

# MISSING EXECUTED LEGISLATION FORM

Resolution / Ordinance Number: 89249

City Council Meeting Date JUN 07 2022

Agenda Item No. 16

Recorded Vote 8 Ayes

**Status of Resolution/Ordinance:**

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

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Notes (if any)

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
22 JUN 14 AM 9:54

APPROVED AS TO FORM AND LEGALITY

**DRAFT**  
CITY ATTORNEY'S OFFICE

As amended by Motion at May 23, 2022 Life Enrichment Committee. Amendments are in redline.

## OAKLAND CITY COUNCIL

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

INTRODUCED BY CITY ATTORNEY BARBARA J. PARKER,  
CITY ADMINISTRATOR EDWARD D. REISKIN,  
PRESIDENT PRO TEM SHENG THAO, AND COUNCILMEMBERS CARROLL FIFE,  
TREVA REID, AND LOREN TAYLOR

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RESOLUTION DECLARING RACISM A PUBLIC HEALTH CRISIS AND  
REAFFIRMING THE CITY'S COMMITMENT TO ADVANCING RACIAL  
EQUITY BY:

- (1) TAKING INTO ACCOUNT HOW THE CITY CAN ACHIEVE EQUITY IN CITY OF OAKLAND, IN ALL ASPECTS OF CITY PLANNING, POLICYMAKING, LAWS, CONTRACTING, AND HIRING;
- (2) APPROVING A NON-COMPREHENSIVE ROADMAP OF NEXT STEPS THAT THE CITY WILL TAKE TO ADVANCE RACIAL EQUITY AND REDUCE ALARMING HEALTH DISPARITIES IN OAKLAND; AND
- (3) PROVIDING FUNDING IN THE MID-CYCLE BUDGET FOR A DATA ANALYST AND CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$350,000 TO SUPPORT THE CITY AND THE DEPARTMENT OF RACE AND EQUITY TO ADVANCE NECESSARY IMPROVEMENTS IN SYSTEMS FOR COLLECTING AND PROCESSING DATA TO TRACK PERFORMANCE AND EQUITY PROGRESS.

**WHEREAS**, systemic, structural, and institutional racism have been pervasive throughout the history of the United States, permeating and infecting every aspect of our culture, society, government, and institutions; and

**WHEREAS**, Black, Indigenous, Latinx, Asian and Pacific Islander, and other people of color have been denied rights, privileges and opportunities throughout our nation's history creating and sustaining the inequality, inequity, and the disadvantaged circumstances that they must struggle to overcome every day; and

**WHEREAS**, this discrimination, inequality, inequity, and injustice is reflected, among other things, in geographic disparities through redlining and predatory and racially discriminatory lending practices; the war on drugs that targeted Black, Latinx, and other communities of color; and in practices such as determining access to gainful employment opportunity and housing based on credit scores and criminal history; and

**WHEREAS**, a growing body of research on the social determinants of health shows how systemic racism and the legacy of centuries of racism and white supremacy, which endure to this day in the United States, have created and maintain inequities across every measurable category of social and economic conditions, impacting educational opportunities and achievement, mental health and quality of life, including but not limited to health and income, education and early childhood development, housing and homelessness, employment, financial security, access to health services, disproportionate exposure to environmental hazards, food security, and public safety; and

**WHEREAS**, it is well established that the foregoing and other social determinants of health are directly linked to the cause and perpetuation of disparate health outcomes, placing Black, Indigenous, Latinx, Asian and Pacific Islander, and other people of color at a greater risk for a wide range of poor health outcomes and shorter life spans; and

**WHEREAS**, due to the link between racism and poor health outcomes, agencies such as the Centers for Disease Control and Prevention, the American Medical Association, and the American Public Health Association have explicitly recognized racism as a threat to public health; and

**WHEREAS**, the City of Oakland is committed to addressing racism and its progeny, and advancing a more equitable future for Black, Indigenous, Latinx, Asian and Pacific Islander, and other people of color; and

