President Pro Tem Reid
Recommendation: Adopt A Resolution Authorizing A Grant Of \$25,000 From Council Member Larry Reid's Graffiti Abatement Mural And Green Walls Funds To The East Oakland Beautification Council To Deter Illegal Graffiti In Council District 7 And For Additional Effective Abatement And Deterrence Methods To Deter Illegal Graffiti
[15-1319](#)

Sponsors: Mr. Reid

Attachments: [View Report](#)

12 NUMBER INTENTIONALLY NOT USED

- 13 Subject: RAP Fee Increase
From: Council President Gibson McElhaney, President Pro Tem Reid and Vice Mayor Campbell Washington
Recommendation: Adopt An Ordinance Amending Ordinance No. 13320 C.M.S. (The 2015-16 Master Fee Schedule) To Increase The Rent Program Service Fee From \$30 Per Unit To \$68 Per Unit
[15-1299](#)

Sponsors: Mr. Reid, Campbell Washington and Gibson McElhaney

Attachments: [View Report](#)
[View Supplemental Report](#)
[View Report](#)
[View Report](#)
[View Kaplan Supplemental Report](#)
[View Supplemental Report](#)
[SuppRpt RAP Fee Incr \\$68 7.18.16- revisedAuditorTables FINAL](#)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.

INTRODUCTION (First Reading) WAS PASSED ON JULY 19, 2016; 6 AYES, 2 NO GALLO, KAPLAN.

Legislative History

7/7/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
7/7/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board <i>The item was approved as amended to include the \$68 increase, with an assessment of where we need to be in the future</i>	Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board <i>The item was approved as amended to include the \$68 increase, with an assessment of where we need to be in the future</i>	Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council
7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council

- 14 Subject: Pilot Project to Modify Library Fines & Fees for Oakland Youth
From: Oakland Public Library
Recommendation: Adopt An Ordinance Authorizing The City Administrator And
Director Of Library Services, As Part Of A One Year Pilot Project, To Modify The
Oakland Public Library Fines And Fees Affecting Youth (18 Years-Old And Under) In
Order To Reduce A Substantial Barrier To Library Use By Oakland Students
[15-1264](#)

Sponsors: Oakland Public Library

Attachments: [View Report](#)

*ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF
THIS ORDINANCE.*

INTRODUCTION (First Reading) WAS PASSED ON JULY 19, 2016; 8 AYES.

Legislative History

6/30/16	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
6/30/16	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
7/12/16	*Life Enrichment Committee	Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the City Council/Geological Hazard Abatement District Board
7/12/16	*Life Enrichment Committee	Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the City Council/Geological Hazard Abatement District Board
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Approved On Introduction and Scheduled for Final Passage to the * Special Meeting of the Oakland City Council
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Approved On Introduction and Scheduled for Final Passage to the * Special Meeting of the Oakland City Council
7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council

- 15 Subject: OUSD Use of City Hall Agreement
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into
An Agreement With The Oakland Unified School District For Use Of City Hall Facilities
For Purposes Of Conducting Twice-Monthly Board Meetings For A One Year Period
[15-1278](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)
[View Supplemental Report](#)

Legislative History

6/30/16	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
6/30/16	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
7/12/16	*Life Enrichment Committee	Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the City Council/Geological Hazard Abatement District Board

There were no speakers on this item.

The Committee amended the resolution to the 2nd resolved of the resolution to read as: "Further resolved, that the City Council of the City of Oakland hereby direct staff to return to Council with an ordinance to waive an estimated \$66,000 in applicable facility rental fees listed in the Master Fee Schedule for the District's use of City Hall facilities for the purposes of the meetings."

7/12/16	*Life Enrichment Committee	Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the City Council/Geological Hazard Abatement District Board
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There were no speakers on this item.

The Committee amended the resolution to the 2nd resolved of the resolution to read as: "Further resolved, that the City Council of the City of Oakland hereby direct staff to return to Council with an ordinance to waive an estimated \$66,000 in applicable facility rental fees listed in the Master Fee Schedule for the District's use of City Hall facilities for the purposes of the meetings."

7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Withdrawn and Rescheduled to the * Special Meeting of the Oakland City Council
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Withdrawn and Rescheduled to the * Special Meeting of the Oakland City Council

7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council

- 16** Subject: OUSD Use Of City Hall Agreement
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Waiving Facility Rental Fees For Oakland
Unified School District Use Of City Hall Facilities For Purposes Of Conducting
Twice-Monthly Board Meetings For A One Year Period
[15-1308](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)

*ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS
ORDINANCE.*

FINAL PASSAGE (Second Reading) WILL OCCUR ON SEPTEMBER 20, 2016.

