

# CITY OF OAKLAND

## BUDGET ADVISORY COMMISSION

Notice is hereby given that a **meeting** of the City of Oakland Budget Advisory Commission (BAC) is scheduled for **Wednesday, January 8, 2020** at **6:00 pm** in **Hearing Room 4, City Hall, 2<sup>nd</sup> Floor**, at 1 Frank Ogawa Plaza.

### **Commission Members:**

Jay Ashford, Ken Benson, Carrie Crespo-Dixon, Ed Gerber, Travis George, Geoffrey Johnson, Vincent Leung, Kasheica McKinney, Ali Nadeem, Caitlin Prendiville, Sarah Price, Darin Ranahan, Brenda Roberts, Michael Silk, Marchon Tatmon

### **City's Representative(s):**

Jose Segura & Nicole Remiker – *Finance Department*

### **Meeting Agenda:**

1. Administrative Matters [5 minutes]
  - Welcome & Attendance
2. City Census 2020 presentation [10 minutes]
3. BAC resources for new commissioners [20 minutes]
  - BAC Establishing Ordinance No. 13337 C.M.S
  - Commissioner's Handbook
  - Consolidated Fiscal Policy
  - Adopted FY 19-21 Budget
  - Finance Director's recent Memo on budget challenges
4. Identification of 2020 Ad-Hoc Committees, Areas of Focus and Timing [15 minutes]
5. BAC Self-Survey: Next Steps and Timing [15 minutes]
6. Update on the Schools and Communities Initiative [10 minutes]
7. Confirm City Commissioner ethics training dates [5 minutes]
8. Discussion of next meeting dates and subjects [5 minutes]
9. Open Forum
10. Adjournment

United States®  
**Census  
2020**



CITY OF OAKLAND



#OaklandCounts

# Census Overview

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- Every 10 years, U.S. Census Bureau counts every person living in the country.
- Determines the number of seats in the U.S. House of Representatives.
- Used for congressional, state and local redistricting.
- Population data is used to allocate billions in federal funding.
- Key data set for research and planning purposes.

#OaklandCounts

# What's new with the 2020 Census?

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- First primarily digital Census.
- All addresses will receive a letter in March inviting them to complete the Census online.
- Shorter survey ([link](#)).
  - 9 questions for primary person.
  - 7 questions each for all other members of the household.
  - No citizenship question on the Census.

March 12, 2020

A Message from the Director, U.S. Census Bureau

Dear Resident:

This is your invitation to respond to the **2020 Census**. We need your help to count everyone in the United States by providing basic information about all adults, children, and babies living or staying at this address.

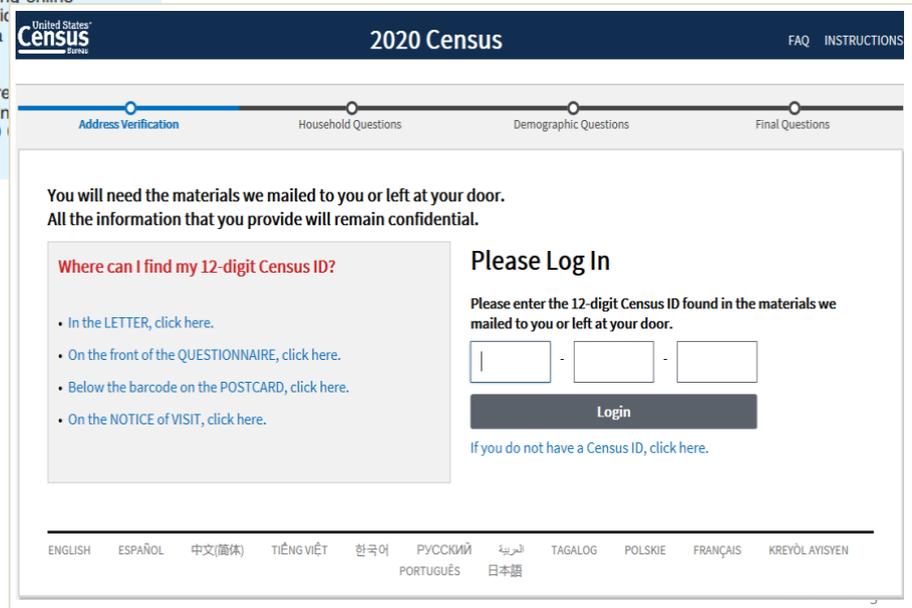
Results from the 2020 Census will be used to:

- Direct billions of dollars in federal funds to local communities for schools, roads, and other public services.
- Help your community prepare to meet transportation and emergency readiness needs.
- Determine the number of seats each state has in the U.S. House of Representatives and your political representation at all levels of government.

Respond by April 1st at: <b>XXXX.XXXX.gov</b>	Your Census ID is:
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The Census Bureau is using the internet to securely collect your information. Responding online helps us conserve natural resources, save taxpayer money, and process data more efficiently. If you are unable to complete your 2020 Census questionnaire online, we will send you a questionnaire in a few weeks for you to complete and mail back.

The census is so important that your response is required by law, and your answers are completely confidential. If you do not respond, we will need to send a Census Bureau interviewer to your home to collect your answers in person. If you need help completing your 2020 questionnaire, please call toll-free 1-844-330-2020.



#OaklandCounts

# 2020 Census Challenges

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- Lack of digital access.
- Language accessibility.
  - Online and phone response options only available in 13 languages.
  - Form response only available in English and Spanish.
- Distrust in government.
- Oakland is one of the hardest-to-count cities in the country.

#OaklandCounts

# Oakland Hard-to-Count Facts

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- 57% of population lives in hard-to-count Census tracts.
- Oakland's leading hard-to-count characteristics include:
  - Crowded units
  - Renter-occupied units
  - Multiple families living at the same residence
  - People living below poverty level
  - Substantial unhoused population
  - Limited-English speaking households

#OaklandCounts

# Oakland City

## California Hard-to-Count Index by Census Tract

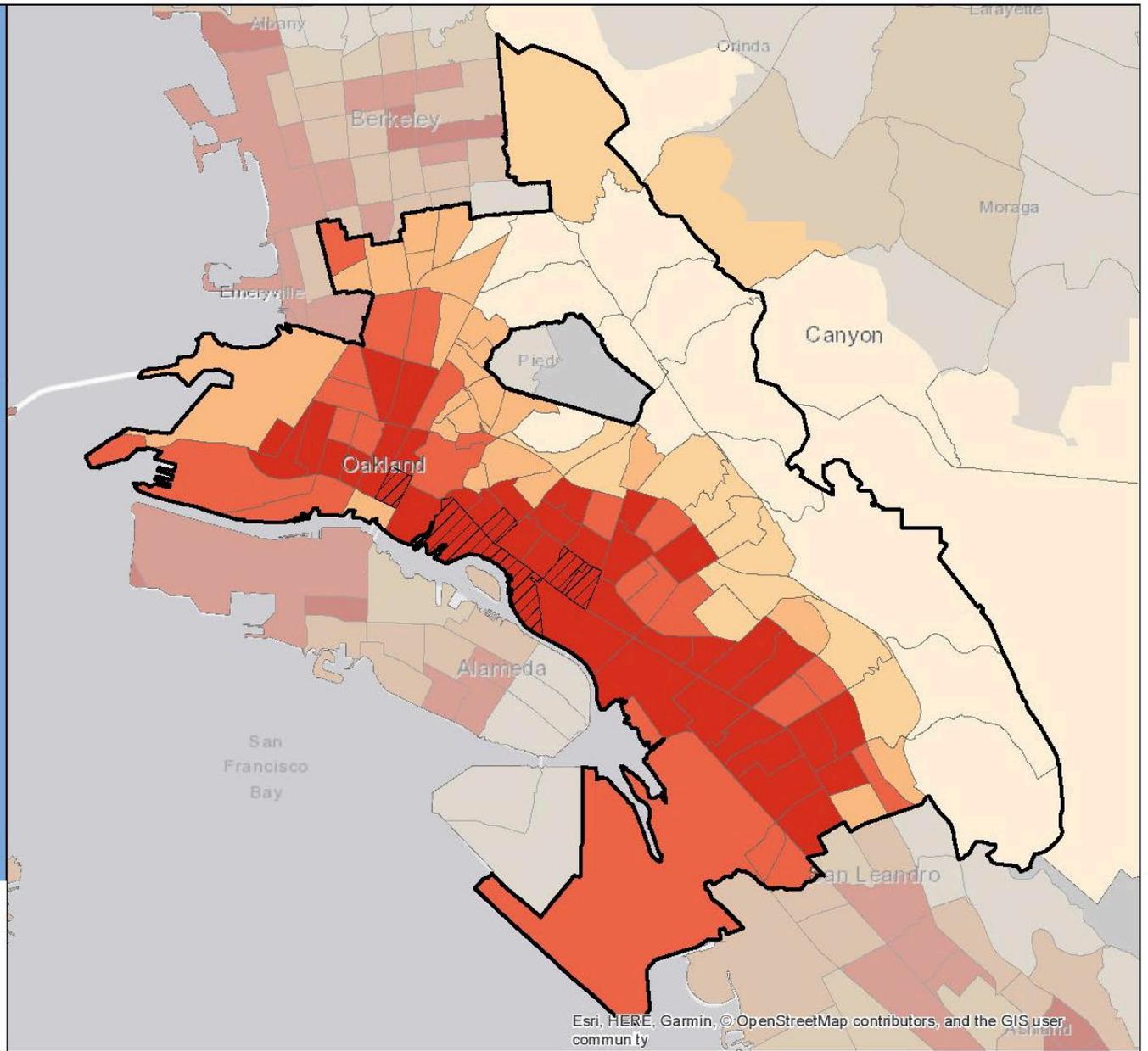
- 1 - 16
- 16 - 30
- 30 - 47
- 47 - 70
- 70 - 136

Tracts with highest indexes

CA-HTC Index is 0



0 0.5 1 2 Miles



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

# What is asked on the Census?

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- How many people live at the address?
- Is the home rented or owned?
- What is your telephone number?
- First and last name of all people living at home.
- Sex of each person.
- Age of each person.



# How do I respond?

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ONLINE



PHONE



FORM



- Paper form only available during non-response follow up period beginning in May 2020.

#OaklandCounts

# Language Accessibility

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- Online and phone responses available in 13 languages: English, Spanish, Chinese, Vietnamese, Korean, Russian, Arabic, Tagalog, Polish, French, Haitian Creole, Portuguese, and Japanese.
- Paper Census surveys will only be available in English and Spanish.
- Print and video language guides will be available in 59 non-English languages.

# Is it safe to complete the Census?

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- Yes! Private information is confidential and protected under Title 13 of the U.S. Code.
- Census responses cannot be used against you by any government agency including law enforcement.
- Census responses cannot be used to determine your eligibility for benefits.