**WHEREAS**, in 2015, the City of Oakland adopted Ordinance No. 13319 and 13326, which established the Department of Race and Equity (“DRE”), codified in Oakland Municipal Code Section 2.29.170, which has been instrumental in identifying key strategies and goals necessary to eliminate racial disparities and advance racial equity, justice, and institutional transformation in the City of Oakland; and

**WHEREAS**, advancing the equity objectives of the City requires data driven, outcome accountable problem-solving and organizational change; and

**WHEREAS**, since 2017, DRE has provided training and education to over twelve hundred City staff through its Racial Equity Academy, Lunch and Learn Sessions, and other development opportunities, and has helped to advance institutional transformation by providing department-level project support and technical assistance; and

**WHEREAS**, in collaboration with DRE, the City published an Equity Indicators Report in 2018 that contains baseline disparity data to help the community and City staff better understand the impacts of race and measure and track racial disparities; and

**WHEREAS**, most City departments have created Racial Equity teams or designated Equity Team leads to build internal capacity to achieve racial equity outcomes; and

**WHEREAS**, various City departments have successfully utilized racial equity tools and support from DRE to develop policies, projects, and programming that are responsive to the needs of Oakland's community and existing racial disparities, several examples of which are mentioned below; and

**WHEREAS**, for example, the Oakland Department of Transportation ("OakDOT") successfully integrated racial equity in its multi-year paving plan by creating and implementing a Geographic Equity Toolbox; and

**WHEREAS**, the Geographic Equity Toolbox (1) provides and visually depicts data from each census tract in Oakland regarding, without limitation, urban displacement, pollution burden, high injury intersections and corridors, race, area median income, disability, age, single parent families, severely rent-burdened households, low educational attainment and Limited English Proficiency that can apprise the City of neighborhoods experiencing historic and current disparities; and (2) provides data to enable the City to develop and revise City policies, programs, projects, and funding to advance and achieve equity; and

**WHEREAS**, the Oakland Environmental Services Division has used the OakDOT Geographic Equity Toolbox to create its Racial Equity Impact Assessment and Implementation Guide ("REIA") to provide a comprehensive set of recommendations and best practices to help City staff maximize equity throughout the 2030 Equitable Climate Action Plan ("2030 ECAP"), Oakland's roadmap to climate mitigation and adaptation that will channel resources in ways that increase frontline community resilience in Oakland's flatlands and reduce disparities and increase equity in public health, open space, and the built environment for all residents; and

**WHEREAS**, the Oakland Housing & Community Development Department oversaw the distribution of Measure KK funds to preserve over 420 at-risk affordable housing units in Oakland serving marginalized residents and developed a 2021-2023 strategic action plan that applies a race and equity lens to the City's housing investments and services; and

**WHEREAS**, the City Administrator, Department of Planning and Building, and Department of Housing and Community Development, with the advice and counsel, and in partnership with the Office of the City Attorney arranged for and successfully applied a Racial and Equity Impact analysis to reach a fair and equitable agreement with Alameda County for the distribution of the \$23,985,922 million allotted to the City and county to provide lead poisoning prevention services and lead paint abatement under the settlement of the lawsuit brought by ten cities and counties, including the City of Oakland and County of Alameda, against companies that manufactured, distributed and promoted harmful lead paint products that disproportionately harmed Black, Latinx and low income Oakland residents (*County of Santa Clara, et al. v. Atlantic Richfield Co. et al*); and

**WHEREAS**, the Office of the City Attorney has used legal advocacy to address unfair living and working conditions, discrimination, and other harms disproportionately experienced by Black, Indigenous, Latinx, Asian and Pacific Islander and other people of color and low-income Oakland residents, including, for example, through the Neighborhood Law Corps, Housing Justice

Initiative and Community Lawyering and Civil Rights Units whose work protects marginalized Oakland tenants in recognition of housing as a human right; and