Legislative History

7/14/16	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council/Geological Hazard Abatement District Board
7/14/16	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council/Geological Hazard Abatement District Board
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Withdrawn and Rescheduled to the * Special Meeting of the Oakland City Council
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Withdrawn and Rescheduled to the * Special Meeting of the Oakland City Council
7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council
7/21/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council

- 17 Subject: Settlement Agreement of Jane Roe, et al., v. City of Oakland, et al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Jane Roe, By And Through Her Guardian Ad Litem Janet Roe, Et Al. V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG14732238, City Attorney's File No. 29938, In The Amount Of Two Hundred And Thirty Thousand Dollars And Zero Cents (\$230,000.00) (Office Of Parks And Recreation - Child Assaulted)

[15-1316](#)

Attachments: [View Report](#)

- 18 Subject: Settlement of Camille Li v. Chim and City of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Camille Li, By And Through Her Guardian Ad Litem, Ella Seil Gee Leung V. Mark H. Chim, Marilyn M. Chim And City Of Oakland, Alameda County Superior Court Case No. RG15763115, City Attorney's File No. 30346, In The Amount Of Sixty-Two Thousand And Five Hundred Dollars And Zero Cents (\$62,500.00) (Public Works - Dangerous Condition) (1926658)

[15-1315](#)

Sponsors: Office Of The City Attorney

Attachments: [View Report](#)

- 19 Subject: Aircraft Noise In Oakland, California
From: Vice Mayor Annie Campbell Washington and Pro Tempore Reid
Recommendation: Adopt A Resolution Of The Oakland City Council Requesting The Federal Aviation Administration Address Increased Noise In Oakland, California

[15-1301](#)

Sponsors: Campbell Washington and Mr. Reid

Attachments: [View Report](#)
[View Supplemental Report](#)

Legislative History

7/21/16	*Rules & Legislation Committee	Approve as Amended the Recommendation of Staff, and Forward to the * Special Meeting of the Oakland City Council
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The resolution was amended to the last Whereas on page 2 to read as follows:

"In February 2015, SFO received an average of 12 noise complaints from Oakland residents, from 12 complaints, but by February 2016 the number of complaints has increased to 1,768, from 17 complaints, and in February 2015 OAK received an average of 6 noise complaints from Oakland residents, from 3 complaints, but by February 2016, the number of complaints had increased to 3,485 from 89 complaints; now, therefore be it." and,

an additional Resolve to direct federal lobbyist to take action, accepted by Councilmember Kalb as a Friendly amendment.

7/21/16 *Rules & Legislation Committee Approve as Amended the Recommendation of Staff, and Forward to the * Special Meeting of the Oakland City Council

The resolution was amended to the last Whereas on page 2 to read as follows:

"In February 2015, SFO received an average of 12 noise complaints from Oakland residents, from 12 complaints, but by February 2016 the number of complaints has increased to 1,768, from 17 complaints, and in February 2015 OAK received an average of 6 noise complaints from Oakland residents, from 3 complaints, but by February 2016, the number of complaints had increased to 3,485 from 89 complaints; now, therefore be it." and,

an additional Resolve to direct federal lobbyist to take action, accepted by Councilmember Kalb as a Friendly amendment.

20 Subject: Mayor's Appointment to the City Planning
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Tom Limon To The City Planning Commission
[15-1305](#)

Sponsors: Office Of The Mayor

Attachments: [View Report](#)
[View Supplemental Report](#)

Legislative History

7/14/16 *Rules & Legislation Committee Scheduled to the *Rules & Legislation Committee

Council member Kalb made a motion, seconded by Pro Tempore Reid to approve an urgency finding that this matter came to the attention of the body after the 10 day publication of the July 21, 2016 Rules and Legislation Committee meeting.

7/14/16 *Rules & Legislation Committee Scheduled to the *Rules & Legislation Committee

Council member Kalb made a motion, seconded by Pro Tempore Reid to approve an urgency finding that this matter came to the attention of the body after the 10 day publication of the July 21, 2016 Rules and Legislation Committee meeting.

