

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Hearing Room 1
Wednesday, April 12, 2023
6:30 p.m.



Effective March 1, 2023, all City of Oakland boards and commissions will conduct in-person meetings. Please check www.oaklandca.gov for the latest news and [important information about the City's return to in-person meetings.](#)

Commissioners: Ryan Micik (Chair), Charlotte Hill (Vice-Chair), Alea Gage, Arvon Perteet, Vincent Steele, and Francis Upton IV.

Commission Staff to attend: Suzanne Doran, Acting Executive Director/Lead Analyst; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief; Chris Nardi, Law Clerk.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

PUBLIC ETHICS COMMISSION REGULAR MEETING AGENDA

- 1. Roll Call and Determination of Quorum.**
- 2. Staff and Commission Announcements.**
- 3. Open Forum.**
 - Please state your name each time you make public comment if you wish it to be included in the meeting minutes.
 - The Commission urges members of the public not to make complaints or ask the Commission to investigate alleged legal violations at public meetings since public disclosure of such complaints or requests may undermine any subsequent investigation undertaken. Contact staff at ethicscommission@oaklandca.gov for assistance filing a complaint.

ACTION ITEMS

- 4. Approval of Commission Meeting Draft Minutes.**
 - a. **CURE AND CORRECT:** January 11, 2023, Regular Meeting Minutes ([Meeting Minutes](#))
Under the provision Government Code 54953, Commissioner Upton IV joined the March 8, 2023, Regular Meeting via telephone from Holiday Inn Rua Professor Moraes 600, Belo Horizonte, Mg - MG, 30150-370 Brazil. Technical issues prevented connecting the call to the microphone system, and Commissioner Upton's comments were not clearly audible during the vote on the January 11, 2023 minutes.
 - b. February 27-28, 2023, Special Meeting Minutes ([Meeting Minutes](#))
 - c. March 8, 2023, Regular Meeting Minutes ([Meeting Minutes](#))
- 5. City Attorney Salary.** The Commission will discuss and take action to adjust the City Attorney salary in accordance with Oakland City Charter Section 401, as amended by Measure X. ([Staff Memorandum with Measure X text](#), [Resolution 23-04](#))



6. **City Auditor Salary.** The Commission will discuss and take action to adjust the City Auditor salary in accordance with Oakland City Charter Section 403, as amended by Measure X. ([Staff Memorandum with Measure X text, Resolution 23-05](#))
7. **Lobbyist Registration and Late Filing Fees.** During the budget development process, City departments may propose fees to recover the reasonable costs of their direct services. The Commission will discuss and take action on a staff recommendation that an annual Lobbyist Registration fee and late filing fees be added to the Master Fee Schedule, effective January 2024. ([Staff Memo](#))

DISCUSSION ITEMS

8. **Executive Director Recruitment.** Update on the status of the Executive Director hiring.
9. **Reports on Subcommittees and Commissioner Assignments.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission's work.
 - a) **Transparency and Public Records Subcommittee** (ad hoc, created March 8, 2023) - Francis Upton IV (Chair) and Arvon Perteet.
 - b) **Measure W Equity and Outreach Subcommittee** (ad hoc, created on March 8, 2023) – Charlotte Hill (Chair), Alea Gage, Vincent Steele.
 - c) **Measure W Implementation Subcommittee** (ad hoc, created December 14, 2022) – Arvon Perteet (Chair), Charlotte Hill, Francis Upton IV.
10. **Measure W Implementation - Oakland Fair Elections Act.** The Commission will review and discuss the activities necessary to implement Measure W, which passed the ballot on November 8, 2022, and which alters the Commission's staffing, authority, and creates a newly designed public financing program to be administered by the Public Ethics Commission. ([Staff Memo with timeline](#))

INFORMATION ITEMS

11. **Disclosure and Engagement.** Commission Analyst Ana Lara-Franco provides a summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting. ([Disclosure and Engagement Report](#))
12. **Enforcement Program.** Enforcement Chief Simon Russell provides a summary of the Commission's ongoing enforcement work, including overall caseload status and enforcement-related litigation, as well as an update on complaint or case resolutions/submissions since the last regular Commission meeting. ([Enforcement Report](#))

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13. Executive Director's Report. Acting Executive Director Suzanne Doran reports on overall priorities and PEC activities, such as budget, staffing, and PEC legislative and policy initiative not covered in other staff reports. ([Executive Director's Report](#))

14. Future Meeting Business. Commissioners and staff may propose topics for action or discussion at future Commission meetings.

The meeting will adjourn upon the completion of the Commission's business.

How to participate in this public meeting:

- A member of the public in attendance may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chair allocates additional time.
- Members of the public may submit written comments to ethicscommission@oaklandca.gov.

The following options for public viewing are available:

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland's KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on "View"

Please note: the Zoom link and access number are to view/listen to the meetings only. Public comment via Zoom is not supported at this time.

- **Online video teleconference (via ZOOM):** Click on the link to join the webinar: <https://us02web.zoom.us/j/84356782713>
- **Telephone:** Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 Webinar ID: 843 5678 2713
International numbers available: <https://us02web.zoom.us/j/84356782713>

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at ethicscommission@oaklandca.gov or visit our webpage at www.oaklandca.gov/pec.



3/30/23

Approved for Distribution

Date

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This meeting location is wheelchair accessible. Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email ethicscommission@oaklandca.gov or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a ethicscommission@oaklandca.gov o llame al (510) 238-3593 al 711 para servicio de retransmisión (Relay service) por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議五天前電

郵 ethicscommission@oaklandca.gov or 或致電 (510) 238-3593 或711 (電話傳達服務)。

Quý vị cần một thông dịch viên Ngôn ngữ Ký hiệu Mỹ (American Sign Language, ASL), tiếng Quảng Đông, tiếng Quan Thoại hay tiếng Tây Ban Nha hoặc bất kỳ sự hỗ trợ nào khác để tham gia hay không? Xin vui lòng gửi email đến địa chỉ ethicscommission@oaklandca.gov or hoặc gọi đến số (510) 238-3593 hoặc 711 (với Dịch vụ Tiếp âm) trước đó năm ngày.

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PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
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Teleconference
Wednesday, January 11, 2023
6:30 p.m.



DRAFT

Commissioners: Arvon Perteet (Chair), Ryan Micik (Vice-Chair), Charlotte Hill, Joseph Tuman, and Francis Upton IV.

Commission Staff to attend: Suzanne Doran, Acting Executive Director/Lead Analyst; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

PUBLIC ETHICS COMMISSION REGULAR MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 6:34 p.m.

Members present: Perteet, Micik, Hill, Tuman and Upton IV.

Staff present: Suzanne Doran, Ana Lara-Franco, and Simon Russell.

City Attorney Staff: Tricia Shafie

2. Staff and Commission Announcements.

There were no announcements.

3. Open Forum.

Public comment: There was one public speaker, Ralph Kanz.

A full recording of public comments is available in the meeting video. Video recordings are posted on the meeting webpage, which may be found at www.oaklandca.gov/pec.

PRELIMINARY ACTION ITEMS

4. Virtual meetings by the Public Ethics Commission.

Commissioners reviewed the resolution establishing certain determinations to justify

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the ongoing need for virtual meetings following the California State Legislature's adoption and Governor's approval of AB 361 on September 16, 2021.

Public comment: None

Upton moved, and Tuman seconded to approve the renewal of RESOLUTION NO. 23-01.

Ayes: Perteet, Hill, Micik, Tuman, Upton IV.

Noes: None.

Vote: Passed 5-0.

ACTION ITEMS

5. Approval of Commission Meeting Draft Minutes.

- a. December 14, 2022, Regular Meeting Minutes.

Public comment: None

Micik moved, and Hill seconded to approve the December 14, 2022, Regular Meeting Minutes.

Ayes: Perteet, Hill, Micik, Tuman, Upton IV.

Noes: None.

Vote: Passed 5-0.

6. Election of Officers (Chair and Vice-Chair) of the Commission.

Public Comment: None

Perteet moved and Hill seconded to approve the appointment of Ryan Micik as Chair of the PEC for 2023.

Ayes: Perteet, Hill, Micik, Tuman, Upton IV.

Noes: None.

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Vote: Passed 5-0.

Perteet moved and Upton seconded to approve the appointment of Charlotte Hill for Vice-Chair for 2023.

Ayes: Perteet, Hill, Micik, Tuman, Upton IV.

Noes: None.

Vote: Passed 5-0.

7. **New Commissioner Selection.**

The Commission received 8 applications for the PEC- appointed vacancy. Its Recruitment ad hoc subcommittee had conducted interviews and selected three finalists to appear before the full Commission for a public interview. Each finalist was given four minutes to introduce themselves to the Commission, followed by questions from Commissioners.

After all finalists presented and answered questions, the Commission voted to select two new members to begin their three-year term on January 22, 2023.

Public Comment: There was one public speaker, Ralph Kanz.

Commissioners voted and selected Alea Gage to fill the first seat.

Commissioners voted and selected Vincent Steele to fill the second seat.

Micik moved, and Hill seconded to accept both Alea Gage and Vincent Steele as the new commissioners.

Ayes: Perteet, Hill, Micik, Tuman, Upton IV.

Noes: None

Vote: Passed 5-0

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DISCUSSION ITEMS

8. Reports on Subcommittees and Commissioner Assignments. Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission's work.

- a. **Outreach Subcommittee** (*ad hoc*, created on June 8, 2022) – Francis Upton IV (Chair), Charlotte Hill.

Upton shared that they have not met and plan on meeting in March.

- b. **Recruitment Subcommittee** (*ad hoc*, created on October 12, 2022) – Ryan Micik (Chair), Charlotte Hill, Francis Upton IV.

Micik dissolved the *ad hoc* subcommittee.

- c. **Measure W Implementation Subcommittee** (*ad hoc*, created December 14, 2022) – Arvon Perteet (Chair), Charlotte Hill, Francis Upton IV.

Perteet shared that they met on Monday and are moving forward on the timeline Acting Director Doran had provided. Staff is working with the Human Resources Department on adding the new positions.

Public Comment: There was one public speaker, Ralph Kanz.

9. Executive Director Recruitment. (Update on Executive Director recruitment process.)

Perteet shared nineteen applications were received for the vacancy.

Perteet created the Executive Director Selection *ad hoc* subcommittee to review the applications. Members: Ryan Micik (Chair), Arvon Perteet, Francis Upton IV.

Public Comment: There was one public speaker, Ralph Kanz

10. Transparency and Public Records Requests Improving Responsiveness.

Upton had no updates to share.

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Public Comment: There was one public speaker, Ralph Kanz.

INFORMATION ITEMS

11. Disclosure and Engagement.

Ana Lara-Franco, Commission Analyst, provided a year-end summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities, as well as an update on activities since the last regular Commission meeting.

Public Comment: None

12. Enforcement Program.

Simon Russell, Enforcement Chief, provided a year-end summary of the Commission's enforcement work, including overall case status and legal actions, as well as an update on enforcement work since the last regular Commission meeting.

Public Comment: None

13. Executive Director's Report.

Acting Director Doran provided a year-end summary of significant PEC activities not covered in other staff reports including budget, staffing, as well as ongoing PEC legislative and policy initiatives.

Public Comment: None

14. Future Meeting Business.

Commissioners thanked Tuman for his service to the PEC and the City of Oakland.

The meeting adjourned at 9:02 p.m.

Item 4b - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Teleconference
Monday, February 27, 2023, 5:00 pm – 7:00 p.m.
Tuesday, February 28, 2023, 6:30 p.m. – 8:30 p.m.



Commissioners: Ryan Micik (Chair), Charlotte Hill (Vice-Chair), Alea Gage, Arvon Perteet, Vincent Steele, and Francis Upton IV.

Commission Staff to attend: Ana Lara-Franco, Commission Analyst

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION SPECIAL MEETING MINUTES

This was a two-day meeting that occurred on February 27, 2023, from 5:00 – 7:00 p.m., and on February 28, 2023, from 6:30 – 8:30 p.m.

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 5:04 p.m.

Members present: Micik, Gage, Hill, Perteet, Steele, Upton IV.

Staff present: Ana Lara-Franco.

City Attorney Staff: Tricia Shafie.

2. Staff and Commission Announcements.

There were no announcements.

3. Open Forum.

Public comment: None. A full recording of public comments is available in the meeting video. Video recordings are posted on the meeting webpage, which may be found at www.oaklandca.gov/pec.

PRELIMINARY ACTION ITEMS

4. Virtual meetings by the Public Ethics Commission.

Public comment: None.

Hill moved, and Perteet seconded to approve RESOLUTION NO. 23-03.

Item 4b - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Teleconference
Monday, February 27, 2023, 5:00 pm – 7:00 p.m.
Tuesday, February 28, 2023, 6:30 p.m. – 8:30 p.m.



Ayes: Micik, Hill, Gage, Perteet, Steele, Upton IV.

Noes: None.

Vote: Passed 6-0.

ACTION ITEMS

CLOSED SESSION

5. **Personnel.** Pursuant to California Government Code section 54957(b), the Commission will meet in Closed Session to consider the appointment or employment of the next Executive Director.

Public comment: None.

The commission went into closed session.

The Commission returned from closed session at 6:57 p.m.

The meeting recessed at 6:57 p.m.

February 28, 2023

The meeting was held via teleconference.

The meeting began at 6:31 p.m.

Members present: Micik, Hill, Perteet, Upton IV. Gage arrived at 7:01 p.m.

Absent: Steele

Staff present: Ana Lara-Franco

City Attorney Staff: Tricia Shafie.

Public Comment: None

The commission went into closed session.

The Commission returned from closed session at 8:40 p.m. The meeting adjourned at 8:40 p.m.

Item 4c - Meeting Minutes

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Council Chambers
Wednesday, March 8, 2023
6:30 p.m.



DRAFT

Commissioners: Ryan Micik (Chair), Charlotte Hill (Vice-Chair), Alea Gage, Arvon Perteet, Vincent Steele, and Francis Upton IV.

Commission Staff to attend: Suzanne Doran, Acting Executive Director/Lead Analyst; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

PUBLIC ETHICS COMMISSION REGULAR MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was called to order at 6:32 p.m.

Members present: Micik, Hill, Gage, Perteet, Steele, Upton IV.

Under the provision Government Code 54953, Commission Upton IV joined via telephone from Holiday Inn Rua Professor Moraes 600, Belo Horizonte, Mg - MG, 30150-370 Brazil. Technical issues prevented connecting the call to the microphone system, and Commissioner Upton's comments were not clearly audible between 6:30 and 8:15 p.m. Commissioner Upton is recorded as absent for votes taken during that time period.

Staff present: Suzanne Doran, Ana Lara-Franco, Simon Russell.

City Attorney Staff: Tricia Shafie.

2. Staff and Commission Announcements.

There were no announcements.

3. Open Forum.

Public comment: Gail Wallace. A full recording of public comments is available in the meeting video. Video recordings are posted on the meeting webpage, which may be found at www.oaklandca.gov/pec.

ACTION ITEMS

- 4. Approval of Commission Meeting Draft Minutes.**
 - a. January 11, 2023, Regular Meeting Minutes

Item 4c - Meeting Minutes

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Public comment: None.

Hill moved, and Perteet seconded to approve the minutes.

Ayes: Micik, Hill, Perteet.

Noes: None.

Absent: Upton IV (inaudible).

Abstain: Gage and Steele were not present at the January meeting.

Vote: Failed 3-0.

b. February 15, 2023, Special Meeting Minutes

Public comment: None.

Micik moved, and Steele seconded to approve the minutes.

Ayes: Micik, Hill, Gage, Perteet, Steele.

Noes: None.

Absent: Upton IV (inaudible).

Vote: Passed 5-0.

DISCUSSION ITEMS

5. Reports on Subcommittees and Commissioner Assignments.

- a. **Executive Director Selection Subcommittee** (ad hoc, created January 11, 2023)
– Ryan Micik (Chair), Arvon Perteet, Francis Upton IV.

Micik dissolved the committee.

- b. **Outreach Subcommittee** (ad hoc, created on June 8, 2022) – Francis Upton IV (Chair), Charlotte Hill.