# Key Dates

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Dates	Activity
Now – March 2020	Awareness stage
Early March	Invitations mailed to all addresses
March 12 <sup>th</sup> – May 1 <sup>st</sup>	Self response period open
April 1 <sup>st</sup>	Census Day
May – July	Non-response follow up period
July 31 <sup>st</sup>	Final day to submit Census form

# How can you help?

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- Pledge to complete the Census.
- Signup as a County Census Ambassador.
  - [www.acgov.org/census2020](http://www.acgov.org/census2020)
- Encourage family, friends, co-workers and neighbors to complete the Census before April 1, 2020.
- Post and share Census information on social media using #OaklandCounts

#OaklandCounts

# Additional Resources

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- [www.californiacensus.org](http://www.californiacensus.org)
- [www.oaklandca.gov/census](http://www.oaklandca.gov/census)

text **COUNT** to **510-800-5868**

#OaklandCounts

APPROVED AS TO FORM AND  
LEGALITY



City Attorney

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2015 OCT 15 PM 2:06

# OAKLAND CITY COUNCIL

## ORDINANCE NO. 13337 C.M.S.

**ORDINANCE REPEALING RESOLUTION NO. 74826 C.M.S. AND ESTABLISHING A BUDGET ADVISORY COMMISSION TO REPLACE THE BUDGET ADVISORY COMMITTEE AND TRANSFERRING TO BUDGET ADVISORY COMMISSION THE DUTIES AND FUNCTIONS OF THE BUDGET ADVISORY COMMITTEE**

**WHEREAS**, on March 2, 1999 the City Council adopted Resolution No. 74826 C.M.S. establishing the Budget Advisory Committee for the purpose of advising the City Council regarding the City's two-year policy budgets; and

**WHEREAS**, the City Council has determined that reforming this body through the establishment of a Budget Advisory Commission with new establishing legislation that clarifies the purpose of the body, reforms provisions related to terms and term limits, and addresses problems related to vacant seats, absenteeism, and the establishment of a quorum; and

**WHEREAS**, on November 20, 2014 the City Council adopted Ordinance No. 13279 C.M.S. creating the City's Consolidated Fiscal policy, which establishes new roles and responsibilities for the Budget Advisory Committee that were not contemplated at the time the Budget Advisory Committee was established; and

**WHEREAS**, the City Council wishes to conform the provisions for appointment of Budget Advisory Commission members to the requirements of the City Charter and the current, actual means of such appointments; now therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

1. City Council Resolution No. 74826 C.M.S. establishing the Budget Advisory Committee is hereby repealed and replaced with the following:

### SECTION 1. ESTABLISHMENT

There shall be established by the City Council a Budget Advisory Commission. The Budget Advisory Commission shall take the place of the Budget Advisory Committee,

## Proposed Revision: Finance & Management Committee Recommendations

which was established pursuant to Resolution No. 74826 C.M.S. All references to the Budget Advisory Committee in existing legislation shall be understood to reference the new Budget Advisory Commission.

### **SECTION 2. DUTIES AND FUNCTIONS**

(a) The Budget Advisory Commission (hereafter “the Commission”) shall report regularly to the Finance and Management Committee on topics deemed important to the fiscal health of the City, encouraging public participation and input into fiscal decision making, and improving the transparency and accountability of City fiscal information and decision making. The Commission shall perform duties assigned to it by action of the City Council, including responsibilities identified in the City’s fiscal policies, and reviewing any fiscally related goals and objectives of the Mayor or City Council. The Commission shall have such other functions as may be directed by the City Council.

(b) No less than three years following the first meeting of the Commission, the Commission shall develop and complete a process of self-evaluation and strategic planning. Thereafter, self-evaluation and strategic planning shall occur every three years.

### **SECTION 3. MEMBERSHIP**

(a) The Commission shall be composed of fifteen individuals appointed by the Mayor and confirmed by the Council in accordance with Section 601 of the City Charter.

(b) Each councilmember shall recommend one Commission member. The City Auditor and Chairperson of the Community Economic and Workforce Development Committee shall also recommend one Commission member each. The Chairperson of the Finance and Management Committee shall recommend two Commission members. The Mayor shall select three Commission members.

(c) To the extent practicable, appointments to the Commission shall reflect the geographical diversity of the City. All members of the Commission shall be residents of the City of Oakland.

### **SECTION 4. TERMS OF MEMBERS, COMPENSATION**

(a) Of the initial members of the Commission, five appointments shall be for one-year terms, five appointments shall serve for two-year terms, and five appointments shall be for three-year terms. Thereafter, all terms shall be for three years. Members of the Commission shall serve no more than two consecutive three-year terms plus any initial term of less than ~~three~~ two years. All terms of members shall begin on October 1 and end on September 30.

(b) The Commission members shall receive no salary for serving.

### **SECTION 5. COMMISSION GOVERNANCE**

(a) At its first meeting following October 1<sup>st</sup> of each year, the Commission shall select a Chairperson, a Vice-Chairperson, and a Liaison to the Finance and Management Committee from within its membership.

Proposed Revision: Finance & Management Committee Recommendations

(b) The Chairperson shall be responsible for chairing meetings, coordinating meeting times and agenda items in concert with City staff, representing the Commission in conversations with the Mayor, City Council President, City Administrator when required, and representing the Commission in public forums & meetings.

(c) The Vice-Chairperson shall assist the Chairperson and shall perform the duties of Chairperson when the Chairperson is unavailable to perform those duties.

(d) The Liaison with the Finance and Management Committee shall be responsible for listening and where possible attending meetings of that body, keeping the Commission informed on significant issues, and coordinating reports submitted to the Finance and Management Committee.

(e) A quorum of the Commission shall consist of a majority of appointed members, not including vacancies, and shall never consist of less than five members. Any action by the Commission shall be approved by a majority of members present.

**SECTION 6. TRANSITIONAL PROVISIONS**

The terms of office and provisions of this ordinance shall begin on October 1 following the appointment and confirmation of 8 members to the Commission. Until that time, the existing Budget Advisory Committee shall continue to perform functions currently accorded to it by Resolution No. 74826 C.M.S. and Ordinance No. 13279 C.M.S. When eight members have been appointed and confirmed to the Commission, the terms of the currently seated Budget Advisory Committee members shall terminate and the body shall be dissolved. Budget Advisory Committee members may be reappointed to the new Commission in accordance with the provisions of this Ordinance. Terms served by members of the Budget Advisory Committee shall not be terms on the new Commission for the purpose of term limits.

2. This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 03 2015

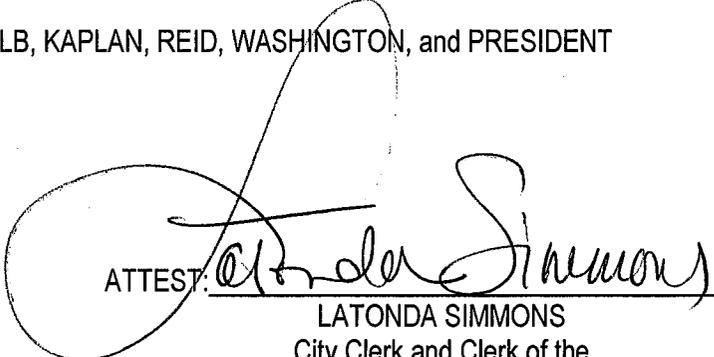
PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, GALLO, GUILLEN, KALB, KAPLAN, REID, WASHINGTON, and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - Brooks - 1

ABSTENTION - 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the  
Council of the City of Oakland,  
California

Introduction Date  
OCT 20 2015

Date of Attestation: November 4, 2015

Attachment A

OAKLAND CITY COUNCIL

RESOLUTION No. 74826 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

*RCS*  
OK

**RESOLUTION ESTABLISHING THE BUDGET ADVISORY COMMITTEE**

**WHEREAS**, the City Council has previously created the Citizen's Budget Advisory Committee on July 26, 1988 by Ordinance No. 11025 C.M.S. and amended by Ordinance No. 11775 C.M.S., for the purpose of advising the City Council regarding expenditures for the revenues for all general fund municipal services and development of a five-year financial plan for the City of Oakland; and

**WHEREAS**, the City Council has previously created the Business Budget Advisory Committee on April 1, 1997 by Ordinance No. 11973 C.M.S., for the purpose of advising the City Council regarding issues related to the fiscal management of the City of Oakland; and

**WHEREAS**, the City Council has determined that it would be in the best interest of the City of Oakland to create a new Budget Advisory Committee to replace the Citizen's Advisory Committee and the Business Budget Advisory Committee for the purpose of advising the City Council regarding the City's two-year policy budgets.

NOW THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND RESOLVES:

**SECTION 1. ESTABLISHMENT**

There shall be established by the City Council a Budget Advisory Committee (BAC). The Budget Advisory Committee shall be composed of fifteen (15) individuals appointed as follows:

- (a) eight members shall be appointed by the Councilmembers; seven (7) appointed by the Councilmembers to represent each of the seven districts; the at-large Councilmember shall appoint one member;
- (b) the Mayor shall appoint one (1) individual from the City to be the Chairperson; and
- (c) the Chamber of Commerce will recommend a list of twelve (12) people from which
  - (1) the Mayor will appoint three (3) members;
  - (2) the Chairperson of the Finance and Management Committee will appoint two (2) members, and
  - (3) the Chairperson of the Economic Development Committee will appoint one member,who shall be confirmed by the majority vote of the City Council.

To the extent practicable, appointments to the Budget Advisory Committee shall reflect the geographical diversity of the City. All members of the Budget Advisory Committee shall be residents or taxpayers of the City of Oakland.

**SECTION 2. DUTIES AND FUNCTIONS**

- (a) The Budget Advisory Committee shall submit regular status reports to the Finance and Management Committee, or such other committee as the City Council may designate as liaison to the Budget Advisory Committee. The regular status report must be submitted once every quarter or more frequently as directed by the Chairperson of the City Council committee to which the Budget Advisory Committee reports.

(b) Status reports submitted in fulfillment of subsection (a) above must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for staffing and administration of the Budget Advisory Committee.

(c) Each year, the Budget Advisory Committee shall review the annual goals and objectives of the City Council. Review of City Council goals and objectives shall be undertaken to provide the Budget Advisory Committee the opportunity to better integrate the activities of the Budget Advisory Committee with the City's overall goals and objectives.

(d) City Council approval must be obtained prior to the creation of any standing committee of the Budget Advisory Committee and must include information regarding the costs associated with the standing committee, and the costs of complying with noticing and reporting requirements resulting from the establishment of any such standing committee of the Budget Advisory Committee.

**SECTION 3. APPOINTMENTS**

(a) Staggered Terms. Commencing with the effective date of this Ordinance, Budget Advisory Committee members shall be appointed to the staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the member's term only.

(b) Length of Terms. Except for the initial appointments made immediately following passage of this Resolution which may be of lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to subsection (a), all appointments shall be for a period of two (2) years.

(c) Limit on Consecutive Terms. No person shall be appointed to serve more than two (2) consecutive terms as a member of the Budget Advisory Committee.

(d) Removal. To assure participation of Budget Advisory Committee members, attendance by the members of the Budget Advisory Committee to all regularly scheduled and special meetings shall be recorded, and such record shall be provided semi-annually to the Office of the Mayor for review. Any member may be removed by the Mayor for cause, which shall include conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the Budget Advisory Committee.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR - 2 1999, 1999

**PASSED BY THE FOLLOWING VOTE:**

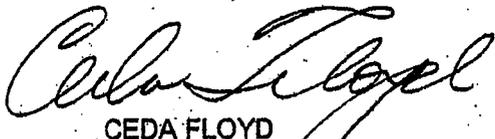
AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, ~~SPEES~~, AND PRESIDENT DE LA FUENTE - 7

NOES- None

ABSENT- None

ABSTENTION- None

Excused- Spees - 1

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

## NOTICE AND DIGEST

### **ORDINANCE REPEALING RESOLUTION NO. 74826 C.M.S. AND ESTABLISHING A BUDGET ADVISORY COMMISSION TO REPLACE THE BUDGET ADVISORY COMMITTEE AND TRANSFERRING TO BUDGET ADVISORY COMMISSION THE DUTIES AND FUNCTIONS OF THE BUDGET ADVISORY COMMITTEE**

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The Ordinance establishes a Budget Advisory Commission and transfers to it the duties and functions of the current Budget Advisory Committee. The Budget Advisory Commission will consist of 15 members and shall be charged advising the Mayor and City Council on policies related to the fiscal health of the City, public participation in fiscal decision making, and the transparency of the City's finances and decision making processes.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 OCT -1 PM 12:36

FILED  
CLERK OF THE CITY CLERK  
OAKLAND

2019 DEC 10 PM 3:08

Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

### RESOLUTION NO. 87949 - C.M.S.

INTRODUCED BY MAYOR LIBBY SCHAAF

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**RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF  
CARRIE CRESPO-DIXON, SARAH PRICE, MICHAEL SILK, AND  
ALI NADEEM AND REAPPOINTMENT OF KEN BENSON TO THE  
BUDGET ADVISORY COMMISSION**

