

# Oakland Charter Reform Nov. 2022 Ballot Measure

RESOLUTION SUBMITTING TO THE VOTERS FOR THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION A MEASURE THAT WOULD AMEND THE CITY CHARTER TO ADD GOVERNMENT REFORM CHARTER AMENDMENTS TO PROMOTE DEMOCRACY, ACCOUNTABILITY, TRANSPARENCY AND EQUITY, INCLUDING BUT NOT LIMITED TO:

(1) ESTABLISH TERM LIMITS FOR COUNCILMEMBERS;

(2) REQUIRE A MINIMUM OF TWO COUNCIL HEARINGS BEFORE CERTAIN COUNCIL PROPOSED BALLOT MEASURES ARE APPROVED FOR PLACEMENT ON THE BALLOT;

(3) COUNT COUNCILMEMBER ABSTENTIONS AND ABSENCES AS A NO VOTE ON COUNCIL MOTIONS, RESOLUTIONS AND ORDINANCES FOR PURPOSES OF DETERMINING WHETHER MAYOR HAS AUTHORITY TO CAST A TIE-BREAKING VOTE;

(4) CHANGE THE FORMULA FOR THE PUBLIC ETHICS COMMISSION TO SET COUNCILMEMBER SALARIES AND AUTHORIZING THE PUBLIC ETHICS COMMISSION TO SET THE SALARIES OF THE CITY AUDITOR AND CITY ATTORNEY;

(5) ADD AND CLARIFY DUTIES OF AND PROVIDE MINIMUM STAFFING FOR THE CITY AUDITOR

Existing Law	Proposed Law	Impact/Notes
Oakland has term limits (2 terms) for the Office of Mayor; however, Oakland does <u>not</u> have <i>any</i> term limits for City Councilmembers	TERM LIMITS: This measure would institute a limit of three (3) consecutive four-year terms for city councilmembers. This provision would <i>not</i> be retroactive.	<ul style="list-style-type: none"> <li>● Increased opportunities for new leadership</li> <li>● Can increase competition in local elections</li> <li>● Eight of the 10 largest U.S. cities, and nine of the 12 largest cities in California have term limits for Councilmembers.</li> </ul>

<p>A proposed ballot measure need only be heard at <b>one</b> city council meeting in order to be voted on to place on the ballot</p>	<p><b>BALLOT MEASURE TRANSPARENCY:</b> This measure requires a minimum of <b>two</b> full city council meetings—<i>at least</i> 10 days apart—before the Council can vote to place a measure on the ballot. Would apply to ballot measures that are General Obligation Bonds, new or increases in parcel taxes, and any Charter Amendment.</p>	<ul style="list-style-type: none"> <li>● Allows the public and the Council more opportunities and more time to <b>weigh in, vet, discuss</b> and consider alternatives to the content of key proposed ballot measures before approval onto the ballot.</li> <li>● Council may impose this requirement on all types of proposed ballot measures</li> </ul>
<p>The Mayor of Oakland is able to cast a <b>tie-breaking vote</b> on Council legislation and motions when the Council vote is “evenly divided.” The Charter requires an affirmative vote of five councilmembers to pass any resolution or city ordinance. In practice, a councilmember can abstain to prevent a 4-4 tie preventing the mayor from casting a deciding vote, thereby thwarting the spirit of this long-standing Charter provision.</p>	<p><b>MAYORAL TIE-BREAKER:</b> This measure says that councilmember abstentions and absences shall count as ‘No’ votes <i>only</i> for this purpose of determining whether the mayor may cast a tie-breaking vote. Required recusals would not be considered a ‘No’ vote.</p>	<ul style="list-style-type: none"> <li>● Closes the loophole which often denies the mayor the opportunity to break a tie vote, and therefore allows for the true and intended implementation of the mayoral tie-breaker rule already in the Charter.</li> <li>● Allows affirmative decisions to be made as intended by the mayoral tie-breaker rule.</li> </ul>

<p>Currently, City Auditor and City Attorney salaries must fall between 70% and 90% of the average salaries for the three CA cities immediately higher and immediately lower in population. This ensures these positions are paid less than most similarly-sized California cities, and the elected City Attorney makes less than their top deputies.</p> <p>To run for the office of City Auditor, you must be a certified public accountant OR a certified internal auditor. NO additional relevant experience is required.</p> <p>As of the FY 22-23 budget, the City Auditor has eleven (11) FTEs.</p> <p>The powers of the City Auditor are enumerated in the Charter.</p> <p>The Charter currently does not prohibit the City Attorney or City Auditor from endorsing or making donations to campaigns for local elective office.</p>	<p><b>CITY ATTORNEY \ CITY AUDITOR:</b> This measure</p> <ul style="list-style-type: none"> <li>• Authorizes the Public Ethics Commission (PEC) to set salaries for the elected City Attorney and City Auditor using comparables chosen by the PEC.</li> <li>• Adds a 3-year relevant experience qualification to hold the office of City Auditor.</li> <li>• Explicitly clarifies the City Auditor’s duties, and provides minimum staffing of 14 full-time staff (up from 11).</li> <li>• Prohibits City Attorney and City Auditor from endorsing or contributing to any campaign for local elective office other they respectfully hold.</li> </ul>	<ul style="list-style-type: none"> <li>• This measure would allow the PEC to set the salaries of the City Auditor and City Attorney competitively, allowing greater fairness in pay and the opportunity for more candidates being interested in these elected offices.</li> <li>• Ensures that our elected City Auditors each have at least some relevant experience to hold this office.</li> <li>• Provides clarity and specificity for the responsibilities of the City Auditor, and provides the requisite minimum staffing for the office to do their job well.</li> <li>• Ensures councilmembers and the mayor are not beholden to the City Attorney and City Auditor. Minimizes a possible conflict of interest.</li> </ul>
<p>Current Charter contains antiquated reference to the position of vice-mayor left over from the old Council-Manager structure that is no longer in effect.</p> <p>The Charter also states that should the seat of the Mayor become vacant, the <i>Vice-Mayor</i> would fill the position.</p>	<p><b>COUNCIL PRESIDENT:</b> Identifies and designates the City Council President as the leader chosen by the Council to take over the position of Mayor should the office of the Mayor be vacated for any reason prior to the end of the term.</p>	<ul style="list-style-type: none"> <li>• Eliminates an antiquated and confusing title, which holds little meaning in the day-to-day duties of the Council bringing greater clarity to Council roles.</li> <li>• Ensures that the chosen leader of the Council would fill in as mayor until the voters elect a new mayor.</li> </ul>

<p>The Mayor appoints all members to City Commissions and Advisory Boards, except those that are explicitly created in the Charter. The Council confirms all these appointments.</p>	<p><b>BOARDS AND COMMISSIONS:</b>  This measure adds “standards for conducting long-term planning” to the list of elements that the Council may prescribe by ordinance for new or existing boards and commissions.</p> <p>For boards and commissions where councilmembers are expressly expected to nominate someone for the Mayor’s consideration, the measure creates a clear timeline for the nominating and confirmation process</p>	<p>The Mayor will continue to appoint all advisory board members and city commissioners, except those created in the Charter that may have a different appointment regime.</p> <p>Retains mayor’s authority to appoint who they prefer subject to Council confirmation, while ensuring that the mayor at least considers council nominees for selected boards and commissions.</p>

The amendments in this Charter measure are not meant to cover all possible or suggested modifications to the City Charter as that would be too cumbersome all in a single ballot measure. Furthermore, adoption of this measure in no way precludes a future charter review consideration and a subsequent ballot measure addressing various sections of the City Charter.

###