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Micik dissolved the committee.

Micik created two new ad hoc subcommittees.

Measure W Equity and Outreach Subcommittee (ad hoc) – Charlotte Hill (Chair), Alea Gage, Vincent Steele.

Transparency and Public Records Subcommittee (ad hoc) - Francis Upton IV (Chair) and Arvon Perteet.

- c. **Measure W Implementation Subcommittee** (ad hoc, created December 14, 2022) – Arvon Perteet (Chair), Charlotte Hill, Francis Upton IV.

Perteet shared the subcommittee met on Monday. They received information on legal concerns related to the request for proposals (RFP) process. Micik will replace Upton on the subcommittee.

Public Comment: None

6. **Measure W Implementation - Oakland Fair Elections Act.**

Acting Executive Director Doran reported on activities to implement Measure W, which alters the Commission's staffing, authority, and creates a newly designed public financing program to be administered by the Public Ethics Commission, since the last regular Commission meeting.

Public comment: Gail Wallace

INFORMATION ITEMS

7. **Disclosure and Engagement.**

Ana Lara-Franco, Commission Analyst, provided a summary of compliance with disclosure requirements, education and advice, general outreach, and data illumination activities since the last regular Commission meeting.

Public Comment: None

8. **Enforcement Program.**

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Simon Russell, Enforcement Chief, provided a summary of the Commission's ongoing enforcement work, including overall caseload status and enforcement-related litigation, as well as an update on complaint or case resolutions/submissions since the last regular Commission meeting.

Public Comment: None

9. Executive Director's Report.

Acting Executive Director Doran reported on overall priorities and PEC activities, such as budget, staffing, and PEC legislative and policy initiative not covered in other staff reports.

Public Comment: None

10. Future Meeting Business.

None.

Public Comment: None

CLOSED SESSION

11. **Personnel.** Pursuant to California Government Code section 54957(b), the Commission met in Closed Session to consider the appointment or employment of the next Executive Director.

Public Comment: None

Commissioners went to closed session at 8:10 p.m.

Commissioners returned from closed session at 8:49 p.m.

The meeting adjourned at 8:50 p.m.



Item 5 - Staff Memorandum with Measure X text

Ryan Micik (Chair)
Charlotte Hill (Vice-Chair)
Alea Gage
Arvon Perteet
Vincent Steele
Francis Upton IV

Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Ana Lara-Franco, Commission Analyst
Suzanne Doran, Acting Executive Director
DATE: March 30, 2023
RE: City Attorney Salary Adjustment as Required by Oakland City Charter Section 401(1)

In November 2022, Oakland voters passed Measure X, which amended Oakland City Charter Section 401(1) to add setting the City Attorney salary level to the duties of the Public Ethics Commission (PEC or Commission). This memorandum provides background information for the Commission to adjust the City Attorney salary per the criteria specified by City Charter Section 401(1).

Background

The City Attorney is the department head for the Office of the City Attorney, oversees a staff of 79 FTE positions, and serves as counsel to the Mayor, City Council, and every department of the City, except departments designated as independent departments in the Charter.

In November 2012, November 2016, and November 2020, the voters elected the current City Attorney to serve full, four-year terms. **The City Attorney's current annual salary is \$243,618.72.** The most recent salary increase was in April 2022.

In 1998 the Oakland electorate voted to amend the Oakland City Charter and, among other things, to establish an elected City Attorney. A subsequent Charter amendment granted the Council authority to set the City Attorney's salary and established a formula to determine the range for the salary: 70 percent to 90 percent of "the average salaries of City Attorneys of California cities within the three immediate higher and the three immediate lower cities in population to Oakland."

In November 2022, Oakland voters passed Measure X, which amended process for setting the City Attorney's salary as follows:

The salary of the elected City Attorney shall be set annually by the Public Ethics Commission to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Attorney and salaries for other City department heads, and shall be comparable to the salaries of City Attorneys and other comparable positions, such as County Counsel or Port Attorney, in California cities, counties and agencies selected by the Commission. The City Attorney's salary may not be reduced during the City Attorney's term of office except as part of a general reduction of salaries of all officers and employees in the same amount or proportion. (Oakland City Charter Section 401(1))

Analysis

Since the most recent salary increase, the City has negotiated wage increases through the collective bargaining process. The non-public safety wage increases, as opposed to Police and Fire wage

increases, can be a consideration in establishing the new wage since it applies to both City Attorney employees and to other Department Heads. The Department Heads received the same wage increase through Salary Ordinance 12187 C.M.S. section 2.20, which allows the City Administrator to provide the same negotiated wage increases to unrepresented employees.

The annual salary for the Assistant City Attorneys is currently **\$260,437.44**, which exceeds the City Attorney’s annual salary **by \$16,818.72** per year.¹ The City’s compensation practice is to have a minimum of 15 to 20 percent salary differential between a department head and their highest paid direct reporting employee. For the City Attorney salary to be 15 to 20 percent above the salary of the highest direct reporting employee would be a salary between **\$299,503.06 and \$312,524.93**

In accordance with the criteria establishing the permissible salary range for the City Attorney in Charter Section 401(1), salaries for other City department heads were surveyed (see Table 1 below).

Table 1: City Department Head Salaries

Dept Head	Annual Salary
City Auditor	181,203.12
City Clerk	192,409.08
EEO & Civil Rights Director	211,293.60
Executive Director of CPRA	218,656.00
Director of Race and Equity	218,657.52
Director of Housing & Community Dev	235,620.00
Director of Human Services	235,620.00
Director of Parks & Recreation	235,620.00
Director of Planning & Building	247,390.44
Director of Workplace & Employment Stnd	247,390.44
Chief of Violence Prevention	247,390.56
Director of Animal Services	247,390.56
Director of Economic & Workforce Dev	247,390.56
Director of Human Resources Managemen	247,390.56
Director of Information Technology	247,390.56
Director of Library Services	247,390.56
Director of Transportation	247,390.56
Director of Finance	261,075.84
Director of Public Works	286,897.20
Average Salary (excluding City Attorney)	237,029.85
City Attorney	243,618.72

Based on the above data, the salary range for the Oakland Department Heads is from **\$181,203.12 to \$286,897.20**. The average annual salary for Department heads is **\$237,029.85** per year while the annual salary for the City Attorney is **\$243,618.72**.

In accordance with the criteria establishing the permissible salary range for the City Attorney in Charter Section 401(1), salaries of City Attorney’s from other California cities within the three immediate higher

¹ Salary data provided by Anjali Saxena, Payroll Manager, Finance Department. January 17, 2023

and lower populations compared to Oakland were surveyed (see **Table 2**).

Table 2: California Cities City Attorney Salaries

City	Population*	Salary
Fresno	543,660	232,463.00
Sacramento**	518,037	331,941.00
Long Beach	460,682	318,972.00
Bakersfield	408,865	214,601.88
Anaheim**	341,245	317,407.00
Riverside	317,847	315,312.00
Average Salary		288,449.48
Oakland	424,464	243,618.72

*<https://publicpay.ca.gov/>

**maximum salary recorded. All other salaries are actual salary of the sitting City Attorney.

The above chart shows that most of the City Attorney salaries in California cities of comparable size are higher than Oakland’s current salary rate. The average annual salary is **\$288,449.48** per year while the current annual salary for the City Attorney is **\$243,618.72** (84 percent of the average salary).

In addition, the survey of the salaries of City Attorneys in the Bay Area reflects that the Oakland City Attorney’s salary is significantly lower as shown in **Table 3** below.

Table 3: California Bay Area Cities City Attorney Salaries

City	Salary*
City of Oakland - City Attorney	243,618.72
City of Hayward - City Attorney	239,450.00
City of Berkeley - City Attorney	253,770.00
City of Mountain View - City Attorney	283,984.56
City of Alameda - City Attorney**	290,320.00
City and County of San Francisco - City Attorney	294,736.00
Port Attorney - Port Attorney	320,000.00
Alameda County - County Counsel	332,901.00
City of San Jose - City Attorney	334,335.00
City of Santa Clara - City Attorney	345,000.00
City of Fremont - City Attorney	309,750.00
Average survey Salary (excluding Oakland's)	300,424.66
* https://publicpay.ca.gov/	
**Actual salary	

The above data shows that most of the Bay Area City Attorney salaries are higher than Oakland’s current salary rate. The average annual salary is **\$300,424.66** per year while the current annual salary for the City Attorney is **\$243,618.72** (80 percent of the average salary).

Recommendation

Based on the above data, which relies on the criteria set forth in City Charter Section 401(1), an adjustment to an annual salary of **\$306,990.63** is recommended as it provides equity and alignment of the City Attorney’s salary by adding a 15 percent differential above the highest paid subordinate attorneys and staff in the Office, is comparable to salaries of attorneys in other Bay Area cities, and accounts for the scheduled 2.5 percent negotiated wage increase for other City employees effective July 2023.²

Table 4: Comparison Summary

City Department Head - Average	\$	237,029.85
Highest Paid Employee - Salary	\$	260,437.44
Comparable-size California Cities - Average	\$	288,449.48
Bay Area Cities - Average	\$	300,424.66
Oakland City Attorney - Current	\$	243,618.72
Oakland City Attorney - Recommended Adjustment	\$	306,990.63

Scheduled wage increases under the current collective bargaining agreements with non-public safety represented employees include 2.5 percent on July 2023, 2.5 percent January 2024, 2 percent July 2024, and 2 percent March 2025. Staff recommends the Commission accounts for future increases, excluding the 2.5 percent July 2023 increase, in the annual adjustment of the City Attorney’s salary.

Following the Commission’s determination of the adjustment amount, Commission staff will transmit the salary adjustment resolution to the City Administrator, the Department of Human Resources (to amend the salary ordinance), and the Treasury Division - Payroll (to implement the increase).

² Salary adjustment calculated as follows: Highest paid City Attorney office employee salary + 15% differential + 2.5% increase to maintain parity with scheduled wage increase for non-public safety employees effective 7/1/23.

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OFFICE OF THE CITY CLERK
OAKLAND

22 JUL 12 PM 1:51

APPROVED AS TO FORM AND LEGALITY

Barbara J. Parker
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89317 C.M.S.

**INTRODUCED BY COUNCILMEMBERS DAN KALB, LOREN TAYLOR,
SHENG THAO, AND NIKKI FORTUNATO BAS**

**RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING
TO THE VOTERS FOR THE NOVEMBER 8, 2022, GENERAL
MUNICIPAL ELECTION A GOVERNMENT REFORM MEASURE THAT
WOULD AMEND THE CITY CHARTER TO, AMONG OTHER THINGS:**

- (1) ESTABLISH TERM LIMITS FOR COUNCILMEMBERS;**
- (2) REQUIRE A MINIMUM OF TWO COUNCIL HEARINGS BEFORE
CERTAIN COUNCIL PROPOSED BALLOT MEASURES ARE
APPROVED FOR PLACEMENT ON THE BALLOT;**
- (3) COUNT COUNCILMEMBER ABSTENTIONS AND ABSENCES AS
A NO VOTE ON COUNCIL MOTIONS, RESOLUTIONS AND
ORDINANCES FOR PURPOSES OF DETERMINING WHETHER
MAYOR HAS AUTHORITY TO CAST A TIE-BREAKING VOTE;**
- (4) CHANGE THE FORMULA FOR THE PUBLIC ETHICS
COMMISSION TO SET COUNCILMEMBER SALARIES AND
AUTHORIZING THE PUBLIC ETHICS COMMISSION TO SET THE
SALARIES OF THE CITY AUDITOR AND CITY ATTORNEY;**
- (5) ADD AND CLARIFY DUTIES OF AND PROVIDE MINIMUM
STAFFING FOR THE CITY AUDITOR; AND**

**DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION
OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION,
AND TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO
PREPARE FOR AND CONDUCT THE NOVEMBER 8, 2022, GENERAL
MUNICIPAL ELECTION**

WHEREAS, in 1968, the People adopted the Charter of the City of Oakland ("City Charter"), establishing the fundamental law of the City, including but not limited to, the City's form of government and the role of City Council, the Mayor, the City Manager, and other City officers, and

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WHEREAS, since then, the City has grown in size, complexity, and diversity; and

WHEREAS, a city's charter must promote democracy, accountability, transparency, and equity; and

WHEREAS, according to the National League of Cities, 80% of American cities have term limits for mayors and/or councilmembers; and

WHEREAS, a 2021 report by San Francisco Bay Area Planning and Urban Research Association, a nonprofit public policy organization ("SPUR") titled "Making Government Work: 10 ways City Governance Can Adapt to Meet the Needs of Oaklanders" called for term limits City Councilmembers and additional staffing for the City Auditor; and

WHEREAS, Oakland elected officials such as City Councilmembers, the City Auditor, and the City Attorney have lower salaries than several nearby California cities; and

WHEREAS, engaged residents may be more likely to be able to gain election to local office when there is an open seat as opposed to when an incumbent is running for re-election; and

WHEREAS, having two Council hearings on certain Council proposed ballot measures before the Council places such measures on the ballot will expand opportunities for public and Council engagement, discussion and vetting; and

WHEREAS, the Charter currently entitles the Mayor to cast a tie-breaking vote when the Council is evenly divided on a Council vote, yet that has been thwarted by Councilmembers abstaining; now therefore be it

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

FURTHER RESOLVED: That the City Charter hereby is amended, to add, delete, or modify sections as set forth below (sections number and titles are indicated in **bold type**; additions are indicated by underscoring, deletions are indicated by strike-through type; portion of the provisions not cited or not shown in underscoring or strike-through type are not changed); and be it

FURTHER RESOLVED: That the proposed amended Charter amendment text shall be as follows:

Section 200. Composition of the Council. The Council shall consist of eight Councilmembers, nominated and elected as hereinafter provided. The Mayor shall not be a member of the Council, but ~~he~~ shall have a vote on the Council if the Councilmembers are evenly divided in accordance with Section 305. The Council shall elect a President of the Council from among its members for a term of two years. The President of the Council shall serve as the presiding officer of the City Council and shall perform duties authorized by the Council's Rules of Procedure, which shall be passed by resolution in accordance with Charter section 210.

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Section 202. Council Salaries. The Public Ethics Commission shall bi-annually adjust the salary for the office of Councilmember by the increase in the consumer price index over the preceding two years, up to a total of five percent. If the increase in the consumer price index over the preceding two years exceeds five percent, the Commission shall have the discretion to adjust the salary for the office of Councilmember by an amount not exceeding five percent for each year, but not more than the total CPI per year. ~~The Commission may adjust salaries beyond the increase in the consumer price index up to a total of five percent. Any portion of an increase in compensation for the office of Councilmember that would result in an overall increase for that year in excess of five percent must be approved by the voters.~~

Section 204. Term of Office, Term Limits, Council.

Term of Office. The Councilmembers shall be elected to a term of four years beginning at 11:00 a.m. on the Monday following January 1~~2~~ following their election. ~~The Councilmembers elected or appointed to office to serve terms beginning in 1985 shall serve in office until 11:00 a.m. on the Monday following January 1 in 1991. The Councilmembers elected or appointed to office to serve terms beginning in 1987 shall serve in office until 11:00 a.m. on the Monday following January 1, 1993.~~ In 1990-2018 Municipal Elections were ~~will be~~ held to select City officers for four-year terms for the following offices: Councilmember, District #2; Councilmember, District #4, and, Councilmember, District #6. In 1992-2020 Municipal Elections will be ~~were~~ held to select City Councilmembers for four-year terms for the following offices: Councilmember, District #1; Councilmember, District #3; Councilmember, District #5; Councilmember, District #7; and Councilmember At-Large.

Term Limits. No person shall be elected to the office of Councilmember, whether district or at-large, or any combination thereof, for more than three consecutive terms; except that a person may serve up to three consecutive terms as a district Councilmember immediately followed by up to three consecutive terms as Councilmember at-large. For purposes of determining term limits, a Councilmember who fills a partial term of more than two years shall be deemed to have filled the entire term. Terms for the office of Councilmember that commenced prior to January 2023 shall not be considered in calculating limits on consecutive terms for Councilmembers.

