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July 11, 2014

Colleagues,

I am writing to urge unanimous adoption of the Safety and Services Violence Prevention Act of 2014. This measure seeks to strengthen the public trust and retain approximately \$22 million in critical funding for violence prevention and augmented police and fire services to reduce violence.

#### BACKGROUND

Over the past 8 months, President Kernighan, Councilmember Gallo and I have been actively working with a broad group of community stakeholders and staff on the development of a new safety and services measure which we proposed to submit to the voters in November 2014. This critical ballot measure affects the lives of all Oaklanders and is drafted in light of the lessons learned over the past 10 years through the voter-approved initiative Measure Y. Our goal has been to present to you and the public a clean measure that provides for a more refined focus on the staffing and strategies that will directly address violent crimes.

In Summary the proposed Safety and Services Violence Prevention Act of 2014 will:

- Maintain existing revenues (No tax increase).
- Focus on three priorities: Reduce gun-related homicides and robberies, improve 9-1-1 response times and redress recidivism and truancy.
- Modify the funding formula to increase funding for police and violence prevention programs directly related to meeting the measures objectives.
- Build on best practices, providing a refined focus on the strategies and staffing most effective in reaching the stated objectives.
- Provide funding for 50 sworn officers with no lay-offs.

#### PROPOSED REFINEMENTS AND MODIFICATIONS

Staff has received additional feedback since the release of the draft measure on July 3, 2014. These changes include parts of the suggestions from the Measure Y Oversight Committee (MYOC), Make Oakland Better Now! (MOBN!), and Youth Alive. I recommend that the Council accept these changes as shown on the subsequent pages and explained below. The official recommendations as voted on by the Measure Y Oversight Committee are attached to this document.

Proposed modifications and refinements are as follows:

##### Part 1 Changes:

- **Section 2B-** Include a finding that mirrors the language in the existing Measure Y related to property owners. (Requested by the Jobs and Housing Coalition).



- **Section 3B-** Proposed new language provides that the first 3% of revenue may be used to provide resources for the Oversight Commission to function effectively. (Based on a recommendation by the Measure Y Oversight Committee).
- **Section 3C.1a-e-** Minor technical editing changes make the language more consistent with the rest of the document and emphasize that the police department will use intelligence-based strategies.
- **Section 3C.2b-** Includes a no layoffs clause with a threshold into the draft language. (As recommended by CM Kaplan and MOBN!).
- **Section 3C.3d-** Delete this section to eliminate the possibility that funding could be used for administrative support instead of use for direct services (Recommended by Youth Alive).
- **Section 3C.4a-b-** Technical editing changes related to the fire service duties (Recommended by Councilmember Kalb).
- **Section 4A.6b-** Adds language to further clarify that the Commission can direct the scope of the evaluation to include issues found through previous evaluations to ensure that those issues are being addressed. This language seeks to address a constant concern of the MYOC that some issues identified continue to go unaddressed in subsequent years. (Unofficially recommended by the MYOC).
- **Section 4A.6g-** Adds "and her/his designee" which will allow the departments and City Administration to deploy staff as needed (Recommended by the City Administrator's Office).
- **Section 4B.1-** Clarifies the evaluation language to make it clear that the annual evaluations apply to both policing and violence prevention programs. (Recommended by Youth Alive).

**Part 2:**

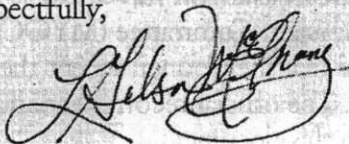
- **Section 1E-** Minor technical change to make the policing language consistent with the rest of the document.

**CONCLUSION**

We have made significant strides in improving public safety especially in the past 24 months. The funds provided by this measure are critically important to sustaining these gains.

As CM Gallo often asserts, "public safety is the principal responsibility of local government. We must do everything we can to keep the public safe." This is the most critical matter before us this November. We must retain this funding if we are to succeed in our efforts to have a safe, just and vibrant city.

Respectfully,



**Attachments:**

1. Measure Y Oversight Committee Official Proposed Changes (July 9, 2014)
2. Pages of Recommended Changes



# Attachment 1

**TO:** Oakland City Council  
**FROM:** Jose Dorado, Chair, Measure Y Oversight Committee  
**DATE:** July 10, 2014  
**RE:** Recommended Amendments for the new Safety and Service Measure

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Below, please find the approved recommendations for language amendments to the new Safety and Services Ballot Measure from the Measure Y Oversight Committee at their meeting on July 9, 2014.

For questions regarding the information below, please contact Chantal R. Cotton, City Administrator's Office, at 510-238-3301 or [ccotton@oaklandnet.com](mailto:ccotton@oaklandnet.com).

## **Measure Y Oversight Committee Recommendations of Proposed Changes on the New Safety and Services Ballot Measure:**

1. Make a recommendation to the City Council to amend the draft language to take .15 percent of the total revenue collected in this measure for support to the commission for meeting supplies, retreats, and hiring consultants.
  - VOTE: Member Kisha Jackson made a motion to adopt the aforementioned text; Vice Chair Peter Barnett seconded the motion. The Committee vote was 6-0-2, with members Edwards Brooks and Shelby abstaining.
  
