

Community Policing Advisory Board  
Notice of Meeting

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

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July 2, 2014 6:00 pm

City Council Chamber. 1, 3<sup>rd</sup> Floor

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**AGENDA**

**Welcome / Roll Call/ Call to Order**

**Committee Membership:** Jay Ashford (M), Frank Castro (NW), John Garvey (Dist. 2), Sal Gomez (District 5), Krista Gulbransen (Dist. 4), Angela Haller (NW), Chairperson Marcus Johnson (AL), Don Link (M), Vice Chair John Nichols (Dist. 6), Sheryl Walton (M), and Renia Webb (OHA).

**Vacancies:** District 1, District 3, District 7, and OUSD

**Staff:** Joe DeVries

**Appointee Notes:** Dist. = District; M = Mayoral; NW = Neighborhood Watch; OHA = Oakland Housing Authority; OUSD = Oakland Unified School District

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Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Community Policing Advisory Board shall state their names and the organization they are representing, if any.

**Agenda Items:**

1. Public Safety Ballot Measure for November Election

**Board and Community Members** are asked to review documents and come prepared to discuss the various components of this measure (e.g. police, fire and violence prevention programs).

**ACTION:** In addition, Board Members will receive public input, and provide recommendations for consideration during the July 15<sup>th</sup> 2014, City Council Meeting.

Invitees: Chief Whent, OPD; Chief Reed, OFD; Sara Bedford, Director of Human Services

Please reference the following reports:

- [View Report.pdf](#),
- [View Supplemental Report.pdf](#)

Ballot language documents attached.

2. **Open Forum** Public comment is an opportunity to speak on items not on the agenda but within the jurisdiction of the Advisory Board. *Speakers are limited to two minutes.*

### **Community Policing Advisory Board Webpage**

<http://www2.oaklandnet.com/Government/o/CityAdministration/d/CPAB/>

### **Adjournment**

Community Policing Advisory Board meetings are wheelchair accessible. Please call 510.238.7570 or TDD: 510.238.3724 to request a sign-language interpreter. Interpretation services is available upon request five days prior to the meeting by calling the Office of Equal Access at 510.238.6448. Copies of explanatory documents and other related materials listed in the agenda are available for public inspection and/or copying at City Hall, the City Clerk's office.

**OAKLAND CITY COUNCIL**

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

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**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**

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**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:

## **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.

### **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. 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 assigned to specific geographic areas or neighborhoods, performing duties such as:

- (a) Crime Reduction Teams (CRT): strategically geographically deployed officers to investigate and respond to illegal narcotic transactions and commission of violent crimes in identified violence hot spots;

- (b) Community Policing Officers (CPOs): 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;

- (c) Conduct violence suppression operations such as buy busts, surveillance, undercover operations, high visibility patrol, probation/ parole compliance checks, search warrants, assist Community Policing Officers (previous 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.

2. Maintenance of Effort: 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. Funds allocated by this measure will support a minimum of 50 sworn police personnel positions above the FY 2014-15 General Purpose Fund budgeted positions. If the City does not maintain that budgeted level of positions, such as in the event of a major natural disaster or significant economic recession, the City will within 60 days provide a report to the public with justifications and a plan of action to return to said level.

3. Community-focused Violence Prevention and Intervention Services and Strategies: Invest in data-driven proven strategies such as:

(a) Street outreach 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) Coordination of public systems (including law enforcement) and community-based social services through sharing of resources, joint trainings and multidisciplinary case reviews.

4. Fire Services: Provide fire services such as:

(a) Maintain staffing to ensure adequate personnel resources to respond to medical and fire emergencies; 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 expertise as, either, an employer, service provider or beneficiary in community policing, violence prevention, reentry services, advocacy, faith-based organizations serving the target population, or

workforce development, accounting, finance, business or public administration, or a related field.

2. 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 three (3) members must have direct experience either working with the target population, at least one should reflect the target population and at least one with a law enforcement or criminal justice background.

3. Meetings: The Commission shall conduct regular meetings and such special meetings as it deems necessary.
4. Duties of the Commission: The Commission shall perform the following duties:

- (a) Evaluate, inquire, and review the administration, coordination, and evaluation of the programs mandated in this resolution.
- (b) Make recommendations to the independent evaluator on the scope of the annual program performance evaluation and receive draft performance reviews to provide feedback before the evaluator finalizes the report.
- (c) Report issues identified in the annual fiscal audit to the Mayor and City Council.
- (d) Review the annual fiscal and performance audits and evaluations.
- (e) Report 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.
- (f) Provide input on strategies: Every three (3) years, a representative of each department receiving funds from this Ordinance shall present a priority spending plan for funds received from this measure. The Commission may make recommendations 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.

