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## DISTRICT ONE NEWSLETTER – DECEMBER 2014

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Greetings and Happy Holidays!

“When it rains, it pours!” That is true on so many levels these days.

**Regarding the current rainstorms**, our Oakland Public Works agency asks residents and businesses to call the Public Works Call Center at [510-615-5566](tel:510-615-5566) in the event of an infrastructure emergency such as:

- Trees/major limbs down—blocking a street or with property damage (or other dangerous tree situations)
- Flooding into property or serious flooding on a street that presents a danger to motorists or pedestrians.
- Sewer overflow
- Manhole covers missing
- Traffic Signals flashing/out
- Stop signs knocked down
- Landslides/mudflows

Less urgent public works matters can be reported via e-mail to [opwcallcenter@oaklandnet.com](mailto:opwcallcenter@oaklandnet.com). [Click here for more ways to report a Public Works problem.](#)

A larger ‘storm’ has been brewing for decades around the country, and it has come to a head within the past few weeks. **#BLACKLIVESMATTER**

As you know, the recent grand jury decisions in Ferguson, MO and Staten Island, NY have brought to light the serious and long-standing issue of the manner in which some law enforcement officers around the country think and act when coming into contact with unarmed young black men. A lot has happened over the past few weeks here in the East Bay, and I want to take a few minutes to share with you a few of my thoughts about the grand jury verdicts, the issue of police treatment of young black men, as well as the recent protests and vandalism here in and around Oakland.

First let me say that while I cannot truly know how an African American man (or teenage boy) feels when he faces pre-judgment and discrimination on a frequent basis, I do empathize with those who are subjected to fear and mistreatment based on the color of their skin, and acknowledge the inherent privilege that white people have on a day-to-day basis.



Let me also be clear that I was and am quite disappointed and saddened at the grand jury decisions. What saddens me the most besides the unjustified killings of these unarmed young men is the fact that I was not at all surprised at the grand jury decisions.

I am not a lawyer, so I look to legal experts (there are many) to help me deconstruct the disappointing decisions by the respective grand juries not to recommend indictments of Officer Wilson or Officer Pantaleo. [Here is one excellent OpEd in the \*Washington Post\* about why the grand jury process in these cases lacked integrity, and what should have and could have happened in the grand jury meeting rooms.](#) Keep in mind, an indictment is merely a determination of probable cause that a crime has been committed and that the accused might reasonably be suspected to have committed that crime. It appears that in each of these situations prosecutors used the grand jury as a way to let these officers—and themselves—off the hook.

While accusations of police misconduct don't automatically translate into meaning that every accusation of police brutality is well-founded, there certainly appears to be an undeniable pattern across much of the country of serious police misconduct resulting in the deaths of unarmed persons of color occurring without meaningful accountability and consequences. This is unacceptable, yet it continues to happen. Obviously, the core of the problem is the continuing racism that exists in our country. But there are other related factors as well, including oversight of police misconduct and disciplinary matters. And some factors may be more difficult to calculate, such as how much of the problem stems from an informal culture of mistrust and coverup that may still pervade some police departments, as well as the challenge of addressing this problem merely with new policies and requirements that may not address the underlying racism in society.

Here in Oakland, we have made some genuine progress on adhering to the best practices reforms required under the federal negotiated settlement agreement (NSA). And we've

been using body-worn cameras on each officer's uniform for nearly four years. Click [here to read OPD's policy statement on Transparency, Accountability and Progressive Policing](#). Complaints of police misconduct have gone down since our police officers began using body-worn cameras. Of course, we still have work to do to improve the relationship between our police officers and our community. One thing that I believe will help is better recruitment of prospective officers who live in Oakland and who reflect the diversity of our city. Let me also say that I believe that by and large our officers in Oakland are good people trying to do a very difficult job.

Incensed at the lack of justice, many East Bay residents have participated in protest demonstrations in solidarity with the families of Eric Garner and Michael Brown to express their feelings and frustration with the justice system in our country when it comes to holding law enforcement accountable, and to call for action at all levels of government. The overwhelming majority of protestors (I estimate at least 95%) have been demonstrating peacefully and with passion. Yes, this has even included some non-violent civil disobedience involving the temporary closing down of streets or transit stations. I participated in a very well-attended Saturday demonstration march & rally that was both peaceful and passionate.