Section 205. Vacancy, Filling of. All vacancies occurring in the office of Councilmember shall be filled by special election within 120 days of a vacancy. An extension of up to ~~60-90~~ days may be allowed only for the express purpose of consolidating the special election with the next Municipal Election or Statewide Election. If the special election is to take place before the first use of ranked choice voting in a Municipal Election, the Council shall have the authority to provide for a ranked choice voting election by ordinance. Otherwise, the candidate who receives the highest number of votes at the special election shall be declared the winner and thereafter sworn into office as soon as legally possible. Special elections for the office of Councilmember that take place during or after the first use of ranked choice voting in a Municipal Election shall be conducted using the same ranked choice voting procedures used to elect Councilmembers in General Municipal Elections. Whenever the period of vacancy in a Councilmember's term of office equals or exceeds ~~120-100~~ days the vacancy may be temporarily filled by appointment through the majority vote of the remaining Councilmembers, provided the appointee is may not simultaneously fill the vacancy and run as a candidate for that the office which created the vacancy and provided the appointment does not exceed ~~128-180~~ days or go beyond the date the

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new incumbent is sworn in, whichever is shortest. Alternative legal voting procedures shall be used to the greatest extent feasible to increase voter participation in special elections including but not limited to mail ballot voting, secure electronic voting and extended voting period. Notwithstanding any other provision of this section 205 or this Charter, an election shall not be required to fill a vacancy in the office of Councilmember that occurs when the ~~Vice Mayor~~ Council President fills a mayoral vacancy pursuant to Sections 303 and 304 of this Charter, and the ~~Vice Mayor~~ Council President shall be entitled to return to ~~his/her~~ their seat.

Section 208. Meetings of the Council. At 11:00 a.m. on the first Monday following January 24 following each General Municipal Election, the Council shall meet at the established Council meeting place, at which time and place the newly elected members of the Council shall assume the duties of their office; and at such meeting, and at its first meeting in January of each odd-numbered year, the Council shall, by resolution, elect a ~~Vice Mayor~~ Council President from among its members to serve for a ~~one~~ two-year term. The Council also shall elect, by resolution, a President Pro Tempore of the Council from among its members to serve a one or two-year term. Thereafter, the Council shall meet regularly at the time and place fixed by resolution. Special meetings may be held at the regular place of meeting and shall be called, and notice thereof given, by the City Clerk upon the written request of the Mayor, the City Administrator or three members of the Council and such notice shall state the special subject to be considered at the special meeting; and no other subject shall be there considered. Regular or special meetings may be held at places other than the regular meeting place only in an emergency in which the regular meeting place is untenable, or for some purpose of public convenience, upon the posting of a public notice at the regular meeting place that the Council is meeting elsewhere to be designated on the notice.

Section 221. Hearings Required for Certain Ballot Measures Proposed by the Council. Before taking a vote, the Council shall notice and consider at no fewer than two Council open session meetings that are at least 10 calendar days apart, any (1) general obligation bond, (2) new parcel tax or increase in a parcel tax, or (3) Charter amendment that the Council proposes to place on the ballot.

Section 303. Vacancy, Filling of. Upon the declaration of vacancy in the office of the Mayor, the office of the Mayor shall be filled by the ~~Vice Mayor~~ President of the Council. Except as otherwise provided in this Section, when the ~~Vice Mayor~~ President of the Council assumes the office of Mayor upon declaration of a vacancy, they shall serve for the remainder of the unexpired term if such term is less than one year; otherwise they shall serve until the vacancy is filled as provided herein. The President Pro Tempore shall perform the duties and shall have the powers of the President of the Council during any time that the President of the Council has assumed the office of the Mayor. Whenever the period of vacancy in a Mayor's term of office is less than one year and the ~~Vice Mayor~~ President of the Council notifies the Council in writing that they do not wish to serve as Mayor for the unexpired term, the vacancy shall be filled by appointment through a majority vote of the Council; provided the appointee shall be ineligible to be a candidate for the next full term of the Office of Mayor. If at the time of a vacancy declaration the unexpired term is one year or more, the vacancy occurring in the office of Mayor shall be filled by special election within 120 days of such vacancy. An extension of up to ~~60~~ 90 days may be allowed only for the express purpose of consolidating the special election with the

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next Municipal Election or Statewide Election. Special elections for the office of Mayor that take place after the first use of ranked choice voting in a Municipal Election shall be conducted using the same ranked choice voting procedures used to elect the Mayor in General Municipal Election. The candidate elected to fill the vacancy shall hold office for the balance of the unexpired term. Alternative legal voting procedures shall be used to the greatest extent feasible to increase voter participation in special elections including but not limited to mail ballot voting, secure electronic voting, and extended voting period.

Section 305. Functions, Powers and Duties. The Mayor shall be the chief elective officer of the City, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for municipal activity. The Mayor shall have the following powers, duties, and responsibilities:

(a) The Mayor shall be responsible for the submission of an annual budget to the Council which shall be prepared by the City Administrator under the direction of the Mayor and Council. The Mayor shall, at the time of the submission of the budget, submit a general statement of the conditions of the affairs of the City, the goals of the administration, and recommendations of such measures as he may deem expedient and proper to accomplish such goals.

(b) Recommend to the Council such measures and legislation as ~~he~~ the Mayor deems necessary and to make such other recommendations to the Council concerning the affairs of the City as ~~he~~ the Mayor finds desirable are in the best interest of the residents of the City.

(c) Encourage programs for the physical, economic, social and cultural development of the City.

(d) Actively promote economic development to broaden and strengthen the commercial and employment base of the City.

(e) Appoint the City Administrator, subject to confirmation by the City Council, remove the City Administrator and give direction to the City Administrator. The Mayor shall advise the Council before removing the City Administrator.

(f) Serve as ceremonial head of the City.

(g) Represent the City in inter-governmental relations as directed by the Council.

(h) Provide community leadership.

(i) May cast a tie-breaking vote on any Ordinance, Resolution or Motion voted on by the Council, if the Council's vote is evenly divided. Solely for the purposes of determining whether the Mayor is eligible to cast a tie-breaking vote, abstentions and absences shall count as a "No" vote. A legally-required recusal shall not count as a "No" vote.

The Mayor shall, at the first meeting of the City Council in October, appear before the Council to deliver a general address on the State of the City, and recommend the adoption of such measures as he/she may deem expedient and proper. The Mayor and such staff as the Mayor ~~he/she~~ may designate shall also conduct four additional public meetings during the year to solicit and respond to comments, concerns, or questions from the public. These meetings shall be

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noticed to the public not less than two weeks in advance, and shall be scheduled approximately three months apart.

The Mayor shall devote ~~his~~ their full time and attention to the duties of the Office of the Mayor and shall not engage in outside employment while in office. However, nothing shall prevent the Mayor from the receipt of income earned from business(s) or investment(s) in which ~~he~~ the Mayor is not actively engaged and which are not in conflict with the performance of ~~his~~ the Mayor's duties and responsibilities.

Section 306. Duties of ~~Vice Mayor~~ Council President. In addition to any duties specified by ordinance or by the Council's Rules of Procedure Resolution passed in accordance with Charter section 210, ~~in the absence~~ during the unavailability or temporary disability of the Mayor, the ~~Vice Mayor~~ President of the Council shall perform the duties of the office of Mayor.

Section 401(1). City Attorney. The City Attorney shall be nominated and elected in the same manner and at the same election as the Councilmember-at-large. The salary of the elected City Attorney shall be set annually by ~~the Council, which shall be not less than 70% nor more than 90% of the average salaries of City Attorneys of California cities within the three immediate higher and the three immediate lower cities in population to Oakland, and may not be reduced during the City Attorney's term of office, except as part of a general reduction of salaries of all officers and employees in the same amount or proportion~~ the Public Ethics Commission to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Attorney and salaries for other City department heads, and shall be comparable to the salaries of City Attorneys and other comparable positions, such as County Counsel or Port Attorney, in California cities, counties and agencies selected by the Commission. The City Attorney's salary may not be reduced during the City Attorney's term of office except as part of a general reduction of salaries of all officers and employees in the same amount or proportion.

Section 401(7). Endorsements, Campaigns, Campaign Contributions. During the City Attorney's tenure, the City Attorney shall not make or solicit contributions to, publicly endorse or urge the endorsement of or otherwise participate in a campaign for a candidate for City elective office, other than for the City Attorney, or of a City ballot measure, or be an officer, director or employee of or hold a policy decision-making position in an organization that makes political endorsements regarding candidates for City elective office.

Section 403(1). City Auditor. The City Auditor shall be nominated and elected in the same manner, for the same term, and at the same election, as the Mayor. To be eligible ~~to~~ for the office a person must be a qualified elector of the State of California, a resident of the City at the time of filing nomination papers and for thirty (30) days immediately preceding the date of filing and shall be certified by the California State Board of Accountancy as a Certified Public Accountant or by the Institute of Internal Auditors as a Certified Internal Auditor, and shall have a minimum of three years of public sector experience in auditing, policy analysis, performance evaluation, investigative oversight, and/or accountancy, or equivalent private sector experience. The salary of the office shall be set by the Public Ethics Commission, which shall be not less than 70% nor

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more than 90% of the average salaries of City Auditors of California cities within the three immediate higher and the three immediate lower cities in population to Oakland, and may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion. City Auditor shall be set annually by the Public Ethics Commission, to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Auditor and salaries for other City department heads, and shall be comparable to the salaries of public sector auditor positions in California cities and counties selected by the Commission. The City Auditor's salary may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion.

Section 403(2). Vacancy, What Constitutes. The Office of City Auditor shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within ten days after their term is to begin, dies, resigns, ceases to be a resident of the City or is absent from the City for a period of more than sixty days without permission from the Council, is convicted of a felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of the office, forfeits the office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least six members of the Council after considering competent medical evidence bearing on the physical or mental capability of the City Auditor. Filing to run for the office of Mayor, Councilmember or City Attorney shall constitute a resignation from the office of City Auditor, effective on the date of filing.

Section 403(3) Vacancy, Filling of. For all vacancies occurring in the Office of City Auditor the City Council shall cause an election to be held to fill such vacancy pursuant to the manner and method as provided for in Article II, Section 205 of the Charter.

Section 403(4) Powers of the City Auditor. The City Auditor, notwithstanding any other provision of this Charter, shall have the power and it shall be ~~his or her~~ the City Auditor's duty to audit the books, accounts, money and securities of all bureaus, departments, offices, agencies, including the Port Department, boards, commissions, and programs of the City, and such other matters as the Council may request; to report to the Council periodically the results of such audits and to advise and make recommendations to the City Administrator ~~regarding accounting forms design, fiscal and statistical reports and the methods or procedures for maintaining the accounts and accounting system throughout all departments, offices and agencies of the City.~~ The City Auditor shall report to the Council instances of noncompliance with accepted accounting principles where recommendations for compliance have not been implemented by the City Administrator after reasonable time and opportunity. The City Auditor shall conduct audits in accordance with Government Auditing Standards as issued by the U.S. Comptroller General.

The City Auditor shall conduct surveys, reviews, ~~and~~ performance audits and financial audits as the Auditor deems to be in the best public interest or as ~~required-requested~~ by the Council or Mayor. For these purposes the public interest shall include, but not be limited to:

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- (1) Reviewing and appraising the soundness, adequacy and application of accounting, functional, and operating controls and reliability and timeliness of accounting and other data generated within the organization.
- (2) Evaluating the city's internal controls to ensure that the City's assets and resources are reasonably safeguarded from fraud, waste, and mismanagement.
- (3) Ascertaining compliance with Council's resolutions and policies and the Mayor's Administrative Instructions and Directives, as well as applicable State and Federal laws and regulations.
- (4) Providing assistance to City Departments to enhance the effectiveness, efficiency and economy of their operations.
- (5) Preparing an impartial financial analysis of all ballot measures, pursuant to the provisions of the Municipal Code.
- (6) Preparing impartial financial analyses of proposed major expenditures prior to the approval of such expenditures. These analyses will be for informational purposes only and will include, but not be limited to, proposals, contracts, ventures, programs and construction projects. The proposed major expenditures selected for these financial analyses will be based on requests from Mayor/Council and/or deemed to be prudently advisable in the objective and professional judgment of the City Auditor.
- (7) Responding to Council and Mayor requests for audits and reviews.
- (8) Submitting, at a public meeting of the full City Council, a ~~quarterly~~ semi-annual report to the Council and public on the extent of implementation of recommendations for corrective actions made in the City Auditor's reports.
- (9) ~~The City Auditor shall conduct~~ Conducting periodic performance audits of each department as specified in the City budget in order to help improve government performance.
- (10) Reviewing City departments, offices, agencies, boards, commissions, and bureaus to analyze if they are managing, safeguarding and using public resources, including public funds, personnel, property, equipment and space, economically, efficiently, equitably, and effectively.
- (11) Analyzing City programs, activities, services, functions, or policies as to effectiveness and cost-effectiveness, including the identification of any causes of inefficiencies.
- (12) Reviewing and recommending to the City Administrator management adjustments in operating and administrative procedures and practices, systems and accounting internal control systems and internal management controls.
- (13) Analyzing allegations of fraud, waste, abuse or illegal acts that require further investigation to substantiate.
- (14) Publishing an annual report summarizing recent audits and recommendations.
- (15) Responding to requests from the City Administrator to provide recommendations on how to make City departments and services more effective and customer-service oriented.
- (16) Preparing an annual workplan including planned audits for the year. The City Auditor shall publish such workplan in August of each year.

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The City Auditor shall have access to inspect all records, property, equipment, and facilities within the City's jurisdiction.

Effective July 2023, the budget for the Office of the City Auditor shall be sufficient to hire at least fourteen full-time equivalent ("FTE") employees of relevant classifications. The minimum staffing budget set-aside may be suspended, for a fiscal year or a two-year budget cycle, upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution or ordinance.

Restrictions on Running for Public Office. Filing for an elective office over which the City Auditor has audit jurisdiction will be the same as resignation, effective on the date of filing.

Endorsements, Campaigns, Campaign Contributions. During the City Auditor's tenure, the City Auditor shall not make or solicit contributions to, publicly endorse or urge the endorsement of or otherwise participate in a campaign for a candidate for City elective office, other than for the City Auditor, or of a City ballot measure, or be an, officer, director or employee of or hold a policy decision-making position in an organization that makes political endorsements regarding candidates for City elective office.

The City Auditor shall be represented in all legal matters by the City Attorney except as provided otherwise in Section 401.

Section 601. Boards and Commissions. The Council may create by ordinance such operational, advisory, appellate or rule-making boards and commissions as may be required for the proper operation of any function or agency of the City and prescribe their function, duties, powers, jurisdiction, meeting frequency, standards for conducting long-term planning, and the number of board and commission members, their terms, compensation and reimbursement for expenses, if any, subject to the provisions of this Article.

Section 601(a). Except as otherwise provided for in this Charter, Mmembers of boards and commissions shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the Council and may be removed for cause, after hearing, by the affirmative vote of at least six members of the Council and may be removed for cause, after hearing, by the affirmative vote of at least six members of the Council. Vacancies shall be filled for any unexpired term in the same manner as the original appointments were made; provided, however, that if the Mayor does not submit for confirmation a candidate to fill the vacancy within 90 days of the date the vacancy first occurred, the Council may fill the vacancy. If the Mayor does submit for confirmation a candidate to fill a vacancy within the 90-day time frame and the Council does not confirm the candidate, the 90-day period shall commence anew. For purposes of this Section, a seat filled by a holdover appointment will be considered vacant as of 30 days after the expiration of the holdover's prior term of office.

Section 601(b). Notwithstanding any other language in this section 601, or elsewhere in the Charter, for vacancies on boards and commissions for which an ordinance specifies that Councilmembers may nominate a candidate for the Mayor's consideration, the designated Councilmember shall have 45 days from the date the vacancy occurs to recommend one or more

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nominees to the Mayor in writing. Upon such nomination or the expiration of the 45-day nomination period, whichever occurs first, the Mayor shall have 90 days thereafter to submit any eligible candidate for the Council’s confirmation.