**WHEREAS**, despite the foregoing efforts by City departments, systemic racism and ongoing policies and practices within Oakland and across America continue to burden and impact Black Indigenous, Latinx, Asian and Pacific Islander, and other people of color who are Oakland residents, and in particular Black and Latinx residents who face disparities in exposure to COVID-19 and in health outcomes, public safety, housing, and workforce and educational and economic development opportunities, among other areas of our society and City; and

**WHEREAS**, as Council declared in Resolution No. 88118, adopted on May 19, 2020, and Resolution No. 88146, adopted on June 2, 2020, COVID-19 has disproportionately impacted Black and Latinx residents, with higher case rates concentrated especially in areas of East Oakland (Districts 5, 6, and 7) that have large populations of Black and Latinx residents, marginalized renters at risk of displacement, and economically vulnerable neighborhoods; and

**WHEREAS**, the criminalization of Black people traumatizes them and causes mental health disorders; for example, the City's 2018 Equity Indicators Report provides compelling evidence of the disproportionate public safety conditions impacting Black residents; for example, in 2017 Black youth were more than 112 times more likely to be arrested on felony charges than white youth in Oakland; and formerly incarcerated people are nearly 10 times more likely to be homeless, a status that can significantly exacerbate mental health disorders (see, for instance, 2018 Prison Policy Initiative Report "Nowhere to Go: Homelessness among formerly incarcerated people"); and

**WHEREAS**, according to a 2021 report issued by the United States Environmental Protection Agency ("EPA"), race is a key indicator of both climate risk and exposure to environmental pollutants; for example, Black people may bear a disproportionate burden of heat-wave mortality and are projected to be twice as likely to die from heat waves increasingly caused by climate change; Black children were more than ten times likely than white children to be admitted to the emergency department for asthma-related conditions (City's 2018 Equity Indicators Report); and the majority of residents of color in West Oakland and Downtown Oakland located near the East West 880 corridor are disproportionately exposed to higher concentrations of air pollutants and experience higher rates of asthma emergency room visits as well as stroke and congestive heart failure compared to the rest of Alameda County, while residents of the Oakland hills neighborhoods are expected to live up to seven years longer than the flatland neighborhood residents; and

**WHEREAS**, poor health is both a root cause and a consequence of inadequate housing and homelessness, which disproportionately impacts Oakland's Black community; and 70% of Oakland's homeless population is Black although Black people make up less than 25% of the City's general population according to a 2019 Point in Time count, therefore being more likely to suffer from disabling physical and mental conditions linked to homelessness including Post-Traumatic Stress Disorder ("PTSD") and chronic health problems, among other things; and

**WHEREAS**, a 2021 report on Centering Racial Equity in Homeless System Design that the City of Oakland participated in shows that systemic racism and its manifestations across systems, including mass incarceration, health, education, immigration, employment, and housing,

are key factors in homelessness and that intentionally applying a racial equity lens and engaging impacted people in homeless system planning is necessary for ending homelessness; and

**WHEREAS**, the link between racism and disparate health outcomes is well-established and indisputable, and the City of Oakland wishes to join the growing number of jurisdictions across the country that have declared racism a public health crisis; and

**WHEREAS**, although the City has made progress in many areas, the City acknowledges that more can and must be done, and that integrating racial equity into the fabric of Citywide planning is necessary to address ongoing disparities and combat the alarming statistics underpinning the social health determinants in Oakland; and

**WHEREAS**, -DRE's proposed mid-cycle budget amendments include funding for a Race and Equity Data Analyst in DRE -and consulting services to support the City and DRE to advance necessary improvements in systems for collecting and processing data to track performance and equity progress; and

**WHEREAS**, the Mayor and City Administrator have expressed their intent to include in the Mayor's mid-cycle budget proposal funding for a Race and Equity Data Analyst in DRE and consulting services to support the City and DRE to advance necessary improvements in systems for collecting and processing data to track performance and equity progress; and

