

**Measure Y Oversight Committee
Minutes of the February 27, 2012 Meeting
City Council Chambers
1 Frank Ogawa Plaza, City Hall
Oakland, CA 94612**

The following minutes were developed by watching the DVD of the meeting recorded by KTOP. Inaudible portions of the meeting are indicated.

These are “action minutes” and, as such, are intended to report official action taken by the Measure Y Oversight Committee (Committee) and provide a brief synopsis of the items heard. Please refer to the recording of the meeting for more detail. The recording of the meeting is available from the Measure Y Coordinator at 510 238-6372 or calbano@oaklandnet.com.

Item #1: Roll Call and Determination of Quorum

The meeting was called to order at 6:42 pm. 6 members were present, and a quorum was declared.

Present

- Qa'id Aqeel
- Peter Barnett
- Joanne Brown
- Nicole Lee
- Ryan Hunter
- Chairperson Dorado

- Nyeisha DeWitt (arrived at 7:29pm)

Absent

- Michael Brown, Jr.
- Richard Carter,
- Brandon Sturdivant
- Melanie Shelby

Item #2: Open Forum – 1 Speaker

Jim Dexter posed a number of questions and provided comments – including, but not limited to, those listed below:

- What do you do with members who do not show up at meetings to insure they come and to get members that will – what is the internal process?
- The budget numbers submitted to the Committee by OPD are inadequate and insufficient.
- You have no action items on this agenda, what is your function as advisors to watch the store. This committee is not watching the store. You action items are to approve the minutes.
- City staff is working very hard to be sure that you do not do what you are supposed to do. OPD doesn't what you to know.
- How are PSOs charging for their work? Do you know if these PSOs were paid out of Measure Y to deal with the Prop 8 issues two years ago? Many were. Now we have Occupy Oakland - how many hours do PSOs spend on OO? There is no data to prove this one way or the other.

Item #3: Approval of Minutes from the January 4, 2012 and January 23, 2012 Oversight Committee Meetings

- It was moved by Member Aqeel and seconded by (inaudible) to table the minutes of the January 4 meeting until the next meeting. 5 ayes, 1 no, Motion Passes.
- It was moved by Member Barnett and seconded by Member Brown to approve the minute of the January 23, 2012 meeting. 4 ayes, 0 no, 2 abstentions, Motion Passes

Item # 13: Mayor's Office: Senior Public Safety Advisor Salary

This item was moved up on the agenda by Chairperson Dorado with consensus from the Committee members.

Member Brown outlined the issues:

- Looking at the budget it is clear that a line item is going to the Mayor's Office for salary. The questions are: is this only for the time Ms. Harmon was the Measure Y Coordinator or it is ongoing, and if so, who approved it, what are the duties and how does it relate to Measure Y's mission.
- Reygan Harman, the Mayor's Senior Policy Advisor for Public Safety said she could not provide information on the budget but would outlined her job duties - and the projects, programs, and activities she is working on. These include, but are not limited to the following: researching, creating and implementing the 100 Block program, including a matrix of accountability for City Departments. She also oversees the Gang Task Force which has both a policy and technical team; she attends the multi agency, law enforcement agency meetings where they share information. She coordinated the Late Night Live experiment this summer at Willie Wilkins Park, and the street response at homicides so they can appropriately respond. She is implementing a Job Faire in the 100 Blocks. She helps with police recruitment to get more Oakland residents to become Oakland Police Officers, and helped implement the Code 33 program. She is working on the NSA, and with Officers in schools. She raised money for OPD laptops, worked at the EOC during demonstrations. She is creating outdoor galleries in areas that are economically depressed, and working on the Call-Ins to make them more effective. She is doing neighborhood cleanups including the great American Clean up on April 28th - among many other projects.
- Member Lee expressed interest from the Urban Peace Movement organization in working in partnership with the Mayor's office on outreach to the community.
- Member Brown wrapped up the comments by saying she was impressed with the depth and breadth of the work Ms. Harmon is doing but would like to see the core questions regarding this line item answered: how much, for how long, for what?

Item #4: Status Report from the City Attorney's Office on the Coliseum Parking Surcharge

Mr. Morodomi said he had given an oral report on this item at the meeting two months ago. He submitted a document in writing, as requested, and would answer any questions. Responses to questions, in general, included following:

- Mr. Morodomi was asked about the timeline of the litigation. Mr. Morodomi said they are in active negotiations with the County now although the litigation has continued since 2009. He said that funds are coming through in the mean time, but the possibility exists that the City will have to return funds.
- The County continues to ask for half of the money collected on the parking tax as they are not receiving these funds. The County is suing for a variety of things including: breach of a duty to disclose, the joint powers agreement, breach of the management agreement, breach of a joint venture agreement, and allegations of fraud.
- Prior to 2009, the funds were not collected at all. The funds in dispute are at least \$500,000 to Measure Y, and if the County won they would want 50% of it. However, Mr. Morodomi expects the City will win. When asked why the tax was not collected prior to 2009 he said the operators didn't know they had to collect the tax. Who should have told the operators is a matter in dispute.
- All lawsuits have the potential to settle and as oversight committee you can provide input - but the decision makers in any potential settlement are the City Councilmembers. Mr. Morodomi was asked if the Committee be privy to the information so they can make a recommendation and he replied he didn't know saying it was unusual but appreciates the board interest. There are issues of confidentiality to consider.