**WHEREAS**, Section 601 of the City Charter provides that members of City boards and commissions shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the City Council; and

**WHEREAS**, Ordinance No. 13337 C.M.S, adopted November 3, 2015, creates the Budget Advisory Commission to advise the Mayor and City Council on topics deemed important to the fiscal health of the City, encourage public participation and input into fiscal decision making, and improve the transparency and accountability of City fiscal information and decision making; and

**WHEREAS**, the Budget Advisory Commission shall be composed of 15 members appointed by the Mayor and confirmed by the Council in accordance with Section 601 of the City Charter; and

**WHEREAS**, three members are selected by the Mayor, two members are recommended by the Chairperson of the Finance and Management Committee, one member is recommended by each Councilmember, one member is recommended by the City Auditor, and one member is recommended by the Chairperson of the Community Economic and Workforce Development Committee; and

**WHEREAS**, the Honorable Mayor Libby Schaaf, upon the recommendation of councilmembers and the Community Economic and Workforce Development Committee, appoints **Carrie Crespo-Dixon, Sarah Price, Michael Silk and Ali Nadeem**, and reappoints **Ken Benson** to the Budget Advisory Commission; now therefore be it

**RESOLVED:** That pursuant to City Charter section 601, the City Council hereby confirms the Mayor's appointment of:

**Carrie Crespo-Dixon** to the Budget Advisory Commission to serve a three-year term beginning October 1, 2019 and ending September 30, 2022, filling the seat previously held by Lori Erin Andrus; and

**Sarah Price** to the Budget Advisory Commission to serve a three-year term beginning October 1, 2018 and ending September 30, 2021, filling the seat previously held by Danny Wan; and

**Michael Silk** to the Budget Advisory Commission to serve a three-year term beginning October 1, 2019 and ending September 30, 2022, filling the currently vacant Community Economic and Workforce Development Committee seat; and

**Ali Nadeem** to the Budget Advisory Commission to serve the remainder of the three-year term beginning October 1, 2018 and ending September 30, 2021, filling the seat vacated by Adam Van de Water; and be it

**FURTHER RESOLVED:** That pursuant to City Charter section 601, the City Council hereby confirms the Mayor's reappointment of:

**Ken Benson** to the Budget Advisory Commission to serve a three-year term beginning October 1, 2019 and ending September 30, 2022, retaining the seat he currently holds.

2815036v1

IN COUNCIL, OAKLAND, CALIFORNIA,

**DEC 1 0 2019**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO  
AND PRESIDENT KAPLAN *8*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

ATTEST:



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

City of Oakland

# Board & Commission Member Handbook



Your Guide to Government Ethics and Sunshine laws,  
Commissioner Roles and Responsibilities,  
and City Government Information



**Public Ethics Commission**  
1 Frank H. Ogawa Plaza, Room 104  
Oakland, CA 94612  
Phone: (510) 238-3593  
Fax: (510) 238-3315  
ethicscommission@oaklandnet.com  
Web: [www.oaklandnet.com/pec](http://www.oaklandnet.com/pec)







## WELCOME TO OAKLAND CITY GOVERNMENT!

Congratulations on your appointment to one of Oakland’s boards, commissions, or committees. All of these entities are referred to generally in this handbook as “boards.” Oakland relies on its many boards to provide critical guidance in City decisions and to serve as important forums for public participation. With this privilege comes your responsibility to comply with governmental integrity laws and to uphold the public’s trust. This *Handbook for Members of Boards and Commissions* is intended to help you understand this new responsibility and to help guide you in your role as a board member for the City of Oakland.

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## CHECKLIST OF ORIENTATION ACTIVITIES

Below is a list of activities for you to accomplish during your first 30 days as a Commissioner:

Step	Action	Completed
1	Take the Oath of Office – City Clerk’s Office 1 Frank Ogawa Plaza (City Hall), 2 <sup>nd</sup> Floor	
2	File Form 700 – Statement of Economic Interests <a href="http://www.fppc.ca.gov/Form700.html">http://www.fppc.ca.gov/Form700.html</a>	
3	Watch the Public Ethics Commission’s Introduction to the Oakland Government Ethics Act Video <a href="http://www.oaklandnet.com/pec">www.oaklandnet.com/pec</a>	
4	Take the state’s online AB1234 Ethics Training for local officials <a href="http://localethics.fppc.ca.gov/login.aspx">http://localethics.fppc.ca.gov/login.aspx</a>	
5	Review your Commission/Board’s applicable laws, by-laws, policies, and procedures with your board/commission staff	
6	Ask questions about your Commission’s procedures and process if you are unclear about the process or information provided to you	
7	Ask the Public Ethics Commission for advice or assistance upon need Website: <a href="http://www.oaklandnet.com/pec">www.oaklandnet.com/pec</a> Email: <a href="mailto:ethicscommission@oaklandnet.com">ethicscommission@oaklandnet.com</a> Phone: (510) 238-3593 Location: 1 Frank Ogawa Plaza (City Hall), Room 104	

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## OAKLAND GOVERNMENT ETHICS ACT

In 2014, the Oakland City Council passed the Government Ethics Act (GEA) which provides a comprehensive framework of ethics laws for public servants in Oakland. Provisions in the GEA include conflicts of interests, misuse of City position/resources, gift restrictions, and more. The GEA mirrors the State of California's Political Reform Act (PRA) and codifies state ethics laws at the local level. Let's take a look at some of these provisions as they pertain to your work as a board member in Oakland.

### Conflicts of Interests and Personal Gain

The laws pertaining to conflicts of interest are too broad and complex to permit a detailed discussion in this Handbook. However it is important for people participating in City government to have a basic understanding of conflict laws so they know how to spot a potential conflict situation, should one arise.

Most financial conflict of interest laws are contained in the California Political Reform Act of 1974 ("PRA"). Basically, the PRA states that a financial conflict of interest may exist when a person influences a decision that will materially affect an economic interest connected to you or your immediate family. Let's take a look at these highlighted terms:

A person "influences" a government decision when he or she makes or participates in making it; or when he or she attempts to use his or her official position to affect the outcome of the decision. It is often not enough just to refrain from voting on a matter that may involve a conflict of interest – the law requires that you completely refrain from all participation or attempts to influence the outcome!

The law identifies six basic kinds of "economic interests:"

- business entities in which you, your spouse or your dependent children have an investment;
- real property in which you, your spouse or your dependent children have an investment;
- sources of income paid to you or your spouse 12 months before the governmental decision was made;
- business entities in which you hold a position of management, employment or executive responsibility;
- persons who have given or promised you gifts totaling \$250 or more within 12 months before the time you make a governmental decision; and
- the personal finances of you and your immediate family.

If a decision before your board or commission may have an effect on any of the above economic interests which you or your immediate family may have, contact the Public Ethics Commission for advice before you participate in any way.

## Filing Statements of Economic Interest (Form 700)

The PRA requires every city in California to adopt a conflict of interest code. The underlying principle behind this code is to ensure that decisions are made by public officials openly, honestly, and free from the motivation of personal gain. Most members of Oakland's boards and commissions have been identified as decision-makers subject to its conflict of interest code. A list of these boards and commissions can be found in Appendix C.

If you are a member of one of the public bodies listed on Appendix C, you are required to file periodic "Statements of Economic Interests," (otherwise known as a "Form 700"). A Form 700 must be completed and filed with the Office of the City Clerk at the following times:

- Within 30 days after assuming office.
- Annually on April 1 of each year.
- Within 30 days of leaving office.

You may file electronically through the City Clerk's office (Elections web-page). Alternatively, you may file a hard copy with the City Clerk, located on the first floor of City Hall. Instructions and the period covered by each type of statement are included with the forms used for filing.

Form 700's are kept available for public inspection by the Oakland City Clerk. State law permits a penalty of \$10 per day for late filings, and failure to file the form is subject to a maximum fine of \$5,000 per violation. Also remember that you must complete and return your forms even if you have "no reportable interests" to disclose.

For most people, filling out a Form 700 can usually be an easy experience provided you read the instructions carefully. However, if questions arise, please contact the Public Ethics Commission or the California Fair Political Practices Commission for advice.

## Gift Restrictions

One of the most common issues which people encounter is whether it is permissible to accept gifts while serving on a board or commission. The basic rule is that if you are a member of a board or commission whose members are required to file a Form 700, you may not accept gifts from any single source totaling more than \$250 in a calendar year.

The Oakland Government Ethics Act also imposes a \$50 annual gift limit from restricted sources who are individuals that (1) are doing business with or seeking to do business with the department your board oversees or (2) in the prior 12 months attempted to influence you in any legislative or administrative action.

Any gift that you receive of \$50 or more must be disclosed on your Form 700.

There are exceptions to the above gift rules, such as gifts from family members, personalized plaques and trophies valued at less than \$250, informational material provided to assist you in your official duties, and free admission or discounts to informational conferences or seminars. Contact the Public Ethics Commission for a list of gift exceptions.

## Confidential Information

During the term of your service, you will gain access and receive a considerable amount of information from staff to assist you in the decisions you will be tasked to make. Some of that information may prove to be very valuable to those seeking to do business with the City or seeking to influence a decision before your board. A public servant cannot disclose any confidential information acquired during the course of their official capacity for the purpose of private gain or interests.

For example, your committee just received an advance copy of a Request for Proposals (RFP) from department staff for the provision of consulting services. The RFP will not be available to the public until next month. Your husband's business partner is a consultant. You are prohibited from telling your husband's business partner about the RFP until it is made public.

## Misuse of City Resources/Position

As a board member, you play an important role in City government and have a certain measure of power. It is important that you understand how you will use it to ensure that your actions are done in the interest of building and preserving public trust. The Government Ethics Act includes provisions that prohibit board members from using their position for private gain.

One provision forbids you to have a financial interest in any contract made by you or a board or commission on which you serve as a member. This means that your board or commission cannot make or recommend a grant or a contract to a company or organization in which you or an immediate family member has an interest or serves as an officer or director.

Another provision forbids public servants from engaging in employment or activities that are incompatible with their public duties.

Keep in mind that the position you hold is one of public trust. When in doubt, the better course of conduct often is to avoid even the appearance of a conflict and to recuse yourself from participation.

## Revolving Door Rules

Upon leaving public service, including a volunteer board/commission seat, a public servant may not, for one year after termination of his or her service, communicate with any officer or employee of the board/commission on which you served if the communication is on behalf of any other person and with the intent to influence a government decision.

## Fair Process

It is important that public servants refrain from any action that can be perceived as giving privilege or special access to certain individuals. In particular, you may not receive anything of value from someone in exchange for an intended vote or official action. That is a bribe!

## SUNSHINE ORDINANCE

All of Oakland's boards and commissions are required to conduct their meetings in public. Most of the work and all of the decisions you will be making will take place at these public meetings. It is therefore important that you understand how "open meeting" laws work, and how to prepare for meetings so you may participate effectively.

There are two laws that help ensure that public meetings are properly announced and conducted. The Ralph M. Brown Act is a state law that applies to all public bodies in the State of California. The Oakland Sunshine Ordinance is a local law that supplements the Brown Act and provides even greater public access to the workings of Oakland government.

### What Constitutes a Public Meeting

Under the Oakland Sunshine Ordinance, a "meeting" is defined as "any congregation of a majority of the members of a local body at the same time and location. . . to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the local body."

This means that a meeting can occur at any time when a majority of members come together, even informally during a conversation following a formal meeting!

Keep in mind:

- A majority of the members of a local body are not permitted to use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the local body.
- A meal gathering conducted before, during or after a public meeting is considered a part of the public meeting and must be properly noticed and made open to the public.
- A "meeting" can occur if a staff or member of a public body calls, faxes or e-mails other members to develop a consensus regarding an item of business, even if the members never communicate to each other directly.