**WHEREAS**, the purpose of the City's Prompt Payment Ordinance (Oakland Municipal Code Chapter 2.06) is to establish policies and procedures to assure that local contractors and grant recipients and all subcontractors working on City of Oakland purchase contracts and/or grant agreements receive prompt payment or disbursement of grant funds, and to enhance and increase local business contracting and community service opportunities with the City of Oakland, and delays in paying small businesses negatively impact equity progress because Black, Indigenous, Latinx and Asian Pacific Islanders tend to have less capital reserves and credit lines to support their operations due to historical and systemic racism; and

**WHEREAS**, addressing challenges with staffing vacancies and the City's timely and efficient recruitment and hiring of City employees to provide vital City services are necessary in order to provide City services more equitably; and

**WHEREAS**, the City must take into account pay equity in setting salaries at the time of hiring City employees and in providing salary increases and promotions; now, therefore, be it

**RESOLVED:** That the City of Oakland declares racism a public health crisis and recognizes the severe impact of racism on the well-being of Oakland residents and the City overall; and be it

**FURTHER RESOLVED:** That the Council declares its intent and commitment to allocate funding, staff, and additional resources to actively engage in studies and actions to advance racial equity to identify and repair the harm done to Black, Indigenous, Latinx, Asian and Pacific Islander, and other people of color; and be it

**FURTHER RESOLVED:** That the City shall coordinate a process for the systematic and ongoing collection of demographic data regarding racial and other disparities, populations served, City expenditures including awarded contracts, and progress made, including but not limited to

- (1) dedicating financial resources for such comprehensive demographic data collection for Fiscal Years 2022-2026;
- (2) providing funding in the mid-cycle budget for a Race and Equity Data Analyst, located in DRE, and consulting services in the amount not to exceed \$350,000, to support DRE and the City to advance necessary improvements in systems for collecting and processing data to track performance and equity progress;
- (3) updating its baseline disparity data from the 2018 Equity Indicators Report every five years; and
- (4) further developing its public-facing Equity Indicators website to reflect new collected data and analysis to promote ongoing transparency and accountability; and be it

**FURTHER RESOLVED:** That the City shall use collected data when allocating budgetary resources, designing programs and delivering services in order to reduce racial disparities; and be it

**FURTHER RESOLVED:** That the City recognizes housing as a human right and commits to obtaining significant financial resources including local, state, and federal resources to protect, preserve, and produce a range of deeply affordable, safe, and healthy housing for Oakland's residents using a racial equity lens, including for residents at or below 50% and 30% of Area Median Income ("AMI") and unhoused residents; and be it

**FURTHER RESOLVED:** That the City shall prioritize providing adequate long-term resources to City departments whose enforcement of local, state, and federal laws protect historically marginalized Oakland communities and play a role in improving the social determinants of health by furthering racial justice; and be it

**FURTHER RESOLVED:** That the City shall increase its collaboration with applicable local, state, and federal public health officials to address the public health crisis that racism has created, including applying for grants and other related funding, enacting ordinances, and enforcing existing laws that further advance racial equity and improve the social determinants of health; and be it

**FURTHER RESOLVED:** That the City Administrator shall provide reports to the Council's Finance and Management Committee every six months regarding the City's compliance with the Prompt Payment Ordinance (Oakland Municipal Code Chapter 2.06) with particular attention to City of Oakland purchase contracts and grant agreements to organizations that provide services in traditionally underserved communities and in a manner that prioritizes equity, and the reports shall be placed on the Committee's pending list for scheduling every six months; and be it

**FURTHER RESOLVED:** That the City Administrator shall provide a report every six months to Council's Finance and Management Committee regarding the time frames for hiring City employees and steps taken and proposed to shorten the length of time to recruit and hire City employees and address other challenges with filling City staffing vacancies, and the reports shall be placed on the Committee's pending list for scheduling every six months; and be it

**FURTHER RESOLVED:** That the City shall prioritize and uplift communities of color when preparing its budget and strategic plan for economic recovery in response to COVID-19 and beyond; and be it

**FURTHER RESOLVED:** That nothing in this Resolution shall be interpreted or implemented in a manner that conflicts with the requirements of Section 31, Article I of the California Constitution, or any other valid and superior state or federal law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California