Sadly, a rather small number of demonstrators have chosen to engage in acts of willful violence and destruction. I have no tolerance for these pseudo-protestors who throw bottles at other human beings, commit violent battery on fellow protestors, break windows of our small businesses, loot those same small businesses, and light dangerous fires in the middle of our city. These people are mere criminals who hide behind the real protestors. Worse yet, they cause unnecessary havoc that hurts our local small businesses and distracts from the important message that almost all the demonstrators feel so strongly about and that is shared by a large cross-section of people in our city. African American community leaders—including those who have been at the forefront of organizing recent protests—and the Brown and Garner families have called for passionate and non-violent demonstrations.

I spent a number of hours on Telegraph Avenue late into the night after a bunch of these sorry demonstrators broke windows and looted a number of local businesses in the Temescal district. While I was out on the Avenue, I talked with a number of store managers and employees who were tasked with cleaning up the non-sensical mess created by the violent pseudo-protestors. These local merchants by and large agree with the message that the legitimate protestors were carrying forward, but were taken aback by the senseless destruction and looting of their storefronts. OPD works to facilitate non-violent demonstrations while seeking to protect people and property from criminal violence. And while the city is not interested in letting the violent element goad our officers into an unnecessary escalation of conflict, OPD has arrested and will continue to arrest criminals who commit felonies on the streets of our good city.

I will continue to listen to people in the community and to experts around the country. The overarching issues of racism and police misconduct must be addressed head on in an effective fashion. As I wrote earlier, Oakland must do a better job at recruiting new officers who live in Oakland and who reflect the diversity of our city. No doubt, there is more that we can do to build on what we've already been doing. The City Council will be hosting a 'Black Lives Matter' community forum on January 24<sup>th</sup> (*details will be available soon*).

## **ADDITIONAL PUBLIC SAFETY UPDATES**

### **Welcome to Captain Allison, new OPD Area Commander for North Oakland**

My staff and I are happy to warmly welcome Captain Darren Allison back to North Oakland. He was assigned a couple of months back to take over as the captain for OPD Area 2, which includes almost all of North Oakland. We have already been meeting with the captain regularly about crime trends throughout District One.

We also offer tremendous thanks to Captain Anthony Toribio for his outstanding service to the residents and businesses of District One. He has been newly assigned as the captain for OPD Special Operations.

Additionally Captain Drennon Lindsey continues to be the Area 1 Commander, which includes the portion of Council District One located south of 40<sup>th</sup> St. and west of Highway 24. We are grateful for all of her hard work as well.

### **Measure Z passes!**



Thank you Oakland voters! On Election Day, you overwhelmingly said YES to Measure Z—the Oakland Public Safety and Services Violence Prevention Act. With the 10-year old Measure Y expiring this year, Oakland was on the brink of losing over \$22 million per year for police officers and violence reduction programs. The vote on measure Z was a critical outcome for the future of our City. Thank you to Oakland voters for supporting the continued growth and progress of your City towards improved safety.

### **Increased budget balance used for public safety**

In November, the City Council approved additional spending for a number of critical funding needs, with the largest spending being for key public safety items. Of those expenses, the largest amount was \$984,687, which was allocated to accelerate the start date of the 172<sup>nd</sup> Police Academy. Instead of the original start date of July 2015, the Academy will begin in April 2015 (during our current fiscal year). This accelerated start date will help the City get more trained officers on the street more quickly. I have been pressing OPD to improve its recruitment to bring in more officers who reside in Oakland and reflect the diversity of our city.

Oakland also received a \$2 million grant from the state to enhance our violence reduction programs and services. Special thanks to former Assemblymember Nancy Skinner for getting this into the state budget.