2. Make a recommendation to the City Council to amend the draft language to make the composition of the commission to be similar to today as a board of 11 members.
  - VOTE: Member Joanne Brown moved to adopt the aforementioned text; Member Mara Velez seconded the motion. The Committee vote was 6-0-2, with members Edwards Brooks and Shelby abstaining.
  
3. Make a recommendation to the City Council to replace the draft language in Part 1, Section 4.A.6g & h with the following:

The Commission shall request annual or biannual reports from program managers, or service providers. Such reports should include spending priorities, program activities, anticipated outcomes, and goals achieved. Based on these reports, the Commission shall make recommendations for program modifications, funding adjustments, or other actions designed to ensure that each program contributes to reducing or preventing violent crime, or enhancing police or violence reduction efforts.

  - VOTE: Vice Chair Peter Barnett moved to adopt the aforementioned text; Member Joanne Brown seconded the motion. The Committee vote was 4-1-2, with Chairman Dorado opposing and members Edwards Brooks and Jackson abstaining.



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:

**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 a 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.

~~(A)~~(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 subsections 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 police ~~officers~~ sworn police personnel assigned to specific geographic areas or neighborhoods, performing duties such as:

(a) Crime Reduction Teams (CRTs): strategically geographically deployed ~~officers~~ sworn police personnel to investigate and respond to ~~illegal narcotic transactions and~~ 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 patrol, answer calls for service if needed, lead targeted enforcement projects and coordinate these projects with CRT's, Patrol units and other ~~officers~~ sworn police personnel;

(c) Conduct intelligence-based violence suppression operations such as ~~buy busts~~ 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 assistance crimes, 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 program 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 crime reduction teams, community resource officers 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 measure, the City shall maintain a budgeted level of no fewer than seven hundred (700) sworn police personnel (including those sworn police personnel funded by this Ordinance) at all times, and shall hire and maintain no fewer than 700 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 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 in order to avoid causing more harm to the City's residents and businesses than will be caused by such layoffs.

(bc) Each fiscal year, before the City adopts its two year policy budget or its mid-cycle budget adjustments, the City Administration shall submit to the City Council, and the City Council will 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.

(ed) 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 700 sworn police personnel, and at any time after July 1, 2016, that it has failed to hire and maintain a minimum of 700 sworn police personnel, with the exceptions listed below. If the City fails to budget the requisite number, the prohibition will apply to the fiscal year of that budget. If the City fails to meet the maintenance number, the prohibition 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 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 Administration 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 grant funding is no longer available and no General Purpose Fund revenue can be used to replace the non-General Purpose Fund revenue for sworn police personnel without causing more harm to the City's residents and businesses than will be caused by a reduction in 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.
- 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 Administration submits a report to 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. In addition, for this exception to apply, the City Council must adopt a resolution that includes findings of fact that it is necessary to reduce the



number of budgeted and hired sworn police personnel to a specific number in order to avoid causing more harm to the City's residents and businesses than will be caused by a reduction in 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 Administration 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 a resolution modifying the hiring plan. This exception will not apply in consecutive fiscal years.

3. Community-focused Violence Prevention and Intervention Services and Strategies: Invest in and engage the community in collaborative and data-driven violence reduction strategies directed at those at highest risk of violence; 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 for those at highest risk of violence.

~~(d) Coordination of public systems and community-based social services through a joint focus on youth and young adults at highest risk of violence as guided by data analysis.~~

4. Fire Services: Provide fire services such as:



(a) Maintain staffing to ensure adequate personnel resources to respond to and investigate medical and fire/arson emergencies, including response; ~~and,~~

~~(b) Provide for medical responses to homicides and gun-related violence.~~

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 Administration 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 resolution.
  - (b) Make recommendations to the City Administration 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 her/his designee of each department receiving funds from this Ordinance shall present to the Commission a priority spending plan for funds received from this measure. 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. Spending of tax proceeds of this measure 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 ~~programs and~~ policing and violence prevention/intervention strategies are progressing toward the desired outcomes. ~~Program e~~ 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 4. 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 5. EFFECTIVE DATE.

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

Section 6. 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.

PROPOSED CHANGES – LGM – 7-10-14

(A) "Geographic Policing" means a decentralized and focused approach to policing. ~~Officers—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.

(B) "Hotel" shall mean as defined by Oakland Municipal Code section 4.24.020.

(C) "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.

(D) "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.

(E) "Occupancy" shall be as defined by Oakland Municipal Code section 4.24.020.

(F) "Officer" shall mean a position in the Oakland Police Department for sworn police personnel at the rank of officer or sergeant.

(G) "Operator" shall be as defined by Oakland Municipal Code section 4.24.020.

(H) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.

(I) "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.

(J) "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.

(K) "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.

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

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