If the Mayor does not submit for confirmation a candidate to fill a vacancy within the time frames prescribed by this section 601(b), the Council may fill the vacancy. If the Mayor does submit for confirmation a candidate to fill the vacancy within the time frame specified in this section 601(b) and the Council does not confirm the candidate, the time frame specified in this section 601(b) shall commence anew.

For purposes of this Section 601, a seat filled by a holdover appointment will be considered vacant as of 30 days after the expiration of the holdover's term of office.

Section 1100. Nominating Election. Except as otherwise provided for in section 1105 of this Charter, Municipal Nominating Elections for the nomination of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in June in each even-numbered year. In order to consolidate Municipal Nominating Elections with Statewide Primary Elections, the Council may by ordinance provide for a date for a Municipal Nominating Election which conforms to the date of a Statewide Primary Election.

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

PROPOSED CHARTER AMENDMENT

MEASURE ___

<p>Measure __. Shall a measure to amend the Charter to, among other things, establish Councilmember term limits, require two hearings before Council places certain measures on the ballot; count Councilmember abstentions and absences as “no” votes in determining whether Mayor may break a tie; provide Public Ethics Commission discretion in setting Councilmember salaries; authorize the Commission to set City Attorney and Auditor salaries; and add and detail duties and provide minimum staffing for the Auditor, be adopted?</p>	Yes	
	No	

; and be it

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FURTHER RESOLVED: That the City Council hereby authorizes and directs the Clerk of the City of Oakland ("City Clerk"), at least 88 days prior to the November 8, 2022 general municipal election, to file certified copies of this resolution with the Alameda County Board of Supervisors and the Registrar of Voters; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Charter amendment, and said date shall be posted by Office of the City Clerk; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall provide for notice and publication as to said proposed Charter amendment in the manner provided for by law; and be it

FURTHER RESOLVED: That the City Clerk and City Administrator hereby are authorized and directed to take any and all actions necessary under law to prepare for and conduct the next municipal election and appropriate all monies necessary for the City Administrator and City Clerk to prepare for and conduct the next municipal election, consistent with law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

JUL 11 2022

AYES - ~~ASHA REED, ANITA BROWN, KALB, MARIANO, REID, TAYLOR, THAO AND~~ PRESIDENT FORTUNATO BAS -5

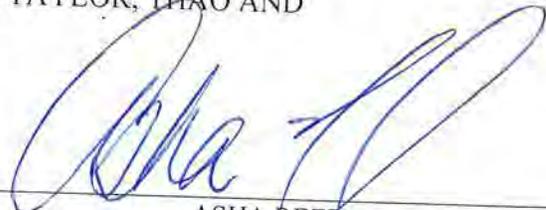
NOES - File - 1

ABSENT -

ABSTENTION -

Excused - Grillo, Kaplan - 2

ATTEST:



ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

22 JUL 28 PM 4:27

QUESTION

Shall a measure to amend the Charter to, among other things, establish Councilmember term limits, require two hearings before Council places certain measures on the ballot; count Councilmember abstentions and absences as “no” votes in determining whether Mayor may break a tie; provide Public Ethics Commission discretion in setting Councilmember salaries; authorize the Commission to set City Attorney and Auditor salaries; and add and detail duties and provide minimum staffing for the Auditor, be adopted?

TITLE AND SUMMARY

Title: A proposed amendment to the Charter to establish term limits for members of the City Council (“Council”), require two Council hearings for certain proposed ballot measures, count Councilmember abstentions and absences as “no” votes in determining whether the Mayor may cast a tie-breaking vote at the Council, provide the Public Ethics Commission (“Commission”) discretion in setting Councilmember salaries, authorize the Commission to set the salaries of the City Auditor and the City Attorney, clarify and add to the duties of the City Auditor, and set minimum staffing for the Office of the City Auditor.

Summary:

This measure makes a number of changes to the Charter including:

Councilmember Term Limits

Members of the Council are elected to four-year terms. There are no term limits. This measure would prohibit a Councilmember from serving more than three consecutive terms.

Hearings on Proposed Ballot Measures

State law requires the Council to hold one public hearing before voting to place a measure on the ballot. This measure would require the Council to hold two public hearings before voting to place a general obligation bond, parcel tax, or Charter amendment on the ballot.

Councilmember Salaries

The Public Ethics Commission (“Commission”) adjusts Councilmember salaries every two years based on any increases in the consumer price index (“CPI”). The Commission may also adjust their salaries above CPI increases, up to a total of five percent per year. This measure provides that the Commission would adjust the salaries every two years based on CPI increases, up to a total of five percent. But if the total CPI increase over the prior two years exceeds five percent, the Commission may adjust salaries up to five percent per year but may not adjust the salaries more than the CPI increase per year.

Mayoral Tie-Breaking Vote

The Mayor does not have a vote on the Council, but the Charter authorizes the Mayor to cast a tie-breaking vote when the Council is evenly divided. This measure provides that for purposes of determining whether there is a tie, a Councilmember’s abstention or absence shall count as a “no” vote.

City Attorney and City Auditor Salaries

The Council sets the salary of the City Attorney and the City Auditor using a specified formula. This measure provides that the Commission would set these salaries based on salaries of the highest paid professional employee in their respective offices, other City department heads, and comparable positions in California jurisdictions.

Item 5 - Staff Memorandum with Measure X text

City Attorney and City Auditor Political Activities

This measure would prohibit the City Attorney and the City Auditor from making or soliciting contributions to, publicly endorsing, or participating in the campaign of a candidate for City elective office or of a City ballot measure.

City Auditor

This measure establishes further qualifications and additional duties for the City Auditor.

The Charter does not set minimum staffing for the Office of the City Auditor. This measure provides that the budget for the Office of the City Auditor must be sufficient for at least fourteen full-time employees.

/s/ DAVID CHIU
San Francisco City Attorney

Item 5 - Staff Memorandum with Measure X text

FILED
OFFICE OF THE CITY CLERK
OAKLAND

IMPARTIAL ANALYSIS

22 JUL 28 PM 4: 27

Councilmember Term Limits

Members of the City Council ("Council") are elected to four-year terms. There are no term limits. This measure would prohibit a Councilmember from serving more than three consecutive terms, except that a district Councilmember may serve up to three consecutive terms followed by up to three consecutive terms as an at-large Councilmember. Councilmember terms that began before January 2023 shall not count towards the term limits.

Hearings on Proposed Ballot Measures

State law requires the Council to hold at least one public hearing before placing a measure on the ballot. This measure would require the Council to hold at least two public hearings at least 10 calendar days apart before placing general obligation bonds, parcel taxes, or Charter amendments on the ballot.

Councilmember Salaries

The Public Ethics Commission ("Commission") adjusts the salary for Councilmembers every two years based on the increase in the consumer price index ("CPI"). The Commission may adjust salaries beyond the increase in CPI up to five percent per year. The voters may approve increases above five percent in a year. This measure provides that the Commission adjusts the salaries every two years based on CPI increases, up to a total of five percent for the two years. But if the total CPI increase over the prior two years exceeds five percent, the Commission may adjust salaries up to five percent per year but may not adjust the salaries more than the CPI increase per year. The measure removes the ability of the voters to approve increases above five percent by ordinance.

Mayoral Tie-Breaking Vote

The Mayor does not have a vote on the Council, but the Charter authorizes the Mayor to cast a tie-breaking vote when the Council is evenly divided. This measure provides that for purposes of determining whether there is a tie, a Councilmember's abstention or absence shall count as a "no" vote.

City Attorney and City Auditor Salaries

The Council sets the salary of the City Attorney and the City Auditor. This measure provides that the Commission would set these salaries based on the salaries of the highest paid professional employee in their respective offices, other City department heads, and comparable positions in California jurisdictions.

City Attorney and City Auditor Political Activities

This measure would prohibit the City Attorney and the City Auditor from making or soliciting contributions to, publicly endorsing, or participating in the campaign of a candidate for City elective officer, or of a City ballot measure.

Item 5 - Staff Memorandum with Measure X text

City Auditor

This measure specifies when the Office of City Auditor becomes vacant and a process for filling the vacancy.

This measure establishes further qualifications and additional duties for the City Auditor.

The Charter does not set minimum staffing in the Office of the City Auditor. This measure provides that the budget for the Office of the City Auditor must be sufficient for at least fourteen full-time employees, unless the Council determines for a given fiscal year or two-year budget cycle that the City is facing an extreme fiscal necessity.

/s/ DAVID CHIU
San Francisco City Attorney

22 JUL 29 AM 11:38

BERKELEY CITY AUDITOR’S IMPARTIAL FINANCIAL ANALYSIS OF THE GOOD GOVERNANCE CHARTER REFORM BALLOT MEASURE

If passed by more than fifty percent of the voters, the Measure would amend the City Charter to establish term limits for councilmembers, require a minimum of two council hearings before certain council-proposed ballot measures for placement on the ballot, and count councilmember abstentions and absences as a no vote on council motions, resolutions, and ordinances to determine whether the Mayor is eligible to cast a tie-breaking vote. Further, the Measure would change the formula for the Public Ethics Commission (PEC) to set councilmember salaries, authorize the PEC to set the salaries of the City Auditor and City Attorney, and clarify the duties of and provide minimum staffing for the City Auditor.

Financial Impact

This Measure will cost the City an estimated additional \$858,199 annually in staffing costs, as detailed in the tables below.

The staffing level in the Auditor’s office will increase from 11 Full Time Employees (FTEs) to a minimum staffing level of 14 FTEs, effective July 2023. City Council may suspend the minimum staffing level for a fiscal year or two-year budget cycle, in the event of extreme fiscal necessity.

Cost Component	Current FY 2023 Budget (11 FTEs)	Estimated Additional Annual Cost (+3 FTEs)^A
Staffing	\$2,568,489	\$638,229

^A Estimate is based on FY 2023 staff salaries and benefit rates.

The measure will authorize the PEC to set the salary of the City Attorney and the City Auditor annually. These salaries may not be reduced during their terms of office, except as part of a general reduction of salaries for all officers and employees. The estimated additional annual costs in the table below are based on an assessment of salaries within both departments, salaries of department heads within the City of Oakland, and salaries of comparable positions in California cities.

Cost Component	Current FY 2023 Salary and Benefits	Estimated Additional Annual Costs (Salary and Benefits)
City Attorney	\$420,637	\$120,145
City Auditor	\$332,471	\$99,826

Limits to this financial analysis are noted below:

- Staff salaries and benefit rates may increase over time which would increase the cost to the City.
- The PEC is authorized to set the salaries for the City Auditor and the City Attorney. As such, the PEC’s methodology may vary from our estimates.
- Should a vacancy occur in the Office of the City Auditor at a time that cannot be consolidated with a municipal or statewide election, a special election may be held. As of July 2022, the County of Alameda Registrar of Voters’ costs for special elections range from \$9 to \$11 per registered voter for vote-by-mail to \$19 to \$21 per registered voter for in-person voting.

Item 5 - Staff Memorandum with Measure X text

Our independent analysis represents the best information available at the time. Actual costs may vary from these estimates.

s/JENNY WONG
Berkeley City Auditor

CITY OF OAKLAND
Public Ethics Commission



RESOLUTION NO. 23-04
[Proposed 4-12-23]

By action of the Oakland Public Ethics Commission:

WHEREAS, Oakland City Charter section 401(1) provides: “the salary of the elected City Attorney shall be set annually by the Public Ethics Commission to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Attorney and salaries for other City department heads, and shall be comparable to the salaries of City Attorneys and other comparable positions, such as County Counsel or Port Attorney, in California cities, counties and agencies selected by the Commission. The City Attorney's salary may not be reduced during the City Attorney's term of office except as part of a general reduction of salaries of all officers and employees in the same amount or proportion.”; and

WHEREAS, Oakland City Charter section 207 charges the City Council with fixing the compensation of all City employees, officers and officials unless otherwise provided by the Charter; and

WHEREAS, Ordinance No. 12187 C.M.S., the “Salary Ordinance,” sets forth a salary schedule reflecting all classifications of employment within the City including those of city employees and city officers; and

WHEREAS, a salary adjustment to \$306,990.63 would provide equity and alignment of the City Attorney’s salary with a 15 percent minimum differential above subordinate attorneys and staff in the Office and is comparable with the salaries of attorneys in other Bay Area cities and also accounts for the scheduled 2.5 percent negotiated wage increase for other City employees effective July 2023.

Now, therefore be it:

RESOLVED, that the Commission does hereby authorize an annual salary of \$306,990.63 for the office of City Attorney as mandated by City Charter Section 401(1), effective as of the first payroll period of Fiscal Year 2023-2024; and

CERTIFICATION RE: APPROVAL OF RESOLUTION

The foregoing Resolution was presented for approval at a duly noticed meeting of the City of Oakland Public Ethics Commission held on April 12, 2023, where a quorum of the membership of the Commission was present. The Commission approved the resolution by a vote of _____ to _____.

I hereby certify that the foregoing is true and correct.

Suzanne Doran, Acting Executive Director
Oakland Public Ethics Commission

Date

Item 6 - Staff Memorandum with Measure X text



Ryan Micik (Chair)
Charlotte Hill (Vice-Chair)
Alea Gage
Arvon Perteet
Vincent Steele
Francis Upton IV

Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Ana Lara-Franco, Commission Analyst
Suzanne Doran, Acting Executive Director
DATE: March 30, 2023, for the April 12, 2023, PEC Meeting
RE: City Auditor Salary Adjustment as Required by City Charter Section 403(1)

In November 2022, Oakland voters passed Measure X, which amended Oakland City Charter Section 403(1) to add setting the City Auditor salary level to the duties of the Public Ethics Commission (PEC or Commission). This memorandum provides background information for the Commission to adjust the City Auditor salary per the criteria specified by City Charter Section 403(1).

Background

The City Auditor is the department head for the Office of the City Auditor and oversees a staff of approximately 13 FTE positions. In November 2018 and November 2022, the voters elected the current City Auditor to serve full, four-year terms. At present, the salary of the City Auditor is **\$181,203.12** per year. The salary of the City Auditor position was last adjusted on April 2, 2019.

In November 2022, Oakland voters passed Measure X, which amended the process for setting the City Auditor's salary as follows:

The salary of the City Auditor shall be set annually by the Public Ethics Commission, to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Auditor and salaries for other City department heads, and shall be comparable to the salaries of public sector auditor positions in California cities and counties selected by the Commission. The City Auditor's salary may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion.

Analysis

Since the April 2, 2019, salary increase, the City has negotiated wage increases through the collective bargaining process. The non-public safety wage increases, as opposed to Police and Fire wage increases, can be a consideration in establishing the new wage since it applies to both City Auditor employees and to other Department Heads. The Department Heads received the same wage increase through Salary Ordinance 12187 C.M.S. section 2.20, which allows the City Administrator to provide the same negotiated wage increases to unrepresented employees.

The Assistant City Auditor is the highest paid direct report for the City Auditor. The maximum annual salary for the Assistant City Auditor position in the Office of the City Auditor currently is **\$176,219.52** per year while the annual salary for the City Auditor is **\$181,203.12**¹. The City's compensation practice

¹ Salary data provided by Anjali Saxena, Payroll Manager, Finance Department. January 17, 2023

Item 6 - Staff Memorandum

City Auditor Salary Adjustment **with Measure X text** March 30, 2023

is to have a minimum of 15 to 20 percent salary differential between a department head and their highest direct reporting employee. For the City Auditor salary to be 15 to 20 percent above the salary of the highest direct reporting employee would be a salary between **\$202,652.45 and \$211,463.42**.

In accordance with the criteria for establishing the permissible salary range for the City Auditor in Charter Section 403(1), salaries for other City department heads were surveyed (see Table 1 below).

Table 1: City Department Head Salaries

Dept Head	Annual Salary
City Clerk	192,409.08
EEO & Civil Rights Director	211,293.60
Executive Director of CPRA	218,656.00
Director of Race and Equity	218,657.52
Director of Housing & Community Dev	235,620.00
Director of Human Services	235,620.00
Director of Parks & Recreation	235,620.00
Director of Planning & Building	247,390.44
Director of Workplace & Employment Stnd	247,390.44
Chief of Violence Prevention	247,390.56
Director of Animal Services	247,390.56
Director of Economic & Workforce Dev	247,390.56
Director of Human Resources Management	247,390.56
Director of Information Technology	247,390.56
Director of Library Services	247,390.56
Director of Transportation	247,390.56
Director of Finance	261,075.84
Director of Public Works	286,897.20
Average Salary (excluding City Auditor)	240,131.34
City Auditor	181,203.12

Based on the above data, the salary range for Oakland department heads is from **\$192,409.08 to \$286,897.20**. The average annual salary for a department head is **\$240,131.34** per year.