7/21/16 *Rules & Legislation Committee Approve the Recommendation of Staff, and Forward to the * Special Meeting of the Oakland City Council

7/21/16 *Rules & Legislation Committee Approve the Recommendation of Staff, and Forward to the * Special Meeting of the Oakland City Council

- 21** Subject: Police Commission Charter Amendment Measure
 From: Councilmembers Noel Gallo And Dan Kalb
 Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting
 To The Voters At The November 8, 2016 Statewide General Election 1) A Proposed
 Amendment To The City Charter To Create The Oakland Police Commission, The
 Community Police Review Agency, And A Process For Police Discipline And 2) A
 Proposed Enabling Ordinance Relating To The Oakland Police Commission And The
 Community Police Review Agency, And Directing The City Clerk To Take Any And All
 Actions Necessary Under Law To Prepare For And Conduct The Election

[15-1035](#)

Sponsors: Gallo and Kalb

Attachments: [View Report](#)

[View Supplemental Report](#)

[6.14.16 PSC Kalb.Gallo Handout](#)

[Police Commission Requested Amendments to Item 3 ACW AG LR](#)

[View Supplemental Report](#)

Legislative History

5/12/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
5/12/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
6/2/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
6/2/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee

6/14/16

*Special Public Safety
Committee

Approve as Amended the Recommendation
of Staff, and Forward to the Concurrent
Meeting of the Oakland Redevelopment
Successor Agency and the City Council

*Councilmembers Kalb and Gallo distributed a revised resolution with the
following 18 changes:*

- 1. Eliminates a "Whereas" clause referencing Los Angeles and San Francisco.*
- 2. Adds the following to the end of Charter Section 604(b)(9): "This provision shall not apply to any recruitment for the position of Chief of Police that is pending at the time of the Commission's first meeting."*
- 3. Adds the following to the end of Charter Section 604(e)(6): "in consultation with the City Administrator."*
- 4. Adds the following to the end of Charter Section 604(e)(7): "The Chief of Police may assign a sworn officer to act as a liaison from the Department to the Inspector General."*
- 5. Adds the following to the beginning of Charter Section 604(f)(1): "Beginning sixty (60) days after the City Council's confirmation of the first group of Commissioners and alternates,"*
- 6. Adds the following parenthetical notation to Charter Section 604(f)(2): "(IAD)."*
- 7. Replaces Charter Section 604(g) ("Adjudication") with a revised form of the Alternative Adjudication Section previously submitted as Attachment A to the Resolution. The major ways in which current version of 604(g) differs from the previous submission is: (a) requires disclosure of the disposition of arbitration cases on discipline; (b) In lieu of the Police Commission determining the arbitrators used, the Commission would select a list of 20 arbitrators, from which the City Attorney's office and Police Officers' Association would each strike 6 names, with the resultant 8 names being the publicly disclosed list.*
- 8. Adds to Ordinance Section 2.45.020(C): "and the Chief of Police"*
- 9. Adds to Ordinance Section 2.45.020(E): "one hundred and eighty (180)" (instead of 150 days).*
- 10. Adds to Ordinance Section 2.45.020(E)(5): "the Mayor,"*
- 11. Adds Ordinance Section 2.45.020(E)(6): "Conducting an annual review of trends and patterns regarding Department training and education, and the Department's use of the Internal Personnel Assessment System (IPAS) and other early warning system(s). The Police Auditor shall also monitor the number and percentage of sworn officers who have received adequate training on profiling and implicit bias, procedural justice, de-escalation training, and work-related stress management."*
- 12. Adds Ordinance Section 2.45.020(F): "Direct the Inspector General to develop and present a plan to the Commission to measure the performance of each element of the Department's discipline process."*
- 13. Adds Ordinance Section 2.45.020(M): "Monitor and evaluate the Department's recruitment and hiring practices for sworn personnel."*
- 14. Adds to Ordinance Section 2.45.040 that the submission to the City Council must be within three days of the Commission's vote and that the Council has 90 days, instead of 60, to approve or reject the Commission's rules and procedures.*
- 15. Adds to Ordinance Section 2.45.060 "the Agency" and "Chapter 2.46."*
- 16. Adds Ordinance Section 2.45.075, which provides clarifying details about the arbitration selection process described in the Charter Amendment.*
- 17. Adds to the end of Ordinance Section 2.45.080: "consistent with applicable law and any adopted Memorandum of Understanding between the City and the employee association(s) representing sworn Oakland police officers."*
- 18. Adds to the end of Ordinance Section 2.46.030: "in consultation with the*

City Administrator”

In addition, the committee approved inclusion of the following components from the Campbell, Reid and Guillen document handed out on the floor:

Item 2 - “Delete all open deliberation of Police Chief Selection process.”