## TENANT PROTECTION ORDINANCE PASSED



Oakland has over 94,000 rental units, comprising nearly 60% of our City's housing stock. As we know, the demand for rental housing in Oakland has led to dramatically rising rents, due in part to the spillover of increasingly expensive housing costs in San Francisco and portions of the Peninsula. The displacement of tenants is a major concern for Oakland, necessitating policies that help to maintain the ability of people in all income categories to live in our City.

While most landlords in Oakland are honorable and do a good job managing their building(s), the rising market demand for rental housing in Oakland effectively creates an incentive for some landlords to engage in harassing behavior or fail to make repairs to pressure existing tenants in rent-controlled units to move so that rents can be raised. Nonprofit legal service providers in Oakland have noted a rise in claims of harassment of tenants. Oakland's Rent Adjustment Program (RAP) has conservatively estimated receiving 100 to 200 tenant complaints each month claiming landlord harassment, many of which are completely outside the current jurisdiction of the RAP. In addition, an imbalance in bargaining power between landlords and tenants and the difficulty in getting a qualified attorney to take a case have resulted in many tenants being unwilling or unable to assert their legal rights.

Because existing remedies for harassing behaviors, such as petitioning the Rent Adjustment Program to restore a lower rental rate or order repairs, or employing an attorney at great cost to file a lawsuit to enforce state law or lease provisions, are insufficient deterrents to illegal conduct in the first place, I introduced a Tenant Protection Ordinance (TPO) this year. My proposal is similar to laws existing in San Francisco, Santa Monica, West Hollywood, and East Palo Alto.

The primary types of harassing behavior that the TPO expressly prohibits include:

- interrupting or failing to provide housing services required by contract or law;
- failing to provide maintenance required by contract or law;

- failing to exercise due diligence in repairs or maintenance or to follow industry repair standards;
- abuse of the right of access to the unit;
- removing property from a unit without consent or legal authorization;
- use of fraud, intimidation or coercion to influence or attempt to influence a tenant to vacate;
- offering payments to a tenant to vacate more than once every 6 months if the tenant has notified the owner in writing that they do not wish to receive such offers;
- attempting to coerce a tenant to vacate with offers of payments accompanied by threats or intimidation;
- threats of physical harm;
- interfering with a tenant's quiet use and enjoyment of a their unit as that right is defined by state law;
- refusal to accept or acknowledge receipt of a lawful rent payment except as permitted by state law;
- refusal to cash a rent check unless a written receipt has been provided, except as permitted by state law;
- interfering with a tenant's right to privacy; request information that violates a tenant's right to privacy, including citizenship status or social security number, except as required by law or, in the case of a social security number, for the purpose of obtaining qualifications for a tenancy; or release such private information except as authorized by law;
- removing a housing service for the purpose of causing a tenant to vacate.



On November 5, 2014, the Oakland City Council voted to pass my proposed TPO. Special thanks to Causa Justa : Just Cause for their tremendous advocacy on this issue. This new law will, first and foremost, help to deter harassing behavior by landlords, as well as encourage landlords to follow the law and uphold their responsibility to provide habitable rental

properties. Moreover, the new law provides tenants legal recourse in instances where landlords subject them to harassing behavior.

## **PROGRESS ON PUBLIC ETHICS REFORM IN OAKLAND**



### **Voters Approve Measure CC; Council Adopts Governmental Ethics Act**

After months of solicitation of public input and review of best practices, our Ethics & Good Government Working Group's blueprint published in May recommended passage of both an amendment to the City of Oakland's Charter to strengthen the Public Ethics Commission (PEC) and a new governmental ethics ordinance applicable to City officials and employees as exists in other cities such as San Francisco and Los Angeles. Great progress has been made on both.

In the recent election, Oakland voters resoundingly approved the Charter Amendment (Measure CC) that I wrote to strengthen the PEC with nearly 74% voting YES. The Charter Amendment improves the PEC by:

- Making it more independent;
- Allowing it to assess larger fines for violations;
- Giving it greater responsibilities and enforcement oversight over local ethics and campaign finance laws, including a new governmental ethics ordinance;
- Increasing its staff resources so it can do the job people expect it to do; and
- Providing additional transparency.