**Majority Rule:** If a majority of your members strike up a conversation or email exchange about your board/commission's work, you are in violation of Sunshine laws. Always be aware of your majority number and avoid talking with more than a minority of members. For example, if you have seven members on your board, then four members constitute a majority and you may talk about a board-related issue, other than scheduling, with no more than two other board members.

The Sunshine Ordinance does **not** include in its definition of a "meeting" individual conversations between members of a public body and a constituent; attending community meetings or conferences; or attending purely social, recreational, or ceremonial occasions (just so long as you do not discuss business items within the jurisdiction of your board or commission).

## Meeting Agenda

### Agenda Requirements

Meeting agendas serve as the official “guide” for every public meeting. They must specify the date, time, and location of the meeting and give a brief general description of each item of business to be transacted or discussed. Usually, City staff works with the Chairperson and members of a public body to determine what items will be placed on future meeting agendas.

If an item is not on the agenda for a regular meeting, there may be no action or discussion about it at the meeting.

In rare, emergency situations, two-thirds of the members present at the meeting (or if less than two-thirds of the members are present, then all of the members) could determine that there is a need to take immediate action which came to the attention of the local body after the agenda was posted. To meet the requirements of this exception, the action must be:

1. required to avoid a substantial adverse impact if the meeting were continued;
2. related to federal or state legislation; or,
3. related to a purely ceremonial or commendatory action.

If an item is not on the agenda for a special meeting, there may be no action or discussion on the item, period.

Check with the assigned staff member of your board for more information about agenda noticing requirements.

## Conduct of a Public Meeting

The Brown Act and Sunshine Ordinance do not expressly provide how a public meeting must be conducted. There are many issues that can arise before or during a public meeting that you are likely to encounter. The following is a brief summary of those issues:

- **Agenda Packages** – An agenda or “meeting” package is usually assembled by City staff and sent to all board and commission members before the meeting. It typically contains the agenda, reports, and any other material which provides background information or recommendations concerning the subject matter of any item on the agenda. The agenda package may also include any other material that is forwarded to the local body before the posting of the meeting agenda.

Perhaps the most important thing to know about agenda packages is to read them before the meeting. Board and commission members are encouraged to contact City staff prior to the meeting if you have questions or need clarification about any item.

- **Quorum** – Unless otherwise provided in the city ordinance or resolution creating the public body, a majority of the members typically constitutes the quorum. A quorum is necessary before a local body can take any formal action; a majority of a quorum is required to take action on behalf of the local body.

Any member who recuses himself or herself due to a conflict of interest on an item should not be counted in establishing a quorum.

- **No Barriers to Attendance** – No local body shall conduct a meeting, conference, or other function in any facility that is inaccessible to persons with physical disabilities or where members of the public must pay or purchase something to gain entrance.
- **Meetings Must Be Tape Recorded** – All local bodies in Oakland must tape record their regular and special meetings. All tape or video recordings are public records that must be available for inspection during regular business hours. Any person may tape record, photograph, or videotape any meeting as long as such recording does not disrupt the proceedings.
- **Right to Public Comment at a Meeting** – Every meeting at which action is proposed to be taken must provide an opportunity for members of the public to directly address the public body before action is taken on each item. In addition, every meeting agenda must provide an opportunity for members of the public to directly comment on anything within the body's subject matter jurisdiction. This is usually accomplished by providing an "Open Forum" as a standing item on every regular and special meeting agenda.

During open forum, member of a public body may ask a question for clarification, make a brief report or announcement, refer a matter to City staff, or direct City staff to place on a future agenda any item or matter brought up during a meeting that is not listed on the agenda.

While the local body may adopt reasonable rules regulating the order and decorum of public testimony, the local body may not prohibit criticism of its policies, procedures, programs, or services, or of its acts or omissions. This generally applies to criticisms offered by a member of the local body as well. Any time constraints that are imposed on public testimony must be adopted at the outset and uniformly applied.

- **Cancellation or Continuation of an Agenda Item** – An item on the agenda may be cancelled or continued by a vote of the local body at the meeting, or by issuing formal notice of the cancellation or continuance if known far enough in advance of the meeting. Any continued item must specify the time and place of the meeting at which the item will be heard, and should be placed on the next meeting agenda.
- **Conditions on the Right to Attend or to Speak at a Public Meeting** – A public body may request that members of the public wishing to speak provide their names on a speaker's card to facilitate staff responses or for inclusion in the minutes of the meeting. However, the public cannot be required to give names or sign a register as a condition to attend a public meeting.

## ROLES AND RESPONSIBILITIES

While this handbook is intended to provide a basic overview of the operating guidelines and legal requirements that are common to all City boards and commissions, it is by no means an exhaustive guide to your participation in City government. Most of your actions will be guided by your own good judgment and common sense. The following is intended to serve as general guidelines when dealing with others who participate in City government.

### Expression of Personal Opinion

Individual members of boards and commissions should not present their personal views or recommendations as representing the board or commission unless their respective board or commission has voted to approve such a position or action. Members expressing views not approved by the majority of a board or commission should clearly state that their opinions are being expressed "personally" or as a "private citizen".

You may not use your board/commission title to obtain special treatment by the City or any other entity for your own personal benefit; doing so could be considered a misuse of your position in violation of the Government Ethics Act.

### Role of the City Council and Mayor's Office

Most of Oakland's boards and commissions were established to provide information and advice to the City Council or the Office of the Mayor. As the elected representatives of the people of Oakland, the City Council and Mayor have the ultimate responsibility for making decisions that affect the City. It is important to remember that not all of the recommendations from advisory bodies may be accepted by the City Council and Mayor in carrying out their respective duties. Often final decisions must take into account a broader range of issues than the sometimes limited jurisdiction of an advisory body. While disagreements can and do arise, it is important that the established laws and policies of the City be followed.

### Role of City Staff

City staff serves in a support capacity to Oakland's boards and commissions. Staff is usually responsible for ensuring that meeting notices are properly and timely distributed, and provides Oakland's public bodies with the professional expertise for which they were hired. While highly dedicated to the boards and commissions they serve, City staff is ultimately responsible to the administrative departments of the City. Staff cannot and should not be directed to perform tasks that conflict with their established duties and work priorities. In no event may staff be directed to perform work for the personal advantage of board or commission members.

Frequently City staff provides recommendations to public bodies on a variety of issues. These recommendations are often based on the technical requirements of the law or established City policy. While a board or commission is not always expected to adopt staff's recommendations, they should always be carefully considered before taking formal action.

## Collaborating with the Public

The earlier discussion in the section entitled "Public Meetings" highlighted specific requirements for keeping public meetings open and available to members of the public. But there is more to serving as a board or commission member than mere compliance with the law. Good public service demands that people be treated fairly, honestly and with the utmost of courtesy. It is crucial for you to keep an open mind in all your deliberations, and to consider all opinions expressed at a public meeting before making a decision. This not only encourages greater public participation, but rewards you with information and opinions you may not have previously considered.

Just as people have a right to expect the highest standards of decorum from their representatives, no one is expected to suffer from undue abuse or physical or verbal threats. California law permits the removal of any person who willfully engages in disorderly conduct and disrupts the peace and good order of a public meeting. Check with your Commission's assigned City Attorney as situations arise.

## Attendance, Resignation and Removal

Oakland's boards and commissions simply cannot function without your attendance and active participation. If you are required to miss a meeting, please inform City staff and the chairperson with as much advance notice as possible. Some boards and commissions have specific requirements about missing more than a certain number of meetings without excuse or good reason. In some cases, failure to regularly attend meetings could result in your removal from the board or commission.

Occasionally people are required to resign their seats on a public body before the end of their appointed term. If this should occur, you should submit a letter stating your intention to resign and an effective date of your resignation to the Office of the City Clerk, the board and commission on which you serve, and a copy to City staff.

The Oakland City Charter provides that members of City boards and commissions may be "removed for cause" after a hearing and upon the affirmative vote of at least six City Councilmembers. While there is no definition of what specific conduct would lead to such an action, board and commission members should realize that certain conduct, such as a constant failure to attend meetings without a legitimate excuse, could result in removal from office.

## CITY GOVERNMENT STRUCTURE

### Structural Overview

The City of Oakland has a Mayor/Council form of government. The Mayor is elected at-large for a four-year term, and can be re-elected only once. The Mayor is not a member of the City Council; however, he or she has a right to vote as one if the Council members are evenly divided on certain issues. The City Council is the legislative body of the City and is comprised of eight Council members. One Council member is elected “at large,” while the other seven Council members represent specific districts. All Council members are elected to serve four-year terms. Every two years, the City Council elects one member to serve as President of the Council, with another member selected annually to serve as Vice Mayor.

The City Administrator is appointed by the Mayor and is subject to confirmation by the City Council. The City Administrator is the Chief Administrative Officer of the City and is responsible for day-to-day administrative and fiscal operations of the City.

### Mayor



Libby Schaaf

The Mayor is Oakland’s chief elected officer. He or she is specifically responsible for presenting a balanced budget to the City Council, recommending legislation and measures for consideration by the City Council, appointing the City Administrator (subject to City Council confirmation), and generally promoting programs for the social, physical, economic and cultural development of the City.

### City Council



The City Council is the legislative body of the City, vested with the regulatory and corporate powers of the municipal corporation. The City Council establishes local policy and, together with the Mayor, is ultimately responsible to the people for the actions of the City. The City Council establishes priorities and direction for the City through the legislative process, adopts and monitors the annual operating and capital improvement budgets, makes appointments to various advisory committees and commissions, and serves as the Redevelopment Agency Board of Directors.

### City Administrator



Sabrina Landreth

The City Administrator is responsible for the proper and efficient administration of City affairs. He or she directly manages several departments and divisions including the Budget Office, the Office of Information Technology, Office of Personnel, Citizens Police Review Board, ADA Programs, Contract Compliance, Intergovernmental Affairs, Risk Management, Oakland Sharing the Vision, Equal Access programs and communications including the City’s cable television station, KTOP. The City Administrator also provides

support to City Council and Committee meetings by coordinating responses to City Council requests for information and action.

## City Attorney



Barbara Parker

The elected City Attorney provides legal services, advice and representation to the Mayor, City Council, City Administrator, City departments, and City boards and commissions, and serves as general counsel for the Oakland Redevelopment Agency and the Oakland Housing Authority and co-counsel to the Oakland-Alameda County Coliseum Authority. The legal services provided by the City Attorney's office include a wide variety of specialized legal and financial functions such as claims investigation, adjustment and negotiations, court appearances, calendaring, litigation and pre-trial discovery.

## City Auditor



Brenda Roberts

The City Auditor is an elected officer of the City whose office performs audits and reviews of the records, procedures and activities of City departments. The City Auditor also prepares impartial financial analyses of selected proposed major expenditures, conducts surveys, reviews and performance audits deemed to be in the best public interest, and publicly reports to the City Council on the implementation of the City Auditor's recommendations. The City Auditor provides a professional service to City government to help ensure that City operations are effective and efficient, and to act as a deterrent to fraud, waste and mismanagement of City resources.

## City Clerk



LaTonda Simmons

The Office of the City Clerk produces and distributes the weekly City Council meeting and committee agendas and maintains the official minutes of the Oakland Redevelopment Agency (ORA), City Council and all City Council Committees. The City Clerk is responsible for administering municipal elections and assisting candidates in meeting their legal responsibilities before, during and after an election, and the office receives and maintains Form 700s (Statements of Economic Interests) that are filed by all City public servants. Finally, the City Clerk's office maintains public records, such as the minutes, reports, ordinances and resolutions adopted by the City Council, as well as other municipal records.

## APPENDIX A

### Robert's Rules of Order

Some public boards and commissions conduct their meetings according to a specific set of bylaws. Often those bylaws, or the board or commission's own rules of conduct or procedure, state that meetings shall be conducted under the Robert's Rules of Order. This appendix is intended to give you a summary of some of the most important Rules.

The most common application of the Rules is in making and voting on motions. A motion is simply a proposal that is recognized by the presiding officer. It can be changed (amended) or withdrawn before it is finally voted upon. The following are the usual steps followed in making and voting on a motion.