In accordance with the criteria establishing the permissible salary range for the City Auditor in Charter Section 403(1), salaries of City Auditor's from other California cities within the three immediate higher and lower populations compared to Oakland were surveyed (see Table 2 below). The majority of the identified cities do not currently have City Auditor classifications.

**Item 6 - Staff Memorandum
with Measure X text**

City Auditor Salary Adjustment
March 30, 2023

Table 2: California Cities Auditor Salaries

City	Population*	Annual Salary
Fresno	543,660	NA
Sacramento	518,037	194,873.00
Long Beach	460,682	233,309.00
Bakersfield	408,865	N/A
Anaheim	341,245	N/A
Riverside	317,847	N/A
Average Salary		\$214,091.00
Oakland	424,464	181,203.12

*<https://publicpay.ca.gov/>

Based on the above data, the average annual salary for City Auditor in comparable-size California cities is **\$214,091.00** per year while the current annual salary for the City Auditor is **\$181,203.12** (85 percent of the average).

In accordance with the criteria for establishing the permissible salary range for the City Auditor in Charter Section 403(1), staff surveyed City Auditor salaries for surrounding Bay Area Cities (see Table 3 below).

Table 3: Bay Area Cities City Auditor Salaries

City	Annual Salary
City of Oakland - City Auditor	\$ 181,203.12
City of Fremont - City Auditor	NA
City of Santa Clara - City Auditor	NA
City and County of San Francisco - City Auditor	NA
Alameda County - Auditor-Controller**	\$ 244,753.60
City of San Jose - City Auditor	\$ 214,915.67
City of Alameda - City Auditor	NA
City of Hayward - City Auditor	NA
City of Berkeley - City Auditor **	\$ 176,212.14
City of Mountain View - City Auditor	NA
Average survey salary (excluding Oakland's)	\$ 211,960.47

Based on the above data, the average annual salary for City Auditor in Bay Area cities is **\$211,960.47** per year while the current annual salary for the City Auditor is **\$181,203.12** (85 percent of the average salary).

Recommendation

Based on the above data, which relies on the criteria set forth in City Charter Section 403(1), an adjustment to an annual salary of **\$213,137.51** is recommended as it provides equity and alignment of the City Auditor's salary by adding an 18 percent differential above the highest paid subordinate

Item 6 - Staff Memorandum

City Auditor Salary Adjustment
March 30, 2023

with Measure X text

auditor and staff salaries in the Office, is comparable to the salaries of auditors in other Bay Area cities, and accounts for the scheduled 2.5 percent negotiated wage increase for other City employees effective July 2023.²

Table 4: Comparison Summary

City Department Head - Average	\$	240,131.34
Highest Paid Employee - Salary	\$	176,219.52
Comparable-size California Cities - Average	\$	214,091.00
Bay Area Cities - Average	\$	211,960.47
Oakland City Auditor - Current	\$	181,203.12
Oakland City Auditor - Recommended Adjustment	\$	213,137.51

Scheduled wage increases under the current collective bargaining agreements with non-public safety represented employees include 2.5 percent on July 2023, 2.5 percent January 2024, 2 percent July 2024 and 2 percent March 2025. Staff recommends the Commission accounts for future increases, excluding the 2.5 percent July 2023 increase, in the annual adjustment of the City Auditor's salary.

Following the Commission's determination of the adjustment amount, Commission staff will transmit the salary adjustment resolution to the City Administrator, the Department of Human Resources (to amend the salary ordinance), and the Treasury Division - Payroll (to implement the increase).

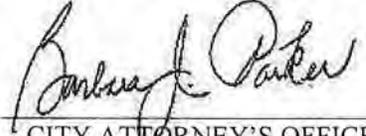
² Salary adjustment calculated as follows: Highest paid City Auditor office employee salary + 18% differential + 2.5% increase to maintain parity with scheduled wage increase for non-public safety employees effective 7/1/23.

Item 6 - Staff Memorandum
with Measure X text

OFFICE OF THE CITY CLERK
OAKLAND

22 JUL 12 PM 1:51

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89317 C.M.S.

**INTRODUCED BY COUNCILMEMBERS DAN KALB, LOREN TAYLOR,
SHENG THAO, AND NIKKI FORTUNATO BAS**

**RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING
TO THE VOTERS FOR THE NOVEMBER 8, 2022, GENERAL
MUNICIPAL ELECTION A GOVERNMENT REFORM MEASURE THAT
WOULD AMEND THE CITY CHARTER TO, AMONG OTHER THINGS:**

- (1) ESTABLISH TERM LIMITS FOR COUNCILMEMBERS;**
- (2) REQUIRE A MINIMUM OF TWO COUNCIL HEARINGS BEFORE
CERTAIN COUNCIL PROPOSED BALLOT MEASURES ARE
APPROVED FOR PLACEMENT ON THE BALLOT;**
- (3) COUNT COUNCILMEMBER ABSTENTIONS AND ABSENCES AS
A NO VOTE ON COUNCIL MOTIONS, RESOLUTIONS AND
ORDINANCES FOR PURPOSES OF DETERMINING WHETHER
MAYOR HAS AUTHORITY TO CAST A TIE-BREAKING VOTE;**
- (4) CHANGE THE FORMULA FOR THE PUBLIC ETHICS
COMMISSION TO SET COUNCILMEMBER SALARIES AND
AUTHORIZING THE PUBLIC ETHICS COMMISSION TO SET THE
SALARIES OF THE CITY AUDITOR AND CITY ATTORNEY;**
- (5) ADD AND CLARIFY DUTIES OF AND PROVIDE MINIMUM
STAFFING FOR THE CITY AUDITOR; AND**

**DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION
OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION,
AND TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO
PREPARE FOR AND CONDUCT THE NOVEMBER 8, 2022, GENERAL
MUNICIPAL ELECTION**

WHEREAS, in 1968, the People adopted the Charter of the City of Oakland ("City Charter"), establishing the fundamental law of the City, including but not limited to, the City's form of government and the role of City Council, the Mayor, the City Manager, and other City officers, and

**Item 6 - Staff Memorandum
with Measure X text**

WHEREAS, since then, the City has grown in size, complexity, and diversity; and

WHEREAS, a city's charter must promote democracy, accountability, transparency, and equity; and

WHEREAS, according to the National League of Cities, 80% of American cities have term limits for mayors and/or councilmembers; and

WHEREAS, a 2021 report by San Francisco Bay Area Planning and Urban Research Association, a nonprofit public policy organization ("SPUR") titled "Making Government Work: 10 ways City Governance Can Adapt to Meet the Needs of Oaklanders" called for term limits City Councilmembers and additional staffing for the City Auditor; and

WHEREAS, Oakland elected officials such as City Councilmembers, the City Auditor, and the City Attorney have lower salaries than several nearby California cities; and

WHEREAS, engaged residents may be more likely to be able to gain election to local office when there is an open seat as opposed to when an incumbent is running for re-election; and

WHEREAS, having two Council hearings on certain Council proposed ballot measures before the Council places such measures on the ballot will expand opportunities for public and Council engagement, discussion and vetting; and

WHEREAS, the Charter currently entitles the Mayor to cast a tie-breaking vote when the Council is evenly divided on a Council vote, yet that has been thwarted by Councilmembers abstaining; now therefore be it

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

FURTHER RESOLVED: That the City Charter hereby is amended, to add, delete, or modify sections as set forth below (sections number and titles are indicated in **bold type**; additions are indicated by underscoring, deletions are indicated by strike-through type; portion of the provisions not cited or not shown in underscoring or strike-through type are not changed); and be it

FURTHER RESOLVED: That the proposed amended Charter amendment text shall be as follows:

Section 200. Composition of the Council. The Council shall consist of eight Councilmembers, nominated and elected as hereinafter provided. The Mayor shall not be a member of the Council, but ~~he~~ shall have a vote on the Council if the Councilmembers are evenly divided in accordance with Section 305. The Council shall elect a President of the Council from among its members for a term of two years. The President of the Council shall serve as the presiding officer of the City Council and shall perform duties authorized by the Council's Rules of Procedure, which shall be passed by resolution in accordance with Charter section 210.

Item 6 - Staff Memorandum with Measure X text

Section 202. Council Salaries. The Public Ethics Commission shall bi-annually adjust the salary for the office of Councilmember by the increase in the consumer price index over the preceding two years, up to a total of five percent. If the increase in the consumer price index over the preceding two years exceeds five percent, the Commission shall have the discretion to adjust the salary for the office of Councilmember by an amount not exceeding five percent for each year, but not more than the total CPI per year. ~~The Commission may adjust salaries beyond the increase in the consumer price index up to a total of five percent. Any portion of an increase in compensation for the office of Councilmember that would result in an overall increase for that year in excess of five percent must be approved by the voters.~~

Section 204. Term of Office, Term Limits, Council.

Term of Office. The Councilmembers shall be elected to a term of four years beginning at 11:00 a.m. on the Monday following January 1 ~~2~~ following their election. ~~The Councilmembers elected or appointed to office to serve terms beginning in 1985 shall serve in office until 11:00 a.m. on the Monday following January 1 in 1991. The Councilmembers elected or appointed to office to serve terms beginning in 1987 shall serve in office until 11:00 a.m. on the Monday following January 1, 1993.~~ In 1990-2018 Municipal Elections will be held to select City officers for four-year terms for the following offices: Councilmember, District #2; Councilmember, District #4, and, Councilmember, District #6. In 1992-2020 Municipal Elections will be held to select City Councilmembers for four-year terms for the following offices: Councilmember, District #1; Councilmember, District #3; Councilmember, District #5; Councilmember, District #7; and Councilmember At-Large.

Term Limits. No person shall be elected to the office of Councilmember, whether district or at-large, or any combination thereof, for more than three consecutive terms; except that a person may serve up to three consecutive terms as a district Councilmember immediately followed by up to three consecutive terms as Councilmember at-large. For purposes of determining term limits, a Councilmember who fills a partial term of more than two years shall be deemed to have filled the entire term. Terms for the office of Councilmember that commenced prior to January 2023 shall not be considered in calculating limits on consecutive terms for Councilmembers.

Section 205. Vacancy, Filling of. All vacancies occurring in the office of Councilmember shall be filled by special election within 120 days of a vacancy. An extension of up to ~~60~~ 90 days may be allowed only for the express purpose of consolidating the special election with the next Municipal Election or Statewide Election. If the special election is to take place before the first use of ranked choice voting in a Municipal Election, the Council shall have the authority to provide for a ranked choice voting election by ordinance. Otherwise, the candidate who receives the highest number of votes at the special election shall be declared the winner and thereafter sworn into office as soon as legally possible. Special elections for the office of Councilmember that take place during or after the first use of ranked choice voting in a Municipal Election shall be conducted using the same ranked choice voting procedures used to elect Councilmembers in General Municipal Elections. Whenever the period of vacancy in a Councilmember's term of office equals or exceeds ~~120~~ 100 days the vacancy may be temporarily filled by appointment through the majority vote of the remaining Councilmembers, provided the appointee is ~~may not simultaneously fill the vacancy and run as a candidate for that the office which created the vacancy~~ and provided the appointment does not exceed ~~128~~ 180 days or go beyond the date the

Item 6 - Staff Memorandum with Measure X text

new incumbent is sworn in, whichever is shortest. Alternative legal voting procedures shall be used to the greatest extent feasible to increase voter participation in special elections including but not limited to mail ballot voting, secure electronic voting and extended voting period. Notwithstanding any other provision of this section 205 or this Charter, an election shall not be required to fill a vacancy in the office of Councilmember that occurs when the ~~Vice Mayor~~ Council President fills a mayoral vacancy pursuant to Sections 303 and 304 of this Charter, and the ~~Vice Mayor-Council President~~ shall be entitled to return to ~~his/her~~ their seat.

Section 208. Meetings of the Council. At 11:00 a.m. on the first Monday following January 24 following each General Municipal Election, the Council shall meet at the established Council meeting place, at which time and place the newly elected members of the Council shall assume the duties of their office; and at such meeting, and at its first meeting in January of each odd-numbered year, the Council shall, by resolution, elect a ~~Vice Mayor-Council President~~ from among its members to serve for a ~~one~~ two-year term. The Council also shall elect, by resolution, a President Pro Tempore of the Council from among its members to serve a one or two-year term. Thereafter, the Council shall meet regularly at the time and place fixed by resolution. Special meetings may be held at the regular place of meeting and shall be called, and notice thereof given, by the City Clerk upon the written request of the Mayor, the City Administrator or three members of the Council and such notice shall state the special subject to be considered at the special meeting; and no other subject shall be there considered. Regular or special meetings may be held at places other than the regular meeting place only in an emergency in which the regular meeting place is untenable, or for some purpose of public convenience, upon the posting of a public notice at the regular meeting place that the Council is meeting elsewhere to be designated on the notice.

Section 221. Hearings Required for Certain Ballot Measures Proposed by the Council. Before taking a vote, the Council shall notice and consider at no fewer than two Council open session meetings that are at least 10 calendar days apart, any (1) general obligation bond, (2) new parcel tax or increase in a parcel tax, or (3) Charter amendment that the Council proposes to place on the ballot.

Section 303. Vacancy, Filling of. Upon the declaration of vacancy in the office of the Mayor, the office of the Mayor shall be filled by the ~~Vice Mayor-President~~ of the Council. Except as otherwise provided in this Section, when the ~~Vice Mayor-President~~ of the Council assumes the office of Mayor upon declaration of a vacancy, they shall serve for the remainder of the unexpired term if such term is less than one year; otherwise they shall serve until the vacancy is filled as provided herein. The President Pro Tempore shall perform the duties and shall have the powers of the President of the Council during any time that the President of the Council has assumed the office of the Mayor. Whenever the period of vacancy in a Mayor's term of office is less than one year and the ~~Vice Mayor~~ President of the Council notifies the Council in writing that they do not wish to serve as Mayor for the unexpired term, the vacancy shall be filled by appointment through a majority vote of the Council; provided the appointee shall be ineligible to be a candidate for the next full term of the Office of Mayor. If at the time of a vacancy declaration the unexpired term is one year or more, the vacancy occurring in the office of Mayor shall be filled by special election within 120 days of such vacancy. An extension of up to ~~60~~ 90 days may be allowed only for the express purpose of consolidating the special election with the

Item 6 - Staff Memorandum with Measure X text

next Municipal Election or Statewide Election. Special elections for the office of Mayor that take place after the first use of ranked choice voting in a Municipal Election shall be conducted using the same ranked choice voting procedures used to elect the Mayor in General Municipal Election. The candidate elected to fill the vacancy shall hold office for the balance of the unexpired term. Alternative legal voting procedures shall be used to the greatest extent feasible to increase voter participation in special elections including but not limited to mail ballot voting, secure electronic voting, and extended voting period.

Section 305. Functions, Powers and Duties. The Mayor shall be the chief elective officer of the City, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for municipal activity. The Mayor shall have the following powers, duties, and responsibilities:

(a) The Mayor shall be responsible for the submission of an annual budget to the Council which shall be prepared by the City Administrator under the direction of the Mayor and Council. The Mayor shall, at the time of the submission of the budget, submit a general statement of the conditions of the affairs of the City, the goals of the administration, and recommendations of such measures as he may deem expedient and proper to accomplish such goals.

(b) Recommend to the Council such measures and legislation as ~~he~~ the Mayor deems necessary and to make such other recommendations to the Council concerning the affairs of the City as ~~he~~ the Mayor finds desirable are in the best interest of the residents of the City.

(c) Encourage programs for the physical, economic, social and cultural development of the City.

(d) Actively promote economic development to broaden and strengthen the commercial and employment base of the City.