(B) Accountability and Reporting.

1. Annual Program Evaluation: Annual independent program evaluations funded by department set asides pursuant to Section 3(C) shall include performance analysis, including the number of people served and other measurable metrics as deemed appropriate to the strategies adopted by the Departments.

2. Annual Audit Review and Engineer: 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.

#### Section 7. 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 8. SPECIAL ACCOUNT

The City shall deposit into a special account all funds collected by the City from the taxes imposed by this Ordinance and shall appropriate and expend such funds only for the purposes authorized by this Ordinance.

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

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

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

(M) "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.

(N) "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.

(O) "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.

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

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

(R) "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 Equivalents (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 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(D).]

#### 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 the City Council of the City of Oakland does hereby request that the Board of Supervisors of Alameda County order the consolidation of the Oakland Municipal election with the statewide general election of November 4, 2014, consistent with provisions of State Law; 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 the City Council does hereby request that the Registrar of Voters of the County of Alameda perform necessary services in connection with said election; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to obtain printing, supplies and services as required; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby authorized to provide such other services and supplies in connection with said election as may be required by the Statutes of the State of California and the Charter of the City of Oakland; 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 the City Clerk and City Administrator are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the 2014 statewide general election and appropriate all monies necessary for the City Administrator and City Clerk to prepare and conduct the November 4, 2014, statewide general election, consistent with law; 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 \_\_\_\_\_, 2014

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES  
ABSENT  
ABSTENTION

ATTEST:

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

Date:

INTRODUCED BY COUNCILMEMBER GIBSON MCELHANEY, GALLO, KERNIGHAN, REID

CITY ATTORNEY

**OAKLAND CITY COUNCIL**  
RESOLUTION NO. \_\_\_\_\_ C.M.S.  
[Redlined Version]

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**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**

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**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:

**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.

**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. 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 assigned to specific geographic areas or neighborhoods, performing duties such as:

- (a) Crime Reduction Teams (CRT): strategically geographically deployed officers to investigate and respond to illegal narcotic transactions and commission of violent crimes in identified violence hot spots;

- (b) Community Policing Officers (CPOs): 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;

- (c) Conduct violence suppression operations such as buy busts, surveillance, undercover operations, high visibility patrol, probation/ parole compliance checks, search warrants, assist Community Policing Officers (previous 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, including solidification of civilian program management positions and crime data analysis to support the program and enhanced case management..

2. Maintenance of Effort Sworn Police Staffing: 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 policing officers and other officers 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) Funds allocated by this measure shall support the hiring and retention of a minimum of 50 sworn police personnel positions above the FY 2014-15 General Purpose Fund budgeted positions.

(b) Upon passage of this measure, the City shall maintain a budgeted level of no fewer than 707 sworn officers (including those officers funded by this Ordinance) at all times, and shall hire and maintain no fewer than 707 sworn police as early as practicable after the passage of this Ordinance and at all times after July 1, 2016.

(c) The City is prohibited from laying off any sworn police officers.

(d) 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 police officer hiring plan ("the plan") demonstrating how the City will achieve and /or maintain the strength of force required by this ordinance. The 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 years' experience.

(e) The City shall be prohibited from collecting the taxes provided for in this Ordinance at any time that it has failed to If the City does not maintain that budgeted level of positions budget for a minimum of 707 sworn police , and at any time after July 1, 2016 that it has failed to hire and maintain a minimum of 707 sworn police, with the following exceptions: such as in the event of a major natural disaster or significant economic recession, the City will within 60 days provide a report to the public with justifications and a plan of action to return to said level.

(i) If grant funding or other non-General Purpose Fund funding budgeted for sworn police personnel in 2014-2015 budget becomes unavailable after that fiscal year, the numeric requirements for budgeting and maintaining officers shall be reduced by the number of officers previously funded by such lost revenue source. This exception shall apply only if the City Administration reports to the public concerning 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 Administration must propose, and the City Council must adopt, a resolution containing factual findings that no General Purpose Fund revenue can be used to replace the non-General Purpose Fund funding for officers 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 officers required by this Ordinance, the numeric requirements for budgeting and maintaining officers 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 reports to the public concerning the severe and unanticipated event, the steps that were taken by the City to avoid the need to reduce the number of officers and the steps that will be taken by the City in the future to restore officers. In addition, for this exception to apply, the City Council must, by resolution, make a factual finding that it is necessary to reduce the number of budgeted and hired officers 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 plan, the numeric requirements for budgeting and maintaining officers shall be reduced by the shortfall. This exception shall apply only if the City Administration reports to the public concerning the reasons for the shortfall, the steps that should be taken to restore the sworn personnel level, and the time frame for doing so, and if the City Administration proposes, and the City Council adopts, measures, including a modified plan if appropriate, to restore sworn personnel to the required level. This exception will not apply in consecutive years.