1. A member is recognized and states his or her motion;
2. Another member seconds the motion;
3. The members debate the motion;
4. The chair or presiding officer calls for a vote; and,
5. The chair or presiding officer announces the result of the vote and/or that the motion has carried or failed.

After a motion has been made but before it is voted upon, any member may move to amend a pending motion. The important thing to remember is that a pending motion may only be amended by adding or deleting words or phrases; you cannot use the amendment procedure to substitute a new or different motion in its place. Once an amendment is proposed or seconded, a vote is taken on whether to accept the amendment before voting on the underlying motion.

Many boards and commissions have bylaws or informal agreements that determine how voting occurs. Several of the most common ways are:

1. By Voice – The Chairperson asks those in favor to say, “aye” and those opposed to say “no.” Any member may move for an exact count.
2. By Roll Call or Ballot – Each member responds “yes” or “no” as the vote is taken. These methods are used when a record of each person's vote is desired or required.
3. By Unanimous Consent – When a motion is not likely to be opposed, the Chairperson says, “If there is no objection ...” The membership shows agreement by its silence, however if any member objects, then the item must be put to a vote.

The Chairperson may properly seek unanimous consent (“If there is no objection...”) on relatively non-controversial matters as an alternative to the formal motion process. Typically this process is used to adopt minutes, adjourn, extend a speaker's time, and other similar matters. It can be very effective in helping to move quickly through parts of an agenda.

Anyone who has attended public meetings for very long will eventually encounter various motions or actions that are technically not appropriate under the Roberts Rules of Order. Here are some of the most common:

1. "I so move." This motion sometimes comes after a long discussion or speech. The problem is that the discussion or speech may not precisely set forth what the board or commission is being asked to consider. It is always better to make a clear and accurate motion.
2. "Call The Question." Most people intend this motion as a request (and sometimes as a demand) to automatically end debate and put the item to an immediate vote. The problem is that it takes a two-thirds vote to terminate a discussion. Furthermore, state and local laws require members of the public to have an opportunity to address a public body before voting occurs. The better course of action is to permit everyone to discuss a motion or item before the vote is taken. (If there are too many speakers, consider limiting the time each speaker may have *before* the discussion begins.)
3. "I Move To Table." A "motion to table" or "lay on the table" is permitted only to temporarily interrupt an agenda to consider another matter (usually an emergency) out of turn. It is *not* the appropriate motion to use to kill or defeat a motion that is under consideration.
4. "Point Of Personal Privilege!" This exclamation is sometimes used to interrupt a speaker whenever another member's name is mentioned in a context the other member doesn't like or agree with. Actually, a motion for privilege can pertain to the rights of the board or commission as a whole as well as an individual (for example: "Point of privilege, Madam Chair: Can we turn down the heat in this room?"), but it should only be used sparingly when a speaker's remarks refer to another member. Absent a grievous attack on your character, simply seek recognition from the Chairperson and wait your turn to speak or respond.

## APPENDIX B

### USEFUL TELEPHONE NUMBERS

Mayor's Office	238-3141
City Council	238-3266
City Administrator	238-3301
City Clerk	238-3612
City Attorney	238-3601
City Auditor	238-3378
Office of Information Technology	238-2274
Police Department (Non-Emergency)	777-3333
Financial Services Agency	238-2220
Fire Services Agency	238-3856
Department of Human Resources	238-3112
Human Services	238-3121
Housing and Community Development	238-3015
Parks & Recreation Agency	238-7275
Planning and Building	238-3443
Public Ethics Commission	238-3593
Public Library	238-3134
Public Works Agency	238-3961
Community & Economic Development Agency	238-3344
Oaklanders Assistance Center	238-7366
City Hall Security	238-3995

## APPENDIX C

### BOARDS REQUIRED TO FILE FORM 700s

Alameda County-Oakland Community Action Partnership Administering Board  
Bicyclist and Pedestrian Advisory Commission  
Board of Port Commissioners  
Budget Advisory Committee  
Business Tax Board of Review  
Cannabis Regulatory Commission  
Children's Fairyland Board of Trustees  
Children's Fund Planning and Oversight Committee  
Citizen's Police Review Board  
Civil Service Board  
Commission on Aging  
Commission on Persons with Disabilities  
Community Policing Advisory Board  
Cultural Affairs Commission  
Head Start Advisory Panel  
Housing and Residential Rent and Relocation Board  
Landmarks Preservation Advisory Board  
Library Advisory Commission  
Oakland-Alameda Coliseum JPA Commission  
Oakland Animal Services Community Advisory Commission  
Oakland Housing Authority Board of Commissioners  
Parks and Recreation Advisory Commission  
Police and Fire Retirement System Board  
Privacy Advisory Commission  
Public Ethics Commission  
Public Safety and Services Violence Prevention Oversight Commissions – 2014  
Wildlife Prevention Assessment District Advisory Board  
Workforce Investment Board  
Youth Advisory Commission

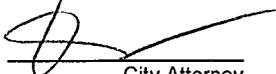
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City Attorney

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. 13487 C.M.S.**

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**ORDINANCE AMENDING THE CITY OF OAKLAND  
CONSOLIDATED FISCAL POLICY**

**WHEREAS**, the City Council adopted Ordinance No. 13279, known as the Consolidated Fiscal Policy, on December 9, 2014; and,

**WHEREAS**, the Government Finance Officers Association (GFOA) recommends that local governments adopt formal policies in the areas of financial management, planning, revenues, and expenditures; and

**WHEREAS**, the Consolidated Fiscal Policy sets forth guidelines for budget balancing, use of volatile revenues, use of one-time revenues, process for carryforward appropriations, long-term financial planning, and transparency & public participation; and

**WHEREAS**, the Consolidated Fiscal Policy establishes reserve funds for emergencies, insurmountable and unanticipated hardship, and for capital improvement; and

**WHEREAS**, the Consolidated Fiscal Policy establishes a reserve fund to stabilize the provision of vital services, and protect against service reductions, layoffs, furloughs, and similar measures in times of economic hardship; and

**WHEREAS**, the Consolidated Fiscal Policy provides for accelerated debt repayment and pay-down of unfunded long-term obligations; and

**WHEREAS**, City staff recommends the definition of excess Real Estate Transfer Tax should be modified based on historical experience; and

**WHEREAS**, the Consolidated Fiscal Policy will include the policies on budgeting practices, reserve funds, and budget process, fiscal planning, transparency, and public participation; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

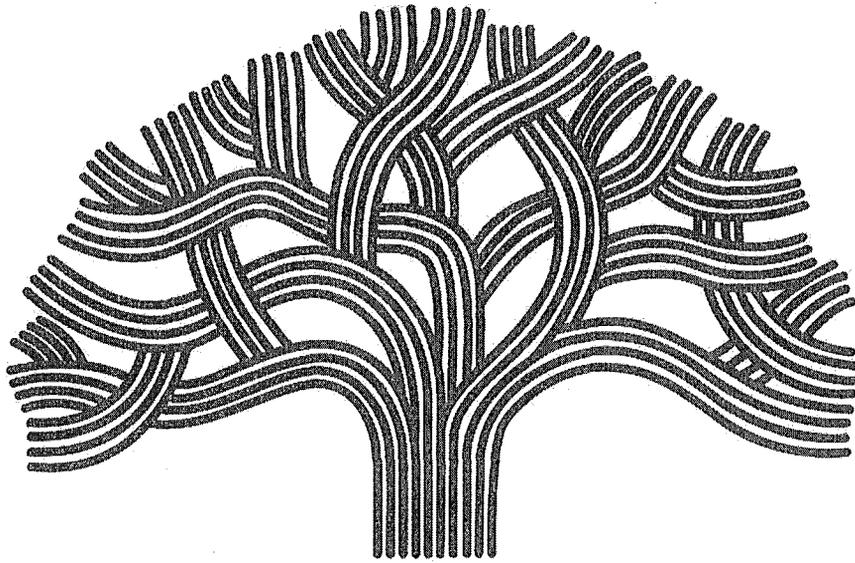
**Section 1.** The Council does find, determine and declare the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

**Section 2.** The City of Oakland Consolidated Fiscal Policy is hereby, amended, approved, and adopted in the form attached hereto as Exhibit 1.



# CITY OF OAKLAND

## CONSOLIDATED FISCAL POLICY



## **Section 1. Budgeting Practices**

### **Part A. General Provisions**

The City's Fiscal Year shall begin on July 1<sup>st</sup> of each year and end on June 30<sup>th</sup> of the subsequent year. The City shall adopt a two-year biennial policy budget by June 30<sup>th</sup> of odd-numbered calendar years. The City shall amend its biennial policy budget (midcycle) by June 30<sup>th</sup> of even-numbered years. The budget and midcycle amendments shall be adopted by resolution of the City Council as required by the City Charter.

### **Part B. Policy on Balanced Budgets**

The City shall adopt a balanced budget that limits appropriations to the total of estimated revenues and unallocated fund balances projected to be available at the close of the current fiscal year. The City Administrator shall be responsible for ensuring that the budget proposed to the City Council by the Mayor, adheres to the balanced budget policy.

This policy entails the following additional definitions and qualifications:

1. The budget must be balanced at an individual fund level.
2. City policies on reserve requirements for individual funds must be taken into account. The appropriated expenditures included in the balanced budget equation must include the appropriations necessary to achieve or maintain reserve targets.
3. Appropriated revenues can include transfers from unallocated fund balance where such fund balance is reasonably expected to exist by the end of the fiscal year preceding the year of the adopted budget. Transfers from fund balance are not to be counted as revenue if the fund balance is not reasonably expected to exist by the end of the fiscal year preceding the year of the adopted budget. (Note: The precise definition of 'fund balance' will vary from fund to fund, depending on the fund's characteristics and accounting treatment.)
4. Appropriated expenditures can include transfers to fund balance or to reserves.

From time to time the City Council may present changes in policy and consider additional appropriations that were not anticipated in the most recently adopted budget. Amendments by the City Council shall maintain a balanced budget.

Each fiscal year the City Administrator shall report to the City Council on actual revenues and expenditures in the General Purpose Fund and other funds as deemed necessary.

### **Part C. Use of Excess Real Estate Transfer Tax (RETT) Revenues**

To ensure adequate levels of the General Purpose Fund reserves and to provide necessary funding for municipal capital improvement projects and one-time expenses, the City shall require that excess Real Estate Transfer Tax revenues be defined and used as follows:

1. The excess Real Estate Transfer Tax (RETT) revenue is hereby defined as any amount of projected RETT revenues that exceed 15% of General Purpose Fund Tax Revenues (inclusive of RETT).
2. The excess Real Estate Transfer Tax, as described in this section, shall be used in the following manner and appropriated through the budget process:
  - a. At least 25% shall be allocated to the Vital Services Stabilization Fund, until the value in such fund is projected to equal to 15% of total General Purpose Fund revenues over the coming fiscal year; and
  - b. At least 25% shall be used to fund debt retirement and unfunded long-term obligations such as negative fund balances, Police and Fire Retirement System (PFRS) unfunded liabilities, CalPERS pension unfunded liabilities, paid leave unfunded liabilities, and Other Post-Employment Benefits (OPEB) unfunded liabilities; and
  - c. The remainder shall be used to fund one-time expenses or to augment reserves.
3. Use of the excess RETT revenues for purposes other than those established in this section must be authorized by City Council resolution. The resolution shall explain the need for using excess RETT revenues for purposes other than those established in this section. The resolution shall also include steps the City will take to return to using excess RETT revenues pursuant to this section.
4. Following the completion of the annual audit, excess RETT revenues will be analyzed to determine whether the transfers to the Vital Services Stabilization Fund or expenditures to fund debt retirement and unfunded long-term obligations were sufficient. If insufficient funds were transferred, a true-up payment shall be made in the next fiscal year. If the transfers exceed the actual requirement, the amounts in excess may be credited against allocations in the next fiscal year.