(e) Appoint the City Administrator, subject to confirmation by the City Council, remove the City Administrator and give direction to the City Administrator. The Mayor shall advise the Council before removing the City Administrator.

(f) Serve as ceremonial head of the City.

(g) Represent the City in inter-governmental relations as directed by the Council.

(h) Provide community leadership.

(i) May cast a tie-breaking vote on any Ordinance, Resolution or Motion voted on by the Council, if the Council's vote is evenly divided. Solely for the purposes of determining whether the Mayor is eligible to cast a tie-breaking vote, abstentions and absences shall count as a "No" vote. A legally-required recusal shall not count as a "No" vote.

The Mayor shall, at the first meeting of the City Council in October, appear before the Council to deliver a general address on the State of the City, and recommend the adoption of such measures as he/she may deem expedient and proper. The Mayor and such staff as the Mayor ~~he/she~~ may designate shall also conduct four additional public meetings during the year to solicit and respond to comments, concerns, or questions from the public. These meetings shall be

Item 6 - Staff Memorandum with Measure X text

noticed to the public not less than two weeks in advance, and shall be scheduled approximately three months apart.

The Mayor shall devote ~~his~~ their full time and attention to the duties of the Office of the Mayor and shall not engage in outside employment while in office. However, nothing shall prevent the Mayor from the receipt of income earned from business(s) or investment(s) in which ~~he~~ the Mayor is not actively engaged and which are not in conflict with the performance of ~~his~~ the Mayor's duties and responsibilities.

Section 306. Duties of ~~Vice Mayor~~ Council President. In addition to any duties specified by ordinance or by the Council's Rules of Procedure Resolution passed in accordance with Charter section 210, ~~in the absence~~ during the unavailability or temporary disability of the Mayor, the ~~Vice Mayor~~ President of the Council shall perform the duties of the office of Mayor.

Section 401(1). City Attorney. The City Attorney shall be nominated and elected in the same manner and at the same election as the Councilmember-at-large. The salary of the elected City Attorney shall be set annually by ~~the Council, which shall be not less than 70% nor more than 90% of the average salaries of City Attorneys of California cities within the three immediate higher and the three immediate lower cities in population to Oakland, and may not be reduced during the City Attorney's term of office, except as part of a general reduction of salaries of all officers and employees in the same amount or proportion~~ the Public Ethics Commission to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Attorney and salaries for other City department heads, and shall be comparable to the salaries of City Attorneys and other comparable positions, such as County Counsel or Port Attorney, in California cities, counties and agencies selected by the Commission. The City Attorney's salary may not be reduced during the City Attorney's term of office except as part of a general reduction of salaries of all officers and employees in the same amount or proportion.

Section 401(7). Endorsements, Campaigns, Campaign Contributions. During the City Attorney's tenure, the City Attorney shall not make or solicit contributions to, publicly endorse or urge the endorsement of or otherwise participate in a campaign for a candidate for City elective office, other than for the City Attorney, or of a City ballot measure, or be an officer, director or employee of or hold a policy decision-making position in an organization that makes political endorsements regarding candidates for City elective office.

Section 403(1). City Auditor. The City Auditor shall be nominated and elected in the same manner, for the same term, and at the same election, as the Mayor. To be eligible ~~to~~ for the office a person must be a qualified elector of the State of California, a resident of the City at the time of filing nomination papers and for thirty (30) days immediately preceding the date of filing and shall be certified by the California State Board of Accountancy as a Certified Public Accountant or by the Institute of Internal Auditors as a Certified Internal Auditor, and shall have a minimum of three years of public sector experience in auditing, policy analysis, performance evaluation, investigative oversight, and/or accountancy, or equivalent private sector experience. The salary of the office shall be set by the Public Ethics Commission, which shall be not less than 70% nor

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~~more than 90% of the average salaries of City Auditors of California cities within the three immediate higher and the three immediate lower cities in population to Oakland, and may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion.~~ City Auditor shall be set annually by the Public Ethics Commission, to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Auditor and salaries for other City department heads, and shall be comparable to the salaries of public sector auditor positions in California cities and counties selected by the Commission. The City Auditor's salary may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion.

Section 403(2). Vacancy, What Constitutes. The Office of City Auditor shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within ten days after their term is to begin, dies, resigns, ceases to be a resident of the City or is absent from the City for a period of more than sixty days without permission from the Council, is convicted of a felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of the office, forfeits the office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least six members of the Council after considering competent medical evidence bearing on the physical or mental capability of the City Auditor. Filing to run for the office of Mayor, Councilmember or City Attorney shall constitute a resignation from the office of City Auditor, effective on the date of filing.

Section 403(3) Vacancy, Filling of. For all vacancies occurring in the Office of City Auditor the City Council shall cause an election to be held to fill such vacancy pursuant to the manner and method as provided for in Article II, Section 205 of the Charter.

Section 403(4) Powers of the City Auditor. The City Auditor, notwithstanding any other provision of this Charter, shall have the power and it shall be his or her the City Auditor's duty to audit the books, accounts, money and securities of all bureaus, departments, offices, agencies, including the Port Department, boards, commissions, and programs of the City, and such other matters as the Council may request; to report to the Council periodically the results of such audits and to advise and make recommendations to the City Administrator ~~regarding accounting forms design, fiscal and statistical reports and the methods or procedures for maintaining the accounts and accounting system throughout all departments, offices and agencies of the City.~~ The City Auditor shall report to the Council instances of noncompliance with accepted accounting principles where recommendations for compliance have not been implemented by the City Administrator after reasonable time and opportunity. The City Auditor shall conduct audits in accordance with Government Auditing Standards as issued by the U.S. Comptroller General.

The City Auditor shall conduct surveys, reviews, ~~and~~ performance audits and financial audits as the Auditor deems to be in the best public interest or as ~~required-requested~~ by the Council or Mayor. For these purposes the public interest shall include, but not be limited to:

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- (1) Reviewing and appraising the soundness, adequacy and application of accounting, functional, and operating controls and reliability and timeliness of accounting and other data generated within the organization.
- (2) Evaluating the city's internal controls to ensure that the City's assets and resources are reasonably safeguarded from fraud, waste, and mismanagement.
- (3) Ascertaining compliance with Council's resolutions and policies and the Mayor's Administrative Instructions and Directives, as well as applicable State and Federal laws and regulations.
- (4) Providing assistance to City Departments to enhance the effectiveness, efficiency and economy of their operations.
- (5) Preparing an impartial financial analysis of all ballot measures, pursuant to the provisions of the Municipal Code.
- (6) Preparing impartial financial analyses of proposed major expenditures prior to the approval of such expenditures. These analyses will be for informational purposes only and will include, but not be limited to, proposals, contracts, ventures, programs and construction projects. The proposed major expenditures selected for these financial analyses will be based on requests from Mayor/Council and/or deemed to be prudently advisable in the objective and professional judgment of the City Auditor.
- (7) Responding to Council and Mayor requests for audits and reviews.
- (8) Submitting, at a public meeting of the full City Council, a ~~quarterly~~ semi-annual report to the Council and public on the extent of implementation of recommendations for corrective actions made in the City Auditor's reports.
- (9) ~~The City Auditor shall conduct~~ Conducting periodic performance audits of each department as specified in the City budget in order to help improve government performance.
- (10) Reviewing City departments, offices, agencies, boards, commissions, and bureaus to analyze if they are managing, safeguarding and using public resources, including public funds, personnel, property, equipment and space, economically, efficiently, equitably, and effectively.
- (11) Analyzing City programs, activities, services, functions, or policies as to effectiveness and cost-effectiveness, including the identification of any causes of inefficiencies.
- (12) Reviewing and recommending to the City Administrator management adjustments in operating and administrative procedures and practices, systems and accounting internal control systems and internal management controls.
- (13) Analyzing allegations of fraud, waste, abuse or illegal acts that require further investigation to substantiate.
- (14) Publishing an annual report summarizing recent audits and recommendations.
- (15) Responding to requests from the City Administrator to provide recommendations on how to make City departments and services more effective and customer-service oriented.
- (16) Preparing an annual workplan including planned audits for the year. The City Auditor shall publish such workplan in August of each year.

Item 6 - Staff Memorandum with Measure X text

The City Auditor shall have access to inspect all records, property, equipment, and facilities within the City's jurisdiction.

Effective July 2023, the budget for the Office of the City Auditor shall be sufficient to hire at least fourteen full-time equivalent ("FTE") employees of relevant classifications. The minimum staffing budget set-aside may be suspended, for a fiscal year or a two-year budget cycle, upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution or ordinance.

Restrictions on Running for Public Office. Filing for an elective office over which the City Auditor has audit jurisdiction will be the same as resignation, effective on the date of filing.

Endorsements, Campaigns, Campaign Contributions. During the City Auditor's tenure, the City Auditor shall not make or solicit contributions to, publicly endorse or urge the endorsement of or otherwise participate in a campaign for a candidate for City elective office, other than for the City Auditor, or of a City ballot measure, or be an, officer, director or employee of or hold a policy decision-making position in an organization that makes political endorsements regarding candidates for City elective office.

The City Auditor shall be represented in all legal matters by the City Attorney except as provided otherwise in Section 401.

Section 601. Boards and Commissions. The Council may create by ordinance such operational, advisory, appellate or rule-making boards and commissions as may be required for the proper operation of any function or agency of the City and prescribe their function, duties, powers, jurisdiction, meeting frequency, standards for conducting long-term planning, and the number of board and commission members, their terms, compensation and reimbursement for expenses, if any, subject to the provisions of this Article.

Section 601(a). Except as otherwise provided for in this Charter, Mmembers of boards and commissions shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the Council and may be removed for cause, after hearing, by the affirmative vote of at least six members of the Council and may be removed for cause, after hearing, by the affirmative vote of at least six members of the Council. Vacancies shall be filled for any unexpired term in the same manner as the original appointments were made; provided, however, that if the Mayor does not submit for confirmation a candidate to fill the vacancy within 90 days of the date the vacancy first occurred, the Council may fill the vacancy. If the Mayor does submit for confirmation a candidate to fill a vacancy within the 90-day time frame and the Council does not confirm the candidate, the 90-day period shall commence anew. For purposes of this Section, a seat filled by a holdover appointment will be considered vacant as of 30 days after the expiration of the holdover's prior term of office.

Section 601(b). Notwithstanding any other language in this section 601, or elsewhere in the Charter, for vacancies on boards and commissions for which an ordinance specifies that Councilmembers may nominate a candidate for the Mayor's consideration, the designated Councilmember shall have 45 days from the date the vacancy occurs to recommend one or more

**Item 6 - Staff Memorandum
with Measure X text**

nominees to the Mayor in writing. Upon such nomination or the expiration of the 45-day nomination period, whichever occurs first, the Mayor shall have 90 days thereafter to submit any eligible candidate for the Council's confirmation.

If the Mayor does not submit for confirmation a candidate to fill a vacancy within the time frames prescribed by this section 601(b), the Council may fill the vacancy. If the Mayor does submit for confirmation a candidate to fill the vacancy within the time frame specified in this section 601(b) and the Council does not confirm the candidate, the time frame specified in this section 601(b) shall commence anew.

For purposes of this Section 601, a seat filled by a holdover appointment will be considered vacant as of 30 days after the expiration of the holdover's term of office.

Section 1100. Nominating Election. Except as otherwise provided for in section 1105 of this Charter, Municipal Nominating Elections for the nomination of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in June in each even-numbered year. In order to consolidate Municipal Nominating Elections with Statewide Primary Elections, the Council may by ordinance provide for a date for a Municipal Nominating Election which conforms to the date of a Statewide Primary Election.

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

PROPOSED CHARTER AMENDMENT

MEASURE ___

<p>Measure __. Shall a measure to amend the Charter to, among other things, establish Councilmember term limits, require two hearings before Council places certain measures on the ballot; count Councilmember abstentions and absences as "no" votes in determining whether Mayor may break a tie; provide Public Ethics Commission discretion in setting Councilmember salaries; authorize the Commission to set City Attorney and Auditor salaries; and add and detail duties and provide minimum staffing for the Auditor, be adopted?</p>	Yes	
	No	

; and be it

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with Measure X text**

FURTHER RESOLVED: That the City Council hereby authorizes and directs the Clerk of the City of Oakland ("City Clerk"), at least 88 days prior to the November 8, 2022 general municipal election, to file certified copies of this resolution with the Alameda County Board of Supervisors and the Registrar of Voters; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Charter amendment, and said date shall be posted by Office of the City Clerk; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall provide for notice and publication as to said proposed Charter amendment in the manner provided for by law; and be it

FURTHER RESOLVED: That the City Clerk and City Administrator hereby are authorized and directed to take any and all actions necessary under law to prepare for and conduct the next municipal election and appropriate all monies necessary for the City Administrator and City Clerk to prepare for and conduct the next municipal election, consistent with law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

JUL 11 2022

AYES - ~~ASHA REED, ANITA BROWN, KALB, KATHY COOPER, REID, TAYLOR, THAO AND~~
PRESIDENT FORTUNATO BAS -5

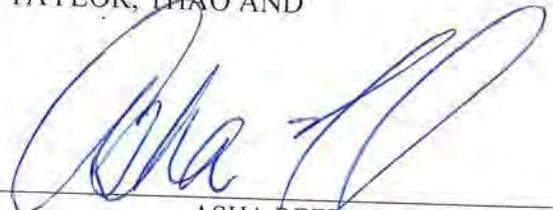
NOES - File - 1

ABSENT -

ABSTENTION -

Excused - Grillo, Kaplan - 2

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California

Item 6 - Staff Memorandum
with Measure X text

FILED
OFFICE OF THE CITY CLERK
OAKLAND

22 JUL 28 PM 4:27

QUESTION

Shall a measure to amend the Charter to, among other things, establish Councilmember term limits, require two hearings before Council places certain measures on the ballot; count Councilmember abstentions and absences as “no” votes in determining whether Mayor may break a tie; provide Public Ethics Commission discretion in setting Councilmember salaries; authorize the Commission to set City Attorney and Auditor salaries; and add and detail duties and provide minimum staffing for the Auditor, be adopted?

TITLE AND SUMMARY

Title: A proposed amendment to the Charter to establish term limits for members of the City Council (“Council”), require two Council hearings for certain proposed ballot measures, count Councilmember abstentions and absences as “no” votes in determining whether the Mayor may cast a tie-breaking vote at the Council, provide the Public Ethics Commission (“Commission”) discretion in setting Councilmember salaries, authorize the Commission to set the salaries of the City Auditor and the City Attorney, clarify and add to the duties of the City Auditor, and set minimum staffing for the Office of the City Auditor.

Summary:

This measure makes a number of changes to the Charter including:

Councilmember Term Limits

Members of the Council are elected to four-year terms. There are no term limits. This measure would prohibit a Councilmember from serving more than three consecutive terms.

Hearings on Proposed Ballot Measures

State law requires the Council to hold one public hearing before voting to place a measure on the ballot. This measure would require the Council to hold two public hearings before voting to place a general obligation bond, parcel tax, or Charter amendment on the ballot.

Councilmember Salaries

The Public Ethics Commission (“Commission”) adjusts Councilmember salaries every two years based on any increases in the consumer price index (“CPI”). The Commission may also adjust their salaries above CPI increases, up to a total of five percent per year. This measure provides that the Commission would adjust the salaries every two years based on CPI increases, up to a total of five percent. But if the total CPI increase over the prior two years exceeds five percent, the Commission may adjust salaries up to five percent per year but may not adjust the salaries more than the CPI increase per year.

Mayoral Tie-Breaking Vote

The Mayor does not have a vote on the Council, but the Charter authorizes the Mayor to cast a tie-breaking vote when the Council is evenly divided. This measure provides that for purposes of determining whether there is a tie, a Councilmember’s abstention or absence shall count as a “no” vote.

City Attorney and City Auditor Salaries

The Council sets the salary of the City Attorney and the City Auditor using a specified formula. This measure provides that the Commission would set these salaries based on salaries of the highest paid professional employee in their respective offices, other City department heads, and comparable positions in California jurisdictions.