Instead, request amendment wherein to select a Chief of Police, Commission forms a Search Committee of three to four Commissioners. All sensitive and/or identifying documentation about candidates for the Chief of position shall remain confidential to Search committee members only. Alternatively, all sensitive and/or identifying documentation about candidates for the Chief position shall remain confidential to Commissioners only.” – accepted such that the language will be refined with the assistance of the City Attorney

Item 3 - “For The Purposes of this charter amendment, “serious Incident” shall be defined as officer-involved shooting, in-custody death, death, or serious bodily harm caused by the action and/or inaction of a police officer, and/or criminal activity by an Oakland Police Department employee, whether on-duty or off-duty. Employee shall include sworn officers, as well as staff, technicians and all other civilian staff” to the ordinance and additionally adding a definition section to the ordinance;

Item 5 “The commission shall communicate its decision to the complainant, if there is one, to the greatest extent permitted by law.”;

Item 6 as modified on the floor to read: “The Office of the IG shall complete all audits or reviews requested by any of the following: an affirmative vote of the majority of the commissions, a request by the Mayor, a request by the City Administrator, or by affirmative vote of the majority of the City council. The IG shall report findings to the requestor.”; and

Item 9 as limited to add two trainings to section 2.45.070 – 1) Oakland Police department’s Procedural Justice Training Implicit bias Training and Crisis intervention Training, and 2) Peace Officer Standards and Training Domains 15 and 16 trainings on arrest search and seizure procedures.

Item 10 – to be added to the ordinance “Add Amended Section 5: The following reporting and transparency mechanisms shall apply in the City of Oakland with the passage of this Charter Amendment.

A. Regular Reporting to Community

At least quarterly and as permitted by law, the IG shall report to the Commission and to City Council, and include the following information in each report, as permitted by law:

1. Complaint and disciplinary data, summarizing the work of the Agency, the Commission and the Police Department’s Internal Affairs Division, Including but, including but not limited to:

a. The number of total complaints;

b. The Date of each complaint or Serious Incident, whether or not there is a related complaint;

c. Whether or not the Police Department recommended discipline:

d. Whether or not supervisory accountability was assessed:

e. Whether or not that discipline was sustained:

f. The final disciplinary action taken, if different from what the Oakland Police Department had recommended; and

g. The most recent discipline matrix for viewers’ reference. For those complaints or Serious Incidents which are closed and for which discipline has been implemented, the Commission shall report on whether the discipline was less than what is recommended using the Oakland Police Department’s discipline matrix as well as previous sanctions, closely evaluating and comparing levels of discipline across cases.

2. The IG shall report to the Commission and to the City Council on all trends and/or patterns in OPD training, education and the Oakland Police

Department's use of the IPAS early warning systems. Specifically, the IG shall inform the Commission and the City Council of the percentage of officers that have received training for:

- a. Procedural Justice;*
- b. Implicit Bias;*
- c. Crisis Intervention and De-escalation Training; and*
- d. Job-related Stress Management*

Along with this data, the IG shall provide insight into any trends and/or patterns it sees about connections or the absence of connections between (1) training and/or education (2) involvement in allegations of Serious Incidents; and (3) sustained findings of Serious Incidents.

B. Establish "Right to Know" Policy

1. When a Serious Incident is alleged or appears to have occurred, the Chief of Police shall notify the Commission Chair, the Agency Director and the IG immediately. The Chief shall then provide two status reports to the Commission Chair, the Police Commission's investigatory Agency Director and the IG in the coming days and weeks. The first will take place within 10 days of the incident date. The second status report will take place within 45 days of the incident.

2. When sharing information with the public, the Commission shall work closely with the Mayor and the City Administrator to evaluate the City of Oakland's capacity to waive certain exemptions to public records requests, to the extent allowable by law.

3. After the Commission has been briefed by the the Chief of Police, and worked closely with the Mayor and the City Administrator to evaluate privilege waivers and records exemptions, the Commission shall share as much information with the public as it legally is able to at the earliest possible date. The notification will be posted on the City of Oakland website, and made accessible on the Commission webpage, accessible by Equal Access standards." – accepted such that the language will be refined with the assistance of the City Attorney.

The committee further noted that the remaining elements of the Campbell, Guillen and Reid proposal will be a continuing dialogue with the authors and directed the City Administrator to proceed with meet and confer to the extent necessary.