As a necessary companion to the Charter Amendment, the new Oakland Governmental Ethics Act is the result of extensive collaboration between the PEC, my office, and the office of City Attorney Barbara Parker, including months of research, drafting, and vetting at public meetings. The PEC initiated drafting of the Act and City Attorney Parker and I finalized and sponsored the legislation before the City Council. On December 9<sup>th</sup>, the City Council unanimously voted to adopt the Ethics Act, which is now law.

The Ethics Act makes certain requirements in state law and our city Charter enforceable by the PEC. These requirements include provisions regarding conflicts of interest, misuse of City resources, restrictions on nepotism, City Council interference in administrative affairs, and more. In addition, the Act includes some provisions which are new for Oakland, including "revolving door" post-service restrictions, stricter gift limitations, and a prohibition on top city officers receiving City contracts.

This is all part of my effort to strengthen the public's confidence and trust in City Hall. And there is more to do. We expect to publish additional Working Group recommendations that urge improvements to existing Oakland campaign finance, lobbying disclosure, transparency, and whistleblower protection laws over the next two years.

## URBAN AGRICULTURE LEGISLATION



Councilmembers Kaplan, Gibson McElhaney, and I worked in collaboration this year to draft and pass legislation expanding Oakland residents' ability to grow and sell produce in many areas of the city, including commercial zones. Our legislation removes the previously hefty and prohibitive \$2,500 price tag for a Special Use Permit to grow food for one's own consumption or for sharing with others. This permit is no longer necessary if you are growing fruits, vegetables and other plants or have no more than three beehives in your garden. It also expanded the zones where community gardens are allowed and changed the definition of a community garden making it somewhat easier for residents to create one.

Our hope is that this legislation will empower residents to expand local, organic and nutritious food production. An important side benefit of this legislation will be to change many blighted properties into flourishing community gardens. This effort would not have been successful without help from many dedicated volunteers and activists. Special thanks to the Oakland Food Policy Council for all of their hard work.

## EVENTS

### **Sign up deadline for East Bay Solar Project**

*Wednesday, December 31, 2014*

The East Bay Community Solar Project is a non-profit project that aims to help East Bay community members transition to rooftop solar by providing participants with a significant bulk discount. For more info: <http://www.ebcsolarproject.com/>

### **Helping those in need**

As you reach for seconds during the holidays, please remember during this holiday season those in our community who are struggling to reach for firsts. Groups such as the [Alameda County Community Food Bank](#) would very much welcome any support you can provide. Please [make a donation here](#). Thanks so much!

## City Toy Drive

When you're out shopping, pick up something extra for a child in need. Just drop a new, unwrapped toy in one of the many collection bins that will be in place through December 23. You may drop off toys or children's books at any of the following locations in North Oakland during regular business hours:

- Any Oakland Fire Station, including:
  - Fire Station No. 8, 463 51st Street, Oakland, CA 94609
  - Oakland Fire Station No. 7, 1006 Amato Avenue, Berkeley, CA 94705
- Rockridge Branch Library, 5366 College Avenue, Oakland, CA
- Pegasus Books, 5560 College Avenue, Oakland, CA 94618, [510-652-6259](tel:510-652-6259)
- Diesel Bookstore, 5433 College Avenue

[Click here for more information.](#) *THANK YOU to all who donated this year!*

## Dan's Community Office Hours

Councilmember Kalb has Community Office Hours each month at rotating North Oakland cafés. For January, any District One resident can sign up for a 20-minute slot by emailing Oliver Luby at [oluby@oaklandnet.com](mailto:oluby@oaklandnet.com). Feel free to include the topic of your inquiry or issue when you reserve a spot.

**Saturday, January 10<sup>th</sup>** – Actual Café, 6334 San Pablo Avenue, Oakland, CA 94608, 10:00am – 12:30pm

**Saturday, February 7<sup>th</sup>** – MLK Café, 3860 Martin Luther King Junior Way, Oakland, CA 94609, 9:30am – 11:30am

## Happy Holidays!

-Dan

### [City Councilmember Dan Kalb](#)

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