**Item 6 - Staff Memorandum
with Measure X text**

City Attorney and City Auditor Political Activities

This measure would prohibit the City Attorney and the City Auditor from making or soliciting contributions to, publicly endorsing, or participating in the campaign of a candidate for City elective office or of a City ballot measure.

City Auditor

This measure establishes further qualifications and additional duties for the City Auditor.

The Charter does not set minimum staffing for the Office of the City Auditor. This measure provides that the budget for the Office of the City Auditor must be sufficient for at least fourteen full-time employees.

**/s/ DAVID CHIU
San Francisco City Attorney**

**Item 6 - Staff Memorandum
with Measure X text**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

IMPARTIAL ANALYSIS

22 JUL 28 PM 4: 27

Councilmember Term Limits

Members of the City Council (“Council”) are elected to four-year terms. There are no term limits. This measure would prohibit a Councilmember from serving more than three consecutive terms, except that a district Councilmember may serve up to three consecutive terms followed by up to three consecutive terms as an at-large Councilmember. Councilmember terms that began before January 2023 shall not count towards the term limits.

Hearings on Proposed Ballot Measures

State law requires the Council to hold at least one public hearing before placing a measure on the ballot. This measure would require the Council to hold at least two public hearings at least 10 calendar days apart before placing general obligation bonds, parcel taxes, or Charter amendments on the ballot.

Councilmember Salaries

The Public Ethics Commission (“Commission”) adjusts the salary for Councilmembers every two years based on the increase in the consumer price index (“CPI”). The Commission may adjust salaries beyond the increase in CPI up to five percent per year. The voters may approve increases above five percent in a year. This measure provides that the Commission adjusts the salaries every two years based on CPI increases, up to a total of five percent for the two years. But if the total CPI increase over the prior two years exceeds five percent, the Commission may adjust salaries up to five percent per year but may not adjust the salaries more than the CPI increase per year. The measure removes the ability of the voters to approve increases above five percent by ordinance.

Mayoral Tie-Breaking Vote

The Mayor does not have a vote on the Council, but the Charter authorizes the Mayor to cast a tie-breaking vote when the Council is evenly divided. This measure provides that for purposes of determining whether there is a tie, a Councilmember’s abstention or absence shall count as a “no” vote.

City Attorney and City Auditor Salaries

The Council sets the salary of the City Attorney and the City Auditor. This measure provides that the Commission would set these salaries based on the salaries of the highest paid professional employee in their respective offices, other City department heads, and comparable positions in California jurisdictions.

City Attorney and City Auditor Political Activities

This measure would prohibit the City Attorney and the City Auditor from making or soliciting contributions to, publicly endorsing, or participating in the campaign of a candidate for City elective officer, or of a City ballot measure.

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City Auditor

This measure specifies when the Office of City Auditor becomes vacant and a process for filling the vacancy.

This measure establishes further qualifications and additional duties for the City Auditor.

The Charter does not set minimum staffing in the Office of the City Auditor. This measure provides that the budget for the Office of the City Auditor must be sufficient for at least fourteen full-time employees, unless the Council determines for a given fiscal year or two-year budget cycle that the City is facing an extreme fiscal necessity.

**/s/ DAVID CHIU
San Francisco City Attorney**

**Item 6 - Staff Memorandum
with Measure X text**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

22 JUL 29 AM 11:38

**BERKELEY CITY AUDITOR'S IMPARTIAL FINANCIAL ANALYSIS OF THE
GOOD GOVERNANCE CHARTER REFORM BALLOT MEASURE**

If passed by more than fifty percent of the voters, the Measure would amend the City Charter to establish term limits for councilmembers, require a minimum of two council hearings before certain council-proposed ballot measures for placement on the ballot, and count councilmember abstentions and absences as a no vote on council motions, resolutions, and ordinances to determine whether the Mayor is eligible to cast a tie-breaking vote. Further, the Measure would change the formula for the Public Ethics Commission (PEC) to set councilmember salaries, authorize the PEC to set the salaries of the City Auditor and City Attorney, and clarify the duties of and provide minimum staffing for the City Auditor.

Financial Impact

This Measure will cost the City an estimated additional \$858,199 annually in staffing costs, as detailed in the tables below.

The staffing level in the Auditor's office will increase from 11 Full Time Employees (FTEs) to a minimum staffing level of 14 FTEs, effective July 2023. City Council may suspend the minimum staffing level for a fiscal year or two-year budget cycle, in the event of extreme fiscal necessity.

Cost Component	Current FY 2023 Budget (11 FTEs)	Estimated Additional Annual Cost (+3 FTEs)^A
Staffing	\$2,568,489	\$638,229

^A Estimate is based on FY 2023 staff salaries and benefit rates.

The measure will authorize the PEC to set the salary of the City Attorney and the City Auditor annually. These salaries may not be reduced during their terms of office, except as part of a general reduction of salaries for all officers and employees. The estimated additional annual costs in the table below are based on an assessment of salaries within both departments, salaries of department heads within the City of Oakland, and salaries of comparable positions in California cities.

Cost Component	Current FY 2023 Salary and Benefits	Estimated Additional Annual Costs (Salary and Benefits)
City Attorney	\$420,637	\$120,145
City Auditor	\$332,471	\$99,826

Limits to this financial analysis are noted below:

- Staff salaries and benefit rates may increase over time which would increase the cost to the City.
- The PEC is authorized to set the salaries for the City Auditor and the City Attorney. As such, the PEC's methodology may vary from our estimates.
- Should a vacancy occur in the Office of the City Auditor at a time that cannot be consolidated with a municipal or statewide election, a special election may be held. As of July 2022, the County of Alameda Registrar of Voters' costs for special elections range from \$9 to \$11 per registered voter for vote-by-mail to \$19 to \$21 per registered voter for in-person voting.

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Our independent analysis represents the best information available at the time. Actual costs may vary from these estimates.

s/JENNY WONG
Berkeley City Auditor

CITY OF OAKLAND
Public Ethics Commission



RESOLUTION NO. 23-05
[Proposed 4-12-23]

By action of the Oakland Public Ethics Commission:

WHEREAS, Oakland City Charter Section 403(1) provides: “the salary of the City Auditor shall be set annually by the Public Ethics Commission, to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Auditor and salaries for other City department heads, and shall be comparable to the salaries of public sector auditor positions in California cities and counties selected by the Commission. The City Auditor's salary may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion.” and

WHEREAS, Oakland City Charter section 207 charges the City Council with fixing the compensation of all City employees, officers and officials unless otherwise provided by the Charter; and

WHEREAS, Ordinance No. 12187 C.M.S., the “Salary Ordinance,” sets forth a salary schedule reflecting all classifications of employment within the City including those of city employees and city officers; and

WHEREAS, a salary adjustment to \$213,137.51 would provide equity and alignment of the City Auditor’s salary with an 18 percent minimum differential above subordinate auditor’s and staff in the Office and is comparable with the salaries of auditors in other Bay Area cities and also accounts for the scheduled 2.5 percent negotiated wage increase for other City employees effective July 2023.

Now, therefore be it:

RESOLVED, that the Commission does hereby authorize an annual salary of \$213,137.51 for the office of City Auditor as mandated by City Charter Section 403(1), effective as of the first payroll period of Fiscal Year 2023-2024; and

CERTIFICATION RE: APPROVAL OF RESOLUTION

The foregoing Resolution was presented for approval at a duly noticed meeting of the City of Oakland Public Ethics Commission held on April 12, 2023, where a quorum of the membership of the Commission was present. The Commission approved the resolution by a vote of _____ to _____.

I hereby certify that the foregoing is true and correct.

Suzanne Doran, Acting Executive Director
Oakland Public Ethics Commission

Date



Public Ethics Commission | CITY OF OAKLAND

Item 7 - Staff Memo

Ryan Micik, Chair
Charlotte Hill, Vice Chair
Alea Gage
Arvon Perteet
Vincent Steele
Francis Upton IV

Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Acting Executive Director
Ana Lara-Franco, Commission Analyst
DATE: March 30, 2023
RE: Proposed Lobbyist Registration and Late Filing Fees

The Public Ethics Commission (PEC or Commission) ensures compliance with the City of Oakland's lobbyist registration laws and acts as filing officer for lobbyist disclosure. During the budget development process, City departments may propose fees to recover the reasonable costs of their direct services. This memorandum provides a comparison of fees charged by lobbyist registration programs in other cities and recommends that the Commission authorize staff to request City Council add comparable fees to the Master Fee Schedule, effective January 2024.

Background

The Oakland Lobbyist Registration Act (LRA) requires any person that qualifies as a lobbyist to register annually with the Public Ethics Commission before conducting any lobbying activity. The LRA also requires that lobbyists submit quarterly reports disclosing their lobbying activities to ensure that the public knows who is trying to influence City decisions.

Under Oakland's law, a person qualifies as a local government lobbyist in Oakland if:

- They are paid \$1,000 or more in a calendar month to communicate with City officials to influence any proposed or pending governmental, legislative, or administrative action; or
- Their duties as an employee, officer, or director of an organization or business entity include communicating (directly or through an agent) with City officials or employees to influence any proposed or pending governmental, legislative, or administrative action.

In 2018, the Commission became filing officer for lobbyist disclosure, and all Oakland lobbyist forms and reports must be filed with the PEC. Examples of filing officer activities include processing registrations, maintaining records of lobbyists and their clients, noticing registration and filing deadlines, providing advice and technical assistance, reviewing filings for completeness, engaging with non-filers to gain compliance, and maintaining of the PEC's online filing system. In 2022, 75 lobbyists registered with the City of Oakland and filed over 350 disclosure forms and reports. Over 18 percent of requests to staff for advice and technical assistance came from lobbyists. At present, the City of Oakland does not charge lobbyists a registration fee or fees for late filings.

Lobbyist Registration Fees

A staff survey of California cities and counties that require lobbyist registration found that most (over 70 percent) charge a registration fee. For example, Anaheim, Berkeley, Long Beach, Los Angeles, Sacramento, San Diego, San Francisco, and San Jose all charge lobbyist registration fees that range from \$100 to \$500. Long Beach, Los Angeles, Sacramento, San Diego, and San Jose also charge a fee for each additional client a lobbyist takes on.

Item 7 - Staff Memo

Late Policies

California cities charging fees for late registration include Anaheim, Berkeley, Long Beach, Los Angeles, Sacramento, San Diego, San Francisco, and San Jose. The City of Oakland charges other individuals required to file disclosure reports late fees for missed deadlines. Campaign filers, for example, pay a late fee of \$10 per day after the filing deadline until the statement is filed. Similarly, Form 700 filers are also subject to a late fee of \$10 per day after the filing deadline until the statement is filed.

Waiver Policies

Almost half of the jurisdictions with registration fees included waiver policies for certain non-profit organizations engaging in lobbying activity. The most common waiver is for lobbyists that are employees or representatives of a 501(c)(3) nonprofit organization. Los Angeles narrows the exemption to 501(c)(3) organizations that receive government funding to provide direct services to people experiencing poverty or homelessness. Long Beach and San Jose also exempt neighborhood associations and project area committees from fees. The table below summarizes lobbyist fee policies in surveyed cities.

City	Annual Fee	Per Client Fee	Waiver Policy	Late Penalty	Maximum Penalty
Anaheim	\$100.00	N/A	FALSE	\$50 per day	N/A
Berkeley	\$500.00	N/A	TRUE	3-month disbarment	N/A
Long Beach	\$129.00	\$31.00	TRUE	\$25 per day	\$500
Los Angeles	\$450.00	\$75.00	TRUE	\$25 per day	\$500
Sacramento	\$100.00	\$25.00	FALSE	\$25 per day	\$500
San Diego	\$191.94	\$40.23	FALSE	Misdemeanor	N/A
San Francisco	\$500.00	N/A	TRUE	\$50 per day	\$500
San Jose	\$223.55	\$74.41	TRUE	5% of unpaid fee	100% of unpaid fee

Conclusion

City agencies are allowed to impose fees for the reasonable regulatory costs to the City for issuing licenses and permits; performing investigations, inspections, and audits; and administrative enforcement as well as monetary charges because of a violation of law. Given the substantial staff resources associated with administering the lobbyist registration program, staff recommends that the Commission authorize staff to request City Council include the following fees in the Master Fee Schedule to take effect January 2024:

1. An annual lobbyist registration fee of \$500.
2. A late filing fee of \$10 per day after the filing deadline until the form is filed for lobbyist registration and lobbyist reports.

The proposed fees are reasonable and comparable to fees charged by cities with lobbyist disclosure programs as well as late fees charged to other regulated groups.

Staff also recommends that the Commission develop a registration fee waiver policy for lobbyists that are employees or representatives of 501(c)(3) nonprofit organizations and/or community-based organizations that can demonstrate hardship, prior to fee implementation.



Item 10 - Staff Memo with timeline

Ryan Micik, Chair
Charlotte Hill, Vice Chair
Alea Gage
Arvon Perteet
Vincent Steele
Francis Upton IV

Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Acting Executive Director
DATE: March 30, 2023
RE: Measure W Oakland Fair Elections Act Implementation Update for the April 12, 2023, Regular PEC Meeting

With the passage of Measure W, the Oakland Fair Elections Act, the Public Ethics Commission (PEC or Commission) is planning for a transition of growth in staffing, structure, and responsibilities as administrator of a completely re-designed public financing program. This memorandum provides an update on implementation activities since the last Commission meeting and a timeline for implementation tasks.

Operational Changes and Tasks

Budget – On March 9, Commission Staff, accompanied by the Commission Chair, met with the Mayor and City administration to present the Commission’s budget proposal. Staff shared the Commission’s mission, work, and priorities, particularly with regard to Measure W implementation, and answered questions from the Mayor and staff. The Mayor’s budget proposal will head to City Council in May.

Staffing – The ransomware attack and city recovery efforts caused delays in many intra-agency processes, and scheduled meetings with other agencies related to the PEC’s recruitment for new positions were postponed. In March, updated job specifications were presented to union representatives and staff responded to questions and proposed revisions. The updated specifications will be placed on the Civil Service Board consent calendar for its April meeting. Once Board approval is received in late April, job requisitions can be created to start recruitment.

Administrative Processes and Technology

Due to the lengthy processes associated with public procurement, staff initially aimed to have a request for proposals (RFP) for technology needed to administer the Democracy Dollars program released by the end of March. The ransomware attack and city recovery efforts also postponed intra-agency collaboration related to procuring technology and other services, and the timeline will need to be adjusted by at least eight weeks.

In March staff continued to incorporate feedback from the IT Department and Measure W subcommittee into the draft business requirements for the administrative system and met with the Finance Department to initiate requisitioning services and developing requests for

proposals. Given the narrowing timeframe and ongoing challenges posed by staff vacancies and slowed City processes, staff will pursue a flexible, phased approach when developing requisitions with Finance to maximize the likelihood that development on the minimum viable product for issuing and tracking the Democracy Dollars can begin in July.

Staff also communicated with the Alameda Registrar of Voters in March to get detailed information on the process and costs associated with acquiring the voter data files needed to create the Democracy Dollar voucher records and mailing packet, as well as signature verification services needed to process the vouchers. Staff consulted with the Seattle Democracy Vouchers program staff and City administration regarding printing and distribution services for the program to draft basic requirements.

Outreach

Commission staff met with the Measure W Equity and Outreach ad hoc subcommittee to discuss committee goals and begin outlining elements for the comprehensive citywide outreach plan required by the Oakland Fair Elections Act.

As noted in prior updates, the Commission Chair and staff will participate in an online panel discussion, “Democracy Dollars: Creating a More Democratic System in Oakland,” on April 20 from 12:30 - 1:30 PM hosted by the San Francisco Bay Area Planning and Urban Research Association (SPUR). Panelists include representatives of the Seattle Ethics and Elections Commission, Common Cause, and the Oakland League of Women Voters. Links to the event will be shared through the PEC’s communication channels when available.