3. Community-focused Violence Prevention and Intervention Services:  
Invest in data-driven proven strategies such as:

(a) Sustaining and expansionstrengthening of the City's Operation Ceasefire program, including solidification of civilian program management positions and crime data analysis to support the program within the Oakland Police Department and enhanced case management within the Department of Social Services.

(b) Street outreach 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)-(c) 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.

(e)(d) 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)-(e) Coordination of public systems (including law enforcement) and community-based social services through sharing of resources, joint training and multidisciplinary case reviews.

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 comprise individuals with expertise experience as, either, an employers, service providers, evaluators, researchers or beneficiaries in community policing, violence prevention, reentry services, advocacy, faith-based organizations serving the target populations services recipients, or workforce development, accounting, finance, business or public administration related to community policing, violence prevention or reentry services or a related field.
  2. Conflicts of Interest: Each Commission member shall certify that the member and the member's immediate family members, business, business associates and employers have no financial interest in and will not obtain benefit from any program, project, organization, agency or other entity that is seeking or will seek funding approval under this ordinance. Financial interest or benefit 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 Manager or designee 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. Commission members shall be appointed to terms of three years, and may serve a maximum of two consecutive terms.

~~If feasible, At least three (3) members must have direct experience either working with the target population services recipients.~~ ~~At least one (1) member shall~~ should reflect the target services recipient population and at least one three (3) members shall have with a professional law enforcement or criminal justice background.

4. Meetings of the Commission: The Commission shall conduct regular monthly meetings and such special meetings as it deems necessary.

4. 54. Joint Meetings of the Commission and City Council: At least annually, the City Council, the Commission and other public safety-related boards and commissions shall conduct a 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 representatives of all departments and the Chief of Police concerning progress of all of the City's efforts to reduce violent crime.

46. Duties of the Commission: The Commission shall perform the following duties:

~~(a) (a)~~ Make Recommend-recommendations to the City Council and the independent evaluator (as appropriate) concerning (i) the scope of the annual program performance evaluation; (ii) specific metrics to be included in each contract for evaluation of all services and programs provided pursuant to this ordinance. Whenever possible, such metrics shall relate directly to the efficacy of such services in reducing violence prevention, and the City Council.

~~(b)~~ Evaluate, inquire, and review the administration, coordination and evaluation of the programs, strategies and practices mandated in this resolution. In this regard, the Commission will collaborate with the Director of Human Services, a member of the Oakland Police Department's command staff and the director of any other department receiving or administering funds under this ordinance concerning the coordination of such programs, strategies and practices.

~~(b)~~ Make recommendations to the independent evaluator on the scope of the annual program performance evaluation and receive draft performance reviews to provide feedback before the evaluator finalizes the report.

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

~~(d)~~ Review the annual fiscal and performance audits and evaluations.

(e) Report in a public meeting to the Mayor and the City Council on the implementation of this ordinance and recommend ordinances, resolutions, and regulation to ensure with the requirements and intents of this ordinance. Specifically, the Commission will recommend to the Mayor and City Council those programs, strategies and practices funded by tax proceeds of this measure that should be continued, those that should be modified, and those that should be terminated, based on performance and based on the evidence as to whether such programs and practices are successful in reducing violent crime.

(f) Provide input on strategies: Every three (3) years, a representative of each department receiving funds from this Ordinance shall present a priority spending plan for funds received from this measure. The Commission may in a public meeting shall make recommendations on the strategies in the plans to the Mayor and City Council. 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.

(e)(g) Whenever the Commission makes recommendations to the Mayor and City Council as provided by this measure, such recommendations shall take place at a public meeting and be evaluated by the City Council and Mayor at such public meeting.

(B) Accountability and Reporting.

1. Annual Program Evaluation: Annual independent program evaluations funded by department set asides pursuant to Section 3(c) shall include performance analysis, including the number of people served, evidence that programs have reduced violence crime, recommendations for continuance, enhancement, modification or termination and other measurable metrics as deemed appropriate to the strategies adopted by the departments.
2. Annual Audit Review and Engineer: An independent audit shall be performed annually to ensure accountability and with 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 to generate required information for collection of revenue under this measure.