#### **Part D. Use of One-Time Revenues**

1. One-time revenues are defined as resources that the City cannot reasonably expect to receive on an ongoing basis, such as proceeds from asset sales and debt refinancing. This part shall not apply to the use of excess RETT revenues pursuant to Section 1. Part C.
2. Fiscal prudence requires that any unrestricted one-time revenues be used for one-time expenses. Therefore, one-time revenues shall be used in the following manner, unless they are legally restricted to other purposes: to fund one-time expenditures, to fund debt retirement and unfunded long-term obligations such as negative fund balances, Police and Fire Retirement System (PFRS) unfunded liabilities, CalPERS pension unfunded liabilities, paid leave unfunded liabilities, and Other Post-Employment Benefits (OPEB) unfunded liabilities; or shall remain as fund balance.

3. Use of one-time revenues for purposes other than those established in in this section must be authorized by City Council resolution. The resolution shall explain the need for using one-time revenues for purposes other than those established in this section. The resolution shall also include steps the City will take to return to using one-time revenues pursuant to this section.

#### **Part E. Use of Unassigned General Purpose Fund Balance**

Any unassigned General Purpose Fund balance, as projected in the 3rd Quarter Revenue and Expenditure Report, and not budgeted for other purposes, shall be used in accordance with Section 1, Part D.

#### **Part F. Analysis of Funding for Debt or Unfunded Long-Term Obligations From Certain Revenues**

When excess RETT or other one-time revenues are used to fund accelerated debt retirement or unfunded long-term obligations, the City Administrator shall present his or her analysis and recommendations to the Council based on the best long-term financial interest of the City.

#### **Part G. Criteria for Project Carryforwards and Encumbrances**

Previously approved but unspent project appropriations ("carryforwards") and contingent liability reserves for current purchases or contracts that are paid in the following fiscal year ("encumbrances") are financial obligations against reserves. Fiscal prudence requires that such obligations be limited.

Each fiscal year, the Finance Department will submit a list of eligible carryforwards and encumbrances to all departments for evaluation for all funds, including the General Purpose Fund. Departments may request to retain some or all carryforwards and encumbrances when such balances are:

1. Deemed essential to the delivery of active city projects, programs and services; or
2. If the liquidation of such balances would be in violation of legislative or legal requirements.

A departmental request to retain project carryforwards and/or encumbrances must be submitted to the Finance Department. Departments shall provide specific reasons for requested project carryforwards and encumbrance carryforwards, including, but not limited to, those reasons outlined above. Carryforward of project appropriations in funds with negative balances will only be allowed on an exception basis.

The Finance Department will recommend to the City Administrator an action on the departmental requests. The City Administrator shall make a final determination on project carryforward and encumbrances, and will direct the Finance Department to make carryforwards

available to the appropriate department.

#### **Part H. Grant Retention Clauses**

Prior to the appropriation of revenues from any grant outside of the budget process, the City Council shall be informed of any retention clauses that require the City to retain grant-funded staff, services, programs, or operations beyond the term of the grant. The fiscal impacts of such retention clauses shall be disclosed. During the biennial budget process staff shall report to the Council the ongoing projected fiscal impacts of such retention clauses.

#### **Part I. Alterations to the Budget**

Substantial or material alterations to the adopted budget including shifting the allocation of funds between departments and substantial or material changes to funded service levels, shall be made by resolution of the City Council.

The Finance Department will include departmental expenditure projections for the General Purpose Fund in the Second Quarter Revenue & Expenditure Report. In the event that a department is projected to overspend in the General Purpose Fund by more than one percent (1%), the City Administrator shall bring an informational report to the City Council within 60 days following acceptance of the Revenue & Expenditure report by the City Council. The report shall list the actions the Administration is taking to bring the expenditures into alignment with the budget.

#### **Part J. Transfers of Funds between accounts.**

The City Administrator shall have the authority to transfer funds between personnel accounts, and between non-personnel accounts within a department. The City Administrator shall have the authority to transfer funds allocated to personnel accounts to non-personnel accounts within a department provided that cumulative transfers within one fiscal year do not exceed 5% of the original personnel account allocation of that department. The City Administrator shall have the authority to transfer funds from non-personnel accounts to personnel accounts within a department. The City Administrator shall have the authority to transfer funds allocated to personnel accounts to non-personnel accounts if the transfer is required to meet the conditions of or maximize the funding derived from a grant that has been approved by the City Council. For the purposes of this section accounts for the provision of temporary personnel services shall be considered personnel accounts.

#### **Part K. Pay-Go Account Expenditures, Priority Project Fund Expenditures, and Grants**

The City Council hereby finds and determines that it is in the public interest to spend Pay-go account fund to facilitate and support programs & services of the City of Oakland, capital improvement projects of the City of Oakland, and programs & capital improvement projects of the public schools and other public entities within the City of Oakland. The Council authorizes Pay-Go account funds to be used for the following purposes:

## Capital Improvements:

1. To pay for or augment funding for a City of Oakland capital improvement project including planning and pre-construction services for projects such as, but not limited to, feasibility studies and design, landscaping, architectural and engineering services and all services and materials needed to construct a capital improvements such as, but not limited to, contractor services, lumber, concrete, gravel, plants and other landscape materials, fountains, benches, banners, signs, affixed artwork and any other design and decorative elements of the project; and
2. To provide a grant to a public school, including a school chartered by the State of California or Oakland Unified School District, or other public entity for use on capital improvement project within the City of Oakland, including planning and pre-construction services for projects such as, but not limited to, feasibility studies and design, landscaping, architectural and engineering services and all services and materials needed to construct a capital improvements such as, but not limited to, contractor services, lumber, concrete, gravel, plants and other landscape materials, fountains, benches, banners, signs, affixed artwork and any other design and decorative elements of the project; and

## Furniture &amp; Equipment:

3. To pay for or augment funding for purchase of furniture and equipment, including computer equipment and software, to be used by participants in a program operated by the City of Oakland; and
4. To provide a grant to a public school, including a school chartered by the State of California or Oakland Unified School District, or another public entity to be used for furniture and equipment, including computer equipment and software, to be used by participants in a program operated by the public school or public entity.

Pay-go purposes stated above shall operate as restrictions on Pay-go expenditures or Pay-go grants, regardless of the Pay-go account funding source.

Pay-go purposes stated above shall apply to any and all Pay-go expenditures or grants made by the Mayor and each City Councilmember. All Pay-go expenditures and grants shall be administered by the City Administrator on behalf of the city, and grant agreements shall be required for all such grants.

In accord with the City Council's motion approving the initial allocation of Councilmember Priority Project funds on June 8, 2006, the City Councilmembers must obtain City Council approval for all Priority Project expenditures.

All Priority Project fund grants approved by the City Council and shall be administered and executed by the City Administrator on behalf of the city, and grant agreements shall be required for all such grants.

## Section 2. Reserve Funds

### Part A. General Purpose Fund Emergency Reserve Policy

1. Council hereby declares that it shall be the policy of the shall City of Oakland maintain in each fiscal year a reserve equal to seven and one-half (7.5%) of the General Purpose Fund (Fund 1010) appropriations as adopted in the biennial or midcycle budget, and not including prior year carryforwards, encumbrances, or appropriations to Fund Balance for, such fiscal year (the "General Purpose Fund Emergency Reserve Policy"),
2. Each year, upon completion of the City's financial audited statements, the City Administrator shall report the status of the General Purpose Funds Emergency Reserve to the City Council and on the adequacy of the of the 7.5% reserve level. If in any fiscal year the General Purpose Fund Reserve Policy is not met, the City Administrator shall present to Council a strategy to meet the General Purpose Funds Emergency Reserve Policy. Each year, the City Administrator shall determine whether the 7.5% reserve level requires adjustment and recommend any changes to the City Council.
3. The amounts identified as the General Purpose Funds Emergency Reserve may be appropriated by Council only to fund unusual, unanticipated and seemingly insurmountable events of hardship of the City, and only upon declaration of fiscal emergency. For the purposes of this Ordinance, "fiscal emergency" may be declared (1) by the Mayor and approved by the majority of the City Council, or (2) by a majority vote of the City Council.
4. Prior to appropriating monies from the General Purpose Funds Emergency Reserve, the City Administrator shall prepare and present such analysis to the City Council. Upon review and approval of the proposed expenditure by the City Council, and appropriate fiscal emergency declaration necessary for the use of GPF reserve, the City Administrator will have the authority to allocate from the reserves.

### Part B. Vital Services Stabilization Fund Reserve Policy

1. Council hereby declares that it shall be the policy of the City of Oakland to maintain a Vital Services Stabilization Fund (VSSF) with a target funding level of 15% of General Purpose Fund Revenues. The funding of the Vital Services Stabilization Fund shall be made pursuant to Section 1, Part C concerning excess Real Estate Transfer Tax.
2. In years when the City forecasts that total General Purpose Fund revenues will be less than the current year's revenues, or anytime significant service reductions, such as layoffs or furloughs, are contemplated due to adverse financial conditions, use of this fund must be considered to maintain existing services.
3. Use of the VSSF must be authorized by City Council resolution. The resolution shall explain the need for using the VSSF. The resolution shall also include steps the City will take in order to replenish the VSSF in future years.

**Part C. Capital Improvements Reserve Fund**

1. Council hereby declares that it shall be the policy of the City of Oakland to maintain a Capital Improvements Reserve Fund.
2. Revenue received from one time activities, including the sale of Real Property, shall be deposited into the Capital Improvements Reserve Fund, unless otherwise directed by a majority vote of the City Council. Interest earnings on monies on deposit in the Capital Improvements Reserve Fund shall accrue to said fund and be maintained therein.
3. Monies on deposit in the Capital Improvements Reserve Fund may be appropriated by Council to fund unexpected emergencies, major capital maintenance, repair costs to City-owned facilities and to fund capital improvement projects through the Five-Year Capital Improvement Program.

### **Section 3. Budget Process, Fiscal Planning, Transparency, and Public Participation**

Unless otherwise noted all timelines apply only to budget development years, normally odd numbered years and not to mid-cycle revisions to an adopted two-year budget.

#### **1. Assessment of Stakeholder Needs, Concerns and Priorities**

**Timeline:** Budget Advisory Committee review prior to survey release. Survey completion by December 5<sup>th</sup> of even-numbered years. Results publicly available within three weeks of survey's close.

**Requirements:** The City Administrator should develop or secure a statistically valid survey for assessing the public's concerns, needs and priorities prior to the development of the biennial budget. Whenever feasible, the City should conduct a professional poll administered to a statistically relevant and valid sample of residents that is representative of Oakland's population in terms of race, income, neighborhood, age, profession, family size, homeownership/renter-ship, etc. If that's not possible, then demographic information should be collected and reported out with the survey results.

Prior to release, the survey questions shall be submitted to the Budget Advisory Committee by September 1st of even numbered years for review of bias, relevance, consistency in administration, inclusion of benchmark questions, and ability to assess concerns, needs and priorities. The survey instrument, method of dissemination, and any instructions for administration shall be publicly available. The survey should be conducted following the November election and before December 5<sup>th</sup>.

If the City cannot afford a professional survey, an informal survey shall be made available for broad dissemination by the Mayor and Councilmembers through community list serves and other communication channels. Furthermore, the City Administrator shall take steps to promote participation, such as issuing a Flyer promoting participation in the survey and methods of participation (survey internet link, email, phone number) and posting such Fliers near publicly available computers in all City libraries, Recreation Centers, and Senior Centers. A list of those dissemination channels should be publicly available along with survey results.

Survey results should be publicly available within three weeks of the completion and analysis of the survey. Survey results should be made widely available, shared on social media, and published on the City's Budget website. In the event that City's statistically valid survey has been completed, the Mayor and City Administrator shall include in their proposed budget a summary of the survey data and a statement regarding how the data was or was not incorporated into the final proposed budget. Informal surveys and their results shall be made public but not included in their proposed budget document.