OAKLAND FAIR ELECTIONS ACT – DEMOCRACY DOLLARS PROGRAM

Implementation Overview with Key Dates

Phase 1: Preliminary Tasks	
Nov 2022 – June 2023 Activities and Outcomes	
Nov 2022	<ul style="list-style-type: none"> ✓ Preliminary research and analysis of requirements for program administration. ✓ Begin coordination with other City stakeholders and agencies.
Dec 2022 – Jan 2023	<ul style="list-style-type: none"> ✓ 2023 – 2025 fiscal year budget preliminary deliverables including Democracy Dollars (DD) program complete ✓ Updates to job specifications and civil service examination process for new staff positions – in progress ✓ Business requirements for technology outlined in partnership with ITD ✓ Establish advisory group/liaison with City Administrator’s office and internal stakeholders
Feb 2023	<ul style="list-style-type: none"> ✓ Submit budget proposal with funding for DD program. ✓ Submit DD job specifications for union approval. ✓ Receive and incorporate feedback into tech system requirements.
Mar 2023	<ul style="list-style-type: none"> ✓ Present budget proposal with PEC priorities for DD program to Mayor. ✓ Response to union re: DD job specifications. ✓ Draft milestones, success metrics for program roll-out for discussion. ✓ Research DD design, printing, and distribution needs. ✓ Initiate RFP process for tech and voucher production services with Finance Department.
Apr – Jun 2023	<ul style="list-style-type: none"> • Issue tech system RFI/RFP in partnership with ITD. • Issue RFI/RFP for DD design, printing, and distribution. • Vendor selection and approval in partnership with ITD and Finance Departments. • Vendor selected for printing and mailing of DD packets. • Develop program webpages to chart implementation progress. • Recruitment for new positions, examination/interview process. • Outreach plan development in partnership with community partners. • Identify policy questions requiring Commission action prior to 2024 launch.
Phase 2: Program Foundations	
Jul - Dec 2023	
Jul 2023	<p>MILESTONE 1: Program funds budgeted and available for 2023 – 2024.</p> <p>MILESTONE 2: Vendor approved; tech system development begins.</p>
Aug 2023	<p>MILESTONE 3: New positions filled; staff onboarded.</p> <p>MILESTONE 4: Vendor approved for printing and mailing of DD packets.</p> <ul style="list-style-type: none"> • Preliminary development of forms, systems for program administration.
Sep – Oct 2023	<ul style="list-style-type: none"> • DD and packet design selected. • Adopt Commission regulations prior to 2024 launch, as needed. • Outreach and training materials developed for Oakland residents, candidates. • Monitor milestones required for 2024 launch date.
Nov – Dec 2023	<p>MILESTONE 5: DD voucher, packet, and mailing information ready for printing and distribution.</p> <p>MILESTONE 6: Tech system MVP tested and ready to deploy.</p>
Phase 3: Program Launch	
Jan - Apr 2024	
Jan – Mar 2024	<ul style="list-style-type: none"> • Tech system live. • DD funds available announced.

	<ul style="list-style-type: none"> • Candidate application process begins. • Ongoing outreach to raise awareness of Democracy Dollars program.
Apr 2024	<ul style="list-style-type: none"> • DD distributed to Oakland registered voters by April 1, 2024. • Voucher assignment system and public program dashboard live.
May – Nov 2024	<ul style="list-style-type: none"> • PEC staff processes DD vouchers, disburses funds to candidates.
Phase 4: Post-election Evaluation	
Dec 2024 - ongoing	<ul style="list-style-type: none"> • Candidates return unused funds. • Program audit, performance evaluation reports for Commission and City Council. • Tech system and outreach development continues, user-experience, data-informed improvements.

Item 11 - Disclosure and Engagement Report



Ryan Micik, Chair
Charlotte Hill, Vice Chair
Alea Gage
Arvon Perteet
Vincent Steele
Francis Upton IV

Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Jelani Killings, Ethics Analyst
Ana Lara Franco, Commission Analyst
Suzanne Doran, Acting Executive Director
DATE: March 28, 2023
RE: Disclosure and Engagement Monthly Report for the April 12, 2023, Meeting

This memorandum provides a summary of major accomplishments in the Public Ethics Commission's (PEC or Commission) Disclosure and Engagement program activities since the last monthly meeting. Commission staff disclosure activities focus on improving online tools for public access to local campaign finance and other disclosure data, enhancing compliance with disclosure rules, and conducting data analysis for PEC projects and programs as required. Engagement activities include training and resources provided to the regulated community, as well as general outreach to Oakland residents to raise awareness of the Commission's role and services and to provide opportunities for dialogue between the Commission and community members.

Filing Officer – Compliance

Lobbyist Registration and Reporting Program – The Oakland Lobbyist Registration Act (LRA) requires any person that qualifies as a lobbyist to register annually with the Public Ethics Commission before conducting any lobbying activity. It also requires lobbyists to submit quarterly reports disclosing their lobbying activities to ensure that the public knows who is trying to influence City decisions. April 30, 2023, marks the deadline for first quarter lobbyist activity reports. The Lobbyist Registration portal, which was taken offline due to the ransomware attack in February, is back online and available. Lobbyist registration and activity reports may be viewed online at the [PEC's Lobbyist Dashboard and Data webpage](#).

Advice and Engagement

Advice and Technical Assistance – Staff continues to respond to requests for advice and technical assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues. Due to restoration efforts related to the February ransomware attack, the staff was unable to access the contact database from the City server to provide our regular monthly stats and charts by the agenda posting deadline this month.

Item 11 - Disclosure and Engagement Report

New Employee Orientation – Staff continues to make presentations at the City’s monthly New Employee Orientation (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act (GEA). In the months of February and March, Staff trained a total of 86 new employees on GEA provisions.

Government Ethics Training for Form 700 Filers – On March 23, PEC staff conducted a live Government Ethics Training for Form 700 Filers via Zoom. The training was hosted by the Department of Human Resources (HR) and served as an alternative for employees that have not completed the PEC’s mandatory online training. A total of 24 employees attended the training.

City Council Check-In – On March 17, Staff met with Councilmember Reid and her staff for an ethics check-in. Staff provided an overview of the Commission and its work and shared about recent changes in both local and state ethics and transparency laws. Topics covered included the gift rules, the Fair Elections Act, SB 1439 regarding limitations on campaign contributions to local elected officials from certain parties and disqualifications based on past campaign contributions, and future outreach opportunities. These informal meetings allowed PEC staff to better understand the support needs of councilmembers and their staff in complying with local ethics and transparency laws.

Board and Commissions Staff Liaison Training – On March 20, PEC staff participated in a joint effort with the Mayor’s office, City Clerk, and City Attorney to provide a comprehensive training for City Boards and Commissions staff liaisons. The training covered all relevant laws and responsibilities, including Sunshine and GEA requirements, pertaining to boards and commissions to ensure understanding and compliance. Staff shared about PEC resources, highlighted the PEC’s online training for Form 700 filers, and reminded liaisons of online agenda posting requirements.

SB 1439 Advisory – On March 20, staff published an advisory regarding a new statewide law aimed at further combatting “pay-to-play” politics. SB 1439 imposes new obligations upon Oakland elected officials, including the possibility of fines for noncompliance. The new law places limitations on soliciting or accepting campaign contributions from certain parties and also prohibits elected officials from voting on certain matters if the official received a contribution of more than \$250 in the prior 12 months from a party with a financial interest in the proceeding. The advisory was sent to all City Councilmembers.



Item 12 - Enforcement Report

Ryan Micik, Chair
Charlotte Hill, Vice Chair
Alea Gage
Arvon Perteet
Vincent Steele
Francis Upton IV

Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Simon Russell, Enforcement Chief
DATE: March 29, 2023
RE: Enforcement Unit Program Update for the April 12, 2023, PEC Meeting

Current Enforcement Activities:

Since the Enforcement Unit Program Update submitted to the Commission on December 21, 2022 (the most recent Enforcement Update for which aggregate caseload data was available), Commission staff received 5 formal complaints, of which 1 has been opened for investigation and 4 are under preliminary review. Enforcement staff also processed 21 informal complaints, of which 15 were rejected and 6 are under preliminary review. Finally, Enforcement staff initiated 3 pro-active complaints on its own, and all are under preliminary review.

This brings Enforcement's caseload to 66 matters at all stages, from preliminary review through to investigation, settlement negotiations or administrative hearing. Enforcement staff currently consists of 1 full-time Enforcement Chief and 1 part-time law clerk; additional staffing is urgently needed in order to ensure timely and thorough processing of all matters.

Due to restoration efforts related to the February ransomware attack, the staff was unable to access the Enforcement database from the City server to provide our regular monthly caseload charts by the agenda posting deadline for this month.

Personnel

Enforcement is pleased to announce the hiring of Chris Nardi as our part-time law clerk. Chris will be assisting with legal and policy research, as well as preliminary review of complaints and post-investigation legal analysis of evidence gathered, under the supervision of the Enforcement Chief. He will also be assisting with the PEC's public records mediation program. Chris is a student at UC Berkeley's School of Law and has a B.A. (*cum laude*) in Politics with a minor in Economics from Pomona College. He has previously worked at the Consumer Product Safety Commission and the Federal Deposit Insurance Corporation in Washington, D.C.

Legal Actions

Since the last Enforcement Unit Program report on December 21, 2022, the following public court actions have been submitted or scheduled by or on behalf of the Enforcement Unit:

Item 12 - Enforcement Report

1. *City of Oakland Public Ethics Commission v. Harriet Hutchinson* (Alameda County Superior Court case no. 22CV019951). A case management conference is scheduled for May 30, 2023, at 10:30 AM in Department 14.
2. *City of Oakland Public Ethics Commission v. Charlie Ngo* (Alameda County Superior Court case no. RG20070117). A hearing in this matter was continued until April 26, 2023, at 1:30 PM in Department 511.

Except where otherwise noted, no allegations have yet been proved or admitted in any of the above matters, and the existence of these cases and associated litigation should not be taken as an indication that the potential respondent(s) necessarily violated any laws. This information is being provided for the PEC's informational purposes only.



Ryan Micik, Chair
Charlotte Hill, Vice Chair
Alea Gage
Arvon Perteet
Vincent Steele
Francis Upton IV

Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Acting Executive Director
DATE: March 30, 2023
RE: Executive Director's Monthly Report for the April 12, 2023, PEC Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities not included in other program reports since the last regular meeting. The attached overview of Commission Programs and Priorities includes the ongoing goals and key projects for 2023 for each program area.

Budget

Due to the expiration of federal COVID relief aid, high interest rates affecting real estate related revenues, and high inflation, the City of Oakland is anticipating a severe budget shortfall for the coming biennial cycle and is estimated to run a \$120 million operating deficit in the General Purpose Fund (GPF). All departments have been asked to reduce expenses by up to 20 percent.

On March 9, Commission Staff, accompanied by the Commission Chair, met with the Mayor and City administration to present the Commission's budget proposal. Staff shared the Commission's mission, work, and priorities, and answered questions from the Mayor and staff. The Mayor's budget proposal is published in late-April and goes to City Council in May.

Staffing

With the \$120 million predicted shortfall in the GPF, in March the City Administrator imposed hiring freezes on vacant positions and a moratorium on temporary employees, among other immediate reductions. Over the past ten months, the PEC staffing levels have dipped far below the minimum staffing required by City Charter with the current vacancy rate for full-time positions at 43 percent. The average time to fill our vacant positions over the past ten months has been over five months. The long-term staffing shortage impacts staff capacity to meet increasing demands for service in our current programs and implement new programs and duties created by recent ballot measures. Commission staff is submitting a request for a hardship exception to the City Administrator to allow the PEC to maintain minimum staffing levels with temporary hires until all permanent positions are filled.

New Hires – Staff is very pleased to announce the addition of new two new staff members hired before the freeze took effect. Chris Nardi joined the PEC team in March as our part-time law clerk. Chris will be assisting with legal and policy research, and the PEC's public records mediation program. Chris is a student at UC Berkeley's School of Law, with B.A. in Politics with a minor in Economics from Pomona College.

The PEC also welcomes our new Commission Assistant Chris Gonzales, who joins the PEC team on April 1. Chris joins the PEC with over seventeen years of experience in accounting, administrative and office management support in both government and private law offices and a B.A. in Business Administration from San Francisco State University.

Executive Director's report
March 30, 2023

Performance Appraisals – Staff annual performance reviews are set to be conducted in late-March through May and will incorporate a review of individual performance objectives for the past year as well as any new individual objectives stemming from overall PEC goals. In March supervisors draft employee performance appraisals and performance plans for the upcoming year. In addition, Oakland's new Race and Equity standards are being incorporated into employee Performance Plans this year.

Commission Meetings

As previously reported, since the emergency order was lifted by the State of California on February 28, 2023, all public meetings including Board and Commission meetings are required to be held in-person again per State law. The City continues to move forward with plans to allow members of the public to participate in meetings through Zoom, however, remote participation such as providing public comment is not supported at this time. Zoom links and access numbers provided with Commission agendas are to view or listen to the meetings only, not for participation. Remote participation for in-person meetings, or "hybrid" meetings, will commence once the commissions have established meeting procedures and have the staff and technical resources in place to provide equitable access to meeting participation. The City administration expects to have resources for remote participation available by late 2023.

Mediation Program

Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediation of public records requests made by members of the public to City departments for records within the department's control. The PEC has 27 open mediations. Following a mediation, Commission staff provides a written summary of the mediation to the Commission and can also make recommendations for further Commission action. Ongoing staff vacancies are impacting timely resolution of mediations requests, and in March staff met to assess the status of the program and make plans to address the backlog. In addition to hiring a part-time law clerk to assist the program, staff is also assessing process improvements to make the program more effective to discuss with the recently formed ad hoc subcommittee for Transparency and Public Records Requests.

Attachments: Commission Programs and Priorities.

**PUBLIC ETHICS COMMISSION
Programs and Priorities 2023**

Program	Goal	Desired Outcome	Program Activities	2023 Major Projects
Lead/ Collaborate (Policy, Systems, Culture)	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity, and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ul style="list-style-type: none"> ○ Lead Measure W implementation 	<ul style="list-style-type: none"> ○ Public Records Performance Tool ○ GSPP project re contractor pay-to-play restrictions and improving disclosure
Educate/ Advise	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ul style="list-style-type: none"> ● Regular ethics training ● Information, advice, and technical assistance ● Targeted communications to regulated communities ● New trainings as needed for diversion 	<ul style="list-style-type: none"> ○ Develop Democracy Dollars training resources for candidates ○ Collaboration with Clerk and HR on process improvements for ethics onboarding/exit and Form 700 compliance ○ Public Records training
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ul style="list-style-type: none"> ● Public Records mediations ● Commissioner-led public outreach ● Outreach to client groups – targeted training and compliance ● PEC social media outreach 	<ul style="list-style-type: none"> ○ Develop content to reflect Measure W changes and Democracy Dollar Program ○ Develop Democracy Dollars Community Engagement plan
Disclose/ Illuminate	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ul style="list-style-type: none"> ● Monitor compliance (campaign finance/lobbyist/ticket use) ● Proactive engagement with filers ● Technical assistance ● Assess late fees/refer non-filers for enforcement ● Maintain data assets 	<ul style="list-style-type: none"> ○ Democracy Dollars admin system development ○ Democracy Dollars performance tracking and public data development ○ Updates to Ticket Distribution (Form 802) database

Item 13 - Executive Director's Report

Program	Goal	Desired Outcome	Program Activities	2023 Major Projects
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC's jurisdiction.	Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC's jurisdiction.	<ul style="list-style-type: none"> • Process and investigate complaints • Initiate proactive cases • Collaborate/coordinate with other government law enforcement agencies 	<ul style="list-style-type: none"> ○ Digital complaint form/mediation request ○ Improve Enforcement database
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ul style="list-style-type: none"> • Prioritize cases • Conduct legal analyses, assess penalty options • Negotiate settlements • Make recommendations to PEC 	<ul style="list-style-type: none"> ○ Resolve 2016 and 2017 case backlog ○ Review/revise policies for release of public information and election-related complaints ○ Develop internal Enforcement staff manual
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ul style="list-style-type: none"> • Annual Report • Budget proposal • Ongoing professional development and staff reviews • Fill staff vacancies • Commissioner onboarding 	<ul style="list-style-type: none"> ○ 2023 – 2025 strategic plan preparation/retreat ✓ Develop process for City Attorney and City Auditor Salary Adjustment