6/14/16

*Special Public Safety
Committee

Approve as Amended the Recommendation
of Staff, and Forward to the Concurrent
Meeting of the Oakland Redevelopment
Successor Agency and the City Council

*Councilmembers Kalb and Gallo distributed a revised resolution with the
following 18 changes:*

- 1. Eliminates a "Whereas" clause referencing Los Angeles and San Francisco.*
- 2. Adds the following to the end of Charter Section 604(b)(9): "This provision shall not apply to any recruitment for the position of Chief of Police that is pending at the time of the Commission's first meeting."*
- 3. Adds the following to the end of Charter Section 604(e)(6): "in consultation with the City Administrator."*
- 4. Adds the following to the end of Charter Section 604(e)(7): "The Chief of Police may assign a sworn officer to act as a liaison from the Department to the Inspector General."*
- 5. Adds the following to the beginning of Charter Section 604(f)(1): "Beginning sixty (60) days after the City Council's confirmation of the first group of Commissioners and alternates,"*
- 6. Adds the following parenthetical notation to Charter Section 604(f)(2): "(IAD)."*
- 7. Replaces Charter Section 604(g) ("Adjudication") with a revised form of the Alternative Adjudication Section previously submitted as Attachment A to the Resolution. The major ways in which current version of 604(g) differs from the previous submission is: (a) requires disclosure of the disposition of arbitration cases on discipline; (b) In lieu of the Police Commission determining the arbitrators used, the Commission would select a list of 20 arbitrators, from which the City Attorney's office and Police Officers' Association would each strike 6 names, with the resultant 8 names being the publicly disclosed list.*
- 8. Adds to Ordinance Section 2.45.020(C): "and the Chief of Police"*
- 9. Adds to Ordinance Section 2.45.020(E): "one hundred and eighty (180)" (instead of 150 days).*
- 10. Adds to Ordinance Section 2.45.020(E)(5): "the Mayor,"*
- 11. Adds Ordinance Section 2.45.020(E)(6): "Conducting an annual review of trends and patterns regarding Department training and education, and the Department's use of the Internal Personnel Assessment System (IPAS) and other early warning system(s). The Police Auditor shall also monitor the number and percentage of sworn officers who have received adequate training on profiling and implicit bias, procedural justice, de-escalation training, and work-related stress management."*
- 12. Adds Ordinance Section 2.45.020(F): "Direct the Inspector General to develop and present a plan to the Commission to measure the performance of each element of the Department's discipline process."*
- 13. Adds Ordinance Section 2.45.020(M): "Monitor and evaluate the Department's recruitment and hiring practices for sworn personnel."*
- 14. Adds to Ordinance Section 2.45.040 that the submission to the City Council must be within three days of the Commission's vote and that the Council has 90 days, instead of 60, to approve or reject the Commission's rules and procedures.*
- 15. Adds to Ordinance Section 2.45.060 "the Agency" and "Chapter 2.46."*
- 16. Adds Ordinance Section 2.45.075, which provides clarifying details about the arbitration selection process described in the Charter Amendment.*
- 17. Adds to the end of Ordinance Section 2.45.080: "consistent with applicable law and any adopted Memorandum of Understanding between the City and the employee association(s) representing sworn Oakland police officers."*
- 18. Adds to the end of Ordinance Section 2.46.030: "in consultation with the*

City Administrator”

In addition, the committee approved inclusion of the following components from the Campbell, Reid and Guillen document handed out on the floor:

Item 2 - “Delete all open deliberation of Police Chief Selection process.”

Instead, request amendment wherein to select a Chief of Police, Commission forms a Search Committee of three to four Commissioners. All sensitive and/or identifying documentation about candidates for the Chief of position shall remain confidential to Search committee members only. Alternatively, all sensitive and/or identifying documentation about candidates for the Chief position shall remain confidential to Commissioners only.” – accepted such that the language will be refined with the assistance of the City Attorney

Item 3 - “For The Purposes of this charter amendment, “serious Incident” shall be defined as officer-involved shooting, in-custody death, death, or serious bodily harm caused by the action and/or inaction of a police officer, and/or criminal activity by an Oakland Police Department employee, whether on-duty or off-duty. Employee shall include sworn officers, as well as staff, technicians and all other civilian staff” to the ordinance and additionally adding a definition section to the ordinance;

Item 5 “The commission shall communicate its decision to the complainant, if there is one, to the greatest extent permitted by law.”;

Item 6 as modified on the floor to read: “The Office of the IG shall complete all audits or reviews requested by any of the following: an affirmative vote of the majority of the commissions, a request by the Mayor, a request by the City Administrator, or by affirmative vote of the majority of the City council. The IG shall report findings to the requestor.”; and

Item 9 as limited to add two trainings to section 2.45.070 – 1) Oakland Police department’s Procedural Justice Training Implicit bias Training and Crisis intervention Training, and 2) Peace Officer Standards and Training Domains 15 and 16 trainings on arrest search and seizure procedures.