The City Administrator shall development a standardized and diverse means of collecting resident input via other means prior to budget development.

#### **2. Council Initial Budget Briefing and Priorities Discussion**

**Timeline:** February

**Requirements:** The Mayor and City Council will hold a bi-annual budget workshop soon after the commencement of the Council term. The workshop will include briefings on estimated baseline expenditures, revenue projections and an overview of the City's budgeting process. The workshop will provide the Mayor and Council with the opportunity to begin discussing priorities for the next budget year based on the Assessment of Stakeholder Needs, Concerns and Priorities.

### 3. Five-Year Forecast

**Timeline:** Produced and heard by the Council's Finance & Management Committee or the full City Council in February or March. Forecast Fact Sheets should be distributed to City community centers and Forecast data should be available on Open Data Portal within two weeks of the Council hearing.

**Requirements:** Each Budget Cycle, the City Administrator must prepare a Five-Year Forecast.

The Five-Year Financial Forecast ("Forecast") is a planning tool that estimates the City's likely revenues and expenditures over five-years, based on appropriate financial, economic, and demographic data. The purpose of the Forecast is to surface all major financial issues and estimate future financial conditions to support informed long-term decision making. Such planning provides for greater financial stability, signals a prudent approach to financial management, and is consistent with best practices.

The Forecast shall contain the two-year baseline budget for the forthcoming budget period, clearly reflecting projected expenditures to maintain existing service levels and obligations, plus an additional three-year forecast of revenues and expenditures. The Baseline Budget shall consist of projected expenditures necessary to maintain existing staffing and service levels, plus an estimate of anticipated revenues for the two-year period.

The Forecast shall also contain information on the variance between prior forecasts and actual amounts, including the factors that influenced these variances. Revenue estimates shall be based on the most current data available; minimally revenue projections shall take into account projected revenue for the current fiscal year, as reflected in the 2nd quarter Revenue and Expenditure Report, with appropriate trending into future years and an explanation as to how such revenue projections were derived.

The report shall include a Five-Year Forecast "Fact Sheet" document, which summarizes the Forecast's key findings with simplified text and graphics to make this important budgetary information more accessible to the general public. Within two weeks after the Forecast is heard by the City Council, the City Administrator shall print and distribute the Forecast Fact Sheet to all City libraries, recreation centers and senior centers, including in languages required by Oakland's Equal Access Ordinance. The full Forecast shall also be posted on the City of Oakland's website. Forecast data shall be available in open data format on Oakland's data portal.

#### 4. Statement of Councilmember Priorities

**Timeline:** Written submission due by March 15th.

**Requirements:** City Council Members will have the opportunity to advise the Mayor and City Administrator publicly of their priorities. Each Councilmember shall be invited to submit up to seven expenditure priorities in ranked and/or weighted order for changes to the baseline budget as presented in the Five-Year Forecast. Councilmember priority statements must be submitted as part of a report to be heard by the City Council and/or in a publicly available writing to the Mayor and City Administrator by March 15. In addition to the priorities, Councilmembers may also submit other suggestions, including revenue suggestions.

#### 5. Administrator's Budget Outlook Message & Calendar Report

**Timeline:** Heard by City Council before April 15th.

**Requirements:** The City Administrator shall bring as a report to the City Council a Budget Outlook Message & Calendar no later than April 15th that provides an overview of the budget development process and lists all key dates and estimated dates of key budget events, including, but not limited to the release of the Mayor and Administrator's Proposed Budget, Community Budget Forums, Council meetings, and formal budget passage dates. This publication shall be posted on the City's website and by other means determined by the City Administrator.

#### 6. Release of Mayor & Administrator's Proposed Budget & Fact Sheet

**Timeline:** Published and publicly available by May 1st. Heard by City Council and Fact Sheet distributed by May 15th.

**Requirements:** The Proposed Budget must be released by May 1st and shall clearly indicate any substantive changes from the current baseline budget, including all changes to service levels from the current budget. The Proposed Budget shall indicate staffing by listing the number of positions in each classification for each Department, including a listing of each position proposed for addition or deletion. The Council shall hold a public meeting to present the Proposed Budget no later than May 15th in budget adoption years. The full proposed budget document shall be made available online from the City's website, and printed copies shall be available in all City libraries. Additionally, the proposed budget data shall be available in open data format on the City's open data portal by May 1st. Every effort should be made to thoroughly respond to any public request for departmental budget details, such as line item budgets. The requested information shall also be made available on the City's website and open data portal within a reasonable time following the request.

The Proposed Budget must include a Budget Fact Sheet with easy-to-understand graphics and text explaining the City's overall finances, the Proposed Budget and that year's Budget Calendar. The Fact Sheet shall be published in languages required by Oakland's Equal Access Ordinance. The Fact Sheet shall be printed and made available in all City Recreation Centers and Senior Centers as well as all City libraries by May 15th or the presentation to the Council, whichever is

sooner.

## 7. Community Budget Forums

**Timeline:** During the months of May and June of odd-numbered years

**Requirements:** The Administration and Council shall hold at least one (1) Community Budget Forum in each council district. These forums, organized by the City Administrator's Office in partnership with Councilmembers shall be scheduled to maximize residents' access. The forums should include sufficient time for a question and answer period in a format that maximizes community participation, as well as a presentation of budget facts by City staff. One or more of the forums must be scheduled in the evening. Another must be scheduled on the weekend. These meetings shall also be scheduled so that Councilmembers have sufficient opportunity to attend a meeting close to their council district. Every member of the City Council shall make their best effort to attend the Community Budget Forum in their council district. Sufficient Fact Sheets in all available languages shall be available at all Forums.

These forums should be publicized in social media and via other means in a manner that is linguistically and culturally appropriate. City Council staff shall work with community-based, faith-based, identity based, and district specific organizations to ensure that a representative and broad group of residents is aware and encouraged to attend each forum.

## 8. Ongoing Public Education

**Timeline:** During the months of May and June of even-numbered years

**Requirements:** Beginning with the first even-numbered year following adoption of this ordinance, the Administration and City Council shall hold at least three (3) Community Budget Education Presentations in different neighborhoods throughout the City and outside of City Hall. These presentations shall seek to increase Oakland residents understanding and awareness of the City Budget and Budget process.

## 9. Budget Advisory Commission's Report

**Timeline:** June 1st

**Requirements:** The Budget Advisory Committee (BAC) shall be requested to submit published, written report to the full City Council regarding the proposed budget with any suggested amendments no later than June 1 in budget adoption years. If submitted, the statement shall be published as part of the next budget report to the City Council. The BAC is encouraged to provide similar statements during the mid-cycle budget revise and any other significant budget actions.

## 10. Council President's Proposed Budget

**Timeline:** June 17th

**Requirements:** The City Council President, on behalf of the City Council, shall prepare a proposed budget for Council consideration to be heard at a Special City Council Budget Hearing occurring on or before June 17th. The Council President may delegate the duty to prepare a budget proposal to another member of the Council. The Finance Department will provide a costing analysis for proposed amendments. The City Council may schedule additional Special City Council Budget Hearings or Workshops as needed.

## 11. Council Budget Amendments

**Timeline:** No later than up to three (3) days prior to final budget adoption for public noticing

**Requirements:** In addition to the Council President's proposed budget, any Councilmember or group of Councilmembers may submit proposed budget amendments at any time during the budget process. However, the adopted budget shall not contain substantive amendments made on the floor by Councilmembers at the final meeting when the budget is adopted. All substantive amendments must have been published in the City Council agenda packet for at least three days prior to the budget's final adoption and posted on the City's budget website. This shall not preclude Council members from combining elements from various proposals, provided each element considered has been published in the City Council agenda packet as a component of one proposal. This three-day noticing requirement may be waived by a vote of Council upon a finding that (1) new information impacting the budget by at least \$1 million dollars came to the attention of the body after the publication deadline making it not reasonably possible to meet the additional notice requirement and (2) the need to take immediate action on the item is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting, such as employee layoffs.

Councilmembers will present their proposed amendments in an easy to understand, standardized format provided by the City Administrator. The format should allow the proposals to be easily compared to the Mayor's Proposed Budget and to one another. Additions and reductions shall be clearly noted in separate sections.

In order to provide sufficient time to evaluate the cost of proposals, Councilmembers should request costing analyses for proposed budget amendments or line-items within a budget amendment to the City Administrator at least six (6) working days prior to the City Council meeting where that amendment will be considered.

## 12. Process Feedback & Continual Improvement

**Timeline:** September 30<sup>th</sup> following budget adoption

**Requirements:** The Budget Advisory Commission (BAC) shall be requested to submit an Informational Report to the Council's Finance and Management Committee and City Council containing their analysis of the budget adoption process including, but not limited to: 1) the informational quality of the Proposed Budget; 2) the City Administration's and City Council's attention to engaging the public and its impacts on the budget process and product; 3) the level of

transparency and open dialogue in all public meetings dedicated to the budget; and 4) opportunities for improving the process in future years. In assessing opportunities for continually improving public participation in the budget process, the Administration, City Council and BAC shall be requested to consider the following guiding principles:

- **Inclusive Design:** The design of a public participation process includes input from appropriate local officials as well as from members of intended participant communities. Public participation is an early and integral part of issue and opportunity identification, concept development, design, and implementation of city policies, programs, and projects.
- **Authentic Intent:** A primary purpose of the public participation process is to generate public views and ideas to help shape local government action or policy.
- **Transparency:** Public participation processes are open, honest, and understandable. There is clarity and transparency about public participation process sponsorship, purpose, design, and how decision makers will use the process results.
- **Inclusiveness and Equity:** Public participation processes identify, reach out to, and encourage participation of the community in its full diversity. Processes respect a range of values and interests and the knowledge of those involved. Historically excluded individuals and groups are included authentically in processes, activities, and decision and policymaking. Impacts, including costs and benefits, are identified and distributed fairly.
- **Informed Participation:** Participants in the process have information and/or access to expertise consistent with the work that sponsors and conveners ask them to do. Members of the public receive the information they need, and with enough lead time, to participate effectively.
- **Accessible Participation:** Public participation processes are broadly accessible in terms of location, time, and language, and support the engagement of community members with disabilities.
- **Appropriate Process:** The public participation process uses one or more engagement formats that are responsive to the needs of identified participant groups; and encourage full, authentic, effective and equitable participation consistent with process purposes. Participation processes and techniques are well- designed to appropriately fit the scope, character, and impact of a policy or project. Processes adapt to changing needs and issues as they move forward.
- **Use of Information:** The ideas, preferences, and/or recommendations contributed by community members are documented and given consideration by decision-makers. Local officials communicate decisions back to process participants and the broader public, with a description of how the public input was considered and used.
- **Building Relationships and Community Capacity:** Public participation processes invest in and develop long-term, collaborative working relationships and learning opportunities with community partners and stakeholders. This may include relationships with other temporary or ongoing community participation venues.
- **Evaluation:** Sponsors and participants evaluate each public participation process with the collected feedback and learning shared broadly and applied to future public participation efforts.

**AN ORDINANCE AMENDING ORDINANCE NO. 13279 C.M.S. (THE CITY OF OAKLAND CONSOLIDATED FISCAL POLICY, OR “CFP”) TO ESTABLISH AND MODIFY THE FINANCIAL POLICIES OF THE CITY OF OAKLAND.**

**NOTICE AND DIGEST**

This Ordinance authorizes an amendment to Ordinance Number 13279 C.M.S. (The Consolidated Fiscal Policy, “CFP”), to establish and modify the financial policies and budgeting practices of the City of Oakland. The first public reading of this ordinance is scheduled at a public hearing on 5/1/18 and second on 5/15/18. The location is at City Council Chambers located on the Third Floor of City Hall, One Frank H. Ogawa Plaza, Oakland, California, at 5:30pm. The CFP will be effective upon final adoption of the Ordinance and will remain in effect until further notice.

# Budget Advisory Commission

The Budget Advisory Commission (BAC) advises the City Council on expenditures, revenues, and financial policies. The BAC's advice generally takes the form of informational reports submitted to the Finance & Management Committee of the City Council. The BAC generally meets on the second Wednesday of the month.

[Explore Openings on Boards and Commissions](#)

## Documents

[Budget Advisory Commission Agendas](#)

[Budget Advisory Commission Minutes](#)

[Budget Advisory Commission Reports](#)

[Budget Advisory Commission FY19-21 Budget Process Report\\_October 2019](#)

## Budget Advisory Commission FY19-21 Budget Process & Proposed Policy Budget Review\_June 2019

## Budget Advisory Commission Establishing Ordinance 13337 C.M.S.

### [Related Documents »](#)

## Projects

### Fiscal Year 2019-2021 Budget

### [Related Projects »](#)

## Topics

### Budget Bureau

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## About

### Budget Advisory Commission

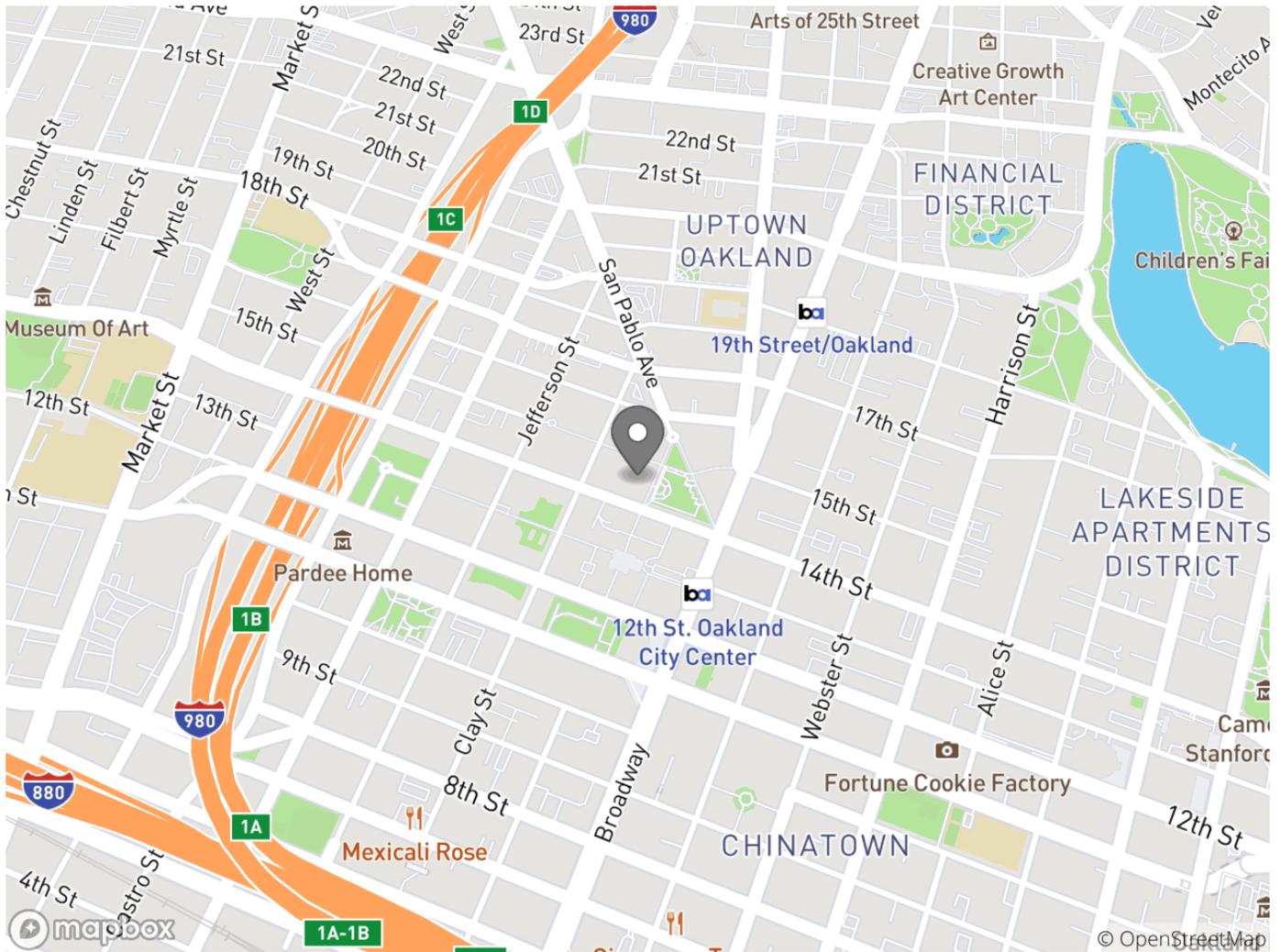
Historical Information Available at: <http://oaklandnet/home/Governm...>

More Information:

- There are 15 Members on the Commission.
- Members are appointed by the Mayor and confirmed by the City Council upon the recommendation of a responsible City Officer.
- Prospective members should contact the Mayor's Office.
- Members serve three-year terms. These are organized so that five members' terms end on or around October 1st of each year.

inattention or more than three unexcused absences).

## Contact Us



1 Frank H. Ogawa Plaza  
Hearing Room 4, Second (2nd) Floor  
Oakland, CA 94612

Other rooms may be used depending on space availability.

[jmsegura@oaklandca.gov](mailto:jmsegura@oaklandca.gov)

## Open Hours

## Business Hours

Regular meetings dates for the BAC are on the Second (2nd) Wednesday of the Month in City Hall at 6:00 pm.

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### For Maintenance Requests

311 or 510-615-5566

Relay Service 711

### Whistleblower Report

1-888-329-6390

### Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, CA 94612



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**Subject:** FW: Labor and Budget - Updates

**From:** "Landreth, Sabrina" <[SLandreth@oaklandca.gov](mailto:SLandreth@oaklandca.gov)>  
**Date:** November 4, 2019 at 3:12:00 PM PST  
**To:** "Kaplan, Rebecca" <[RKaplan@oaklandca.gov](mailto:RKaplan@oaklandca.gov)>, "Reid, Larry" <[LReid@oaklandca.gov](mailto:LReid@oaklandca.gov)>, "McElhaney, Lynette" <[lmcelhaney@oaklandca.gov](mailto:lmcelhaney@oaklandca.gov)>, "Kalb, Dan" <[DKalb@oaklandca.gov](mailto:DKalb@oaklandca.gov)>, "Fortunato Bas, Nikki" <[NFortunatoBas@oaklandca.gov](mailto:NFortunatoBas@oaklandca.gov)>, "Gallo, Noel" <[NGallo@oaklandca.gov](mailto:NGallo@oaklandca.gov)>, "Taylor, Loren" <[LTaylor@oaklandca.gov](mailto:LTaylor@oaklandca.gov)>, "Thao, Sheng" <[SThao@Oaklandca.gov](mailto:SThao@Oaklandca.gov)>  
**Cc:** "Benson, Adam" <[ABenson@oaklandca.gov](mailto:ABenson@oaklandca.gov)>, "Reiskin, Edward" <[EReiskin@oaklandca.gov](mailto:EReiskin@oaklandca.gov)>, "Smith, Maraskeshia" <[MSmith2@oaklandca.gov](mailto:MSmith2@oaklandca.gov)>  
**Subject:** Labor and Budget - Updates

Council President Kaplan and Councilmembers,

I am writing to let you know that member votes were counted on Friday (11/1) and both SEIU Local 1021 and IFPTE Local 21 have successfully ratified their Agreements! The MOUs are coming to the Council for adoption tomorrow night (11/5). As a reminder, we moved the effective dates of the wage increases (i.e, "back-loaded") in order to make the cost of the 3.0% wage increase fit within the Adopted Budget for the **current fiscal year**, but there will be a significant impact on your budget next year. The additional wage increases will cost approximately **\$7.3 million** beyond the FY 2020-21 Adopted Budget, which will need to be addressed in the Midcycle Amendment.

In addition to the \$7.3 million impact of the wage increases, I am obligated to remind you of several other items before you that will have a significant impact on your budget, and will result in service reductions, if enacted as currently drafted in FY 2020-21:

1) **Cannabis Business License Tax**. The proposals before you will create a deficit in the General Purpose Fund (GPF) of between **\$4.0 million to \$9.6 million annually**. In addition, the Tax Rebate program under consideration will require significant staffing resources of up to \$750,000 annually.

2) **Small Landlord Business License Tax**. The proposals before the Council would reduce ongoing GPF revenues by approximately **\$500,000 annually**.

3) **Vacant Parcel Tax**. The Adopted Budget includes revenue of **\$7.0 million** in FY 2020-21 in order to fund illegal dumping and homelessness services. This is our estimate based on the tax going into effect at the full rate (\$6,000 per SF dwelling), and with the general exemptions included in the draft enabling legislation. Any lowering of the tax, and/or a broadening of the exemptions, will result in lower estimated revenue than included in the Adopted Budget, and a reduction in these service areas.

4) **Parks Parcel Tax**. The Council is currently considering a ballot measure that would raise approximately \$21 million annually for parks, clean water, and homeless services. Discussion by members of the Rules Committee on 10/31 indicated that the ballot language needed to: 1) include a maintenance of effort; and 2) provide for specific levels of enhanced services. Pursuant to Resolution 87760, which was approved unanimously by this City Council, this potential ballot measure was to help close an **\$8.0 million STRUCTURAL DEFICIT** in the Landscaping and Lighting Assessment District (LLAD). If the new measure does not provide the City Council with the flexibility to cover this gap, it will result in an **equivalent reduction in GPF services**.

5) **Self-Insurance Premiums**. Market conditions in California have resulted in significant claims activity statewide that are driving insurance premiums for local governments. The City's Risk Management division is estimating increases of nearly **\$2.9 million** in FY 2020-21, **an approximate 20% to 30% increase year-over-year**, including property (\$0.8), liability (\$1.8 million), and excess workers' compensation insurance (\$0.3 million).

Ordinance No. 13487 – also known as the **Consolidated Fiscal Policy (CFP)** – was approved by the City Council on May 15, 2018. The CFP requires that the City Council adopt a **BALANCED** budget that limits appropriations to the total of estimated revenues. While the CFP allows for the City Council to consider changes to the Adopted Budget, amendments proposed by the Council “**shall maintain a balanced budget**” (Section 1. Part B. Policy on Balanced Budgets). Staff recommends that the City Council consider balancing measures at the same time it is considering reductions in tax rates so a fully informed decision can be made on the trade-offs between lower tax rates and anticipated reductions in GPF funded services.

The City's CalPERS pension costs continue to escalate at rates that outpace growth in revenues. At the same time, the City's funding ratio – a comparison of a plans assets relative to its liabilities – has declined (63.0% funded for Safety & 66.7% funded for Miscellaneous). This is particularly concerning given where we are in the current business cycle and the underlying risk of economic contraction in the near-term. CalPERS is already forecasting significant employer rate increase over the next several years – **and these rates assume no market correction!** Staff's concerns about the Oakland's structural financial position including our pension and OPEB liabilities was recently affirmed by the California State Auditor. The Auditor analyzed

the health of the state's 470 cities. Eighteen (18) of those 470 cities were identified as being at "high risk" for financial distress, with the Oakland ranking 13th. The full analysis by the CA State Auditor can be accessed at the following [link](#).

As a reminder, the City's FY 2018-19 Fourth Quarter Revenue & Expenditure results show a very modest \$150,000 available ending Fund Balance in the GPF. This is a minuscule operating margin considering that the City's biweekly payroll is approximately \$11.2 million. The Fourth Quarter report can be accessed [here](#).

I urge you to proceed with great caution as you consider the policy changes above, their cumulative impact on our ability to maintain a balanced budget, and our need to preserve vital public services.

Sincerely,

Sabrina

Sabrina Landreth

City Administrator

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