Item 10 – to be added to the ordinance “Add Amended Section 5: The following reporting and transparency mechanisms shall apply in the City of Oakland with the passage of this Charter Amendment.

A. Regular Reporting to Community

At least quarterly and as permitted by law, the IG shall report to the Commission and to City Council, and include the following information in each report, as permitted by law:

1. Complaint and disciplinary data, summarizing the work of the Agency, the Commission and the Police Department’s Internal Affairs Division, Including but, including but not limited to:

a. The number of total complaints;

b. The Date of each complaint or Serious Incident, whether or not there is a related complaint;

c. Whether or not the Police Department recommended discipline:

d. Whether or not supervisory accountability was assessed:

e. Whether or not that discipline was sustained:

f. The final disciplinary action taken, if different from what the Oakland Police Department had recommended; and

g. The most recent discipline matrix for viewers’ reference. For those complaints or Serious Incidents which are closed and for which discipline has been implemented, the Commission shall report on whether the discipline was less than what is recommended using the Oakland Police Department’s discipline matrix as well as previous sanctions, closely evaluating and comparing levels of discipline across cases.

2. The IG shall report to the Commission and to the City Council on all trends and/or patterns in OPD training, education and the Oakland Police

Department's use of the IPAS early warning systems. Specifically, the IG shall inform the Commission and the City Council of the percentage of officers that have received training for:

- a. Procedural Justice;*
- b. Implicit Bias;*
- c. Crisis Intervention and De-escalation Training; and*
- d. Job-related Stress Management*

Along with this data, the IG shall provide insight into any trends and/or patterns it sees about connections or the absence of connections between (1) training and/or education (2) involvement in allegations of Serious Incidents; and (3) sustained findings of Serious Incidents.

B. Establish "Right to Know" Policy

1. When a Serious Incident is alleged or appears to have occurred, the Chief of Police shall notify the Commission Chair, the Agency Director and the IG immediately. The Chief shall then provide two status reports to the Commission Chair, the Police Commission's investigatory Agency Director and the IG in the coming days and weeks. The first will take place within 10 days of the incident date. The second status report will take place within 45 days of the incident.

2. When sharing information with the public, the Commission shall work closely with the Mayor and the City Administrator to evaluate the City of Oakland's capacity to waive certain exemptions to public records requests, to the extent allowable by law.

3. After the Commission has been briefed by the the Chief of Police, and worked closely with the Mayor and the City Administrator to evaluate privilege waivers and records exemptions, the Commission shall share as much information with the public as it legally is able to at the earliest possible date. The notification will be posted on the City of Oakland website, and made accessible on the Commission webpage, accessible by Equal Access standards." – accepted such that the language will be refined with the assistance of the City Attorney. The committee further noted that the remaining elements of the Campbell, Guillen and Reid proposal will be a continuing dialogue with the authors and directed the City Administrator to proceed with meet and confer to the extent necessary.

6/30/16	*Rules & Legislation Committee <i>AS A NON CONSENT ITEM</i>	Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
6/30/16	*Rules & Legislation Committee <i>AS A NON CONSENT ITEM</i>	Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Continued to the * Special Meeting of the Oakland City Council
7/19/16	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Continued to the * Special Meeting of the Oakland City Council

- 22** Subject: Amend FY 2016-17 Rent Adjustment Program Fund (2413) Budget
 From: Office Of The City Adminsitrator
 Recommendation: Adopt A Resolution Amending The City Of Oakland's FY 2015-17
 Policy Budget Adopted Pursuant To Resolution No. 85672 C.M.S. On June 30, 2015
 And Amended On June 21, 2016 Through The Adoption Of The Fiscal Year (FY)
 2016-17 Midcycle Budget Resolution No. 86250 C.M.S. To Increase The Rent
 Adjustment Program Fund (2413) Budget In An Aggregate Amount Not To Exceed
 \$4,829,498 In Accordance With A \$68 Per Unit Fee

[15-1320](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)

CONTINUATION OF OPEN FORUM

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