Mr. Morodomi will follow up next month regarding the following question: *if the Committee can be privy to the lawsuit information for the purpose of making a recommendation to the Council in their closed session if there is a possible settlement.*

Item #5: Measure Y Audit

City Controller Osborn Soiltei and Mr. Patel, from Patel and Associates, the auditor who performed the audit, provided an overview of the findings of the *2010-11 Measure Y Audit*. Highlights included, but are not limited to, the following:

- The Community Policing programs spent \$5.2 million, Violence Prevention programs spent \$6.1 million, Fire Services spent \$4 million, and Evaluation and Audit spent \$480,000 for a total of \$15.8 million for the fiscal year 2010-2011.
- There were several discrepancies in OPD payroll processes that had to be corrected in the amount of \$200,000.

- The Audit shows a deficit of \$10 million (page 3 of the audit report) because \$5.8 million was collected and \$15.8 million was spent. This deficit was due to the discontinuance of Measure Y in 2010 prior to the voters approving the collection of funds with a police census below the threshold. In FY 2011, however, retroactive taxes are being collected so all the funds due to Measure Y will be collected over time.
- The OPD payroll discrepancies occurred because the time sheet processes, as part of the payroll system, had not been updated and the \$200,000 was a cost that Measure Y had to pay back to the General Fund.
- Training and other recommendations were made to avoid such errors error in the future, in addition, and the default in the system was corrected so the problem will not reoccur.
- It is not difficult to see on a PSOs timesheet Measure Y and non Measure Y charges because they are two different codes.
- There were no other weaknesses in OPD practices from an audit perspective.

Item #6: Measure Y Budget OPD Revenue and Expenditure Report

Gil Garcia, OPD Bureau of Services, provided the Committee a line item budget related to Measure Y and walked the Committee through the expenditures. Below are examples of explanations and responses to questions:

- All Measure Y charges for salary and benefits are from sworn officers, no non sworn personnel charge to Measure Y.
- Telephones are a prorated charge that the City estimates based on per person use of phones by Measure Y employees. These charges OPD has no control over. OPD wants to control of the use of cell phones outside of work time because the City is paying that expense. PSOs have an air card to have access to data, email, and can use their computers in the field, etc.
- All the 55 codes relate to training and those costs are not born by the employee and include charges such as the per diem, registration, travel expense, etc.
- There are the final payments for the PSO database.
- Regarding the uniform allowance the City prorated for half a year and when we pay the allowance is fore the whole year. They under budgeted in that line item.
- Regarding cell phone use, cell phone use was under budgeted and there are at least 57 cell phones.
- The maximum education benefit a PSO can get is 6.4%.
- The PSO is not a rookie assignment. They are experiences because: 1) OPD has not had an academy for 4 years, and 2) you need an office that has experience in working with the community. The pay is the same whether you are a PSO or a beat officer. The only difference is a shift differential for night shifts. There are no only premiums for being a PSO.
- The PSOs went to a community policing class in the Federal Building was free so the expenses in training are lower. Also, OPD is exploring hiring a consulting who can come here so the expenses would be lower.
- There is no concrete plan for the PSO training (inaudible).
- Member Hunter suggested there should be a plan to use the training budget for the PSOs.

- There is no staff to expense ratio in the budget. However, there is \$500K per year to equip or train the PSO. Canines are considered equipment.
- Total budget for materials and supplies is \$500K so overruns on the phones would come out of that line item.
- Member Lee suggested it would be better to be transparent with the public and up the budget for the cell phones which is probably closer to \$60K or \$6K.
- The total contract for the SARA database was for \$18K and the final installments are due. There are no funds in here to expand or modify the SARA database in the budget.
- The Measure Y Coordinator commented that the Measure Y evaluators are requesting a yearly maintenance contract for the SARA database in the amount of \$5K and that is being looked into at this moment. Also, that RDA said the database was not proprietary.
- Office equipment costs include: pens, toners, paper, etc. and thus far they have been using supplies from the Bureau of Field of Operations. Any unspent funds go back to the Measure Y fund balance.

Item #7: Measure Y Budget – DHS Revenue and Expenditure Report

Priya Jagannathan from DHS reviewed the December 2011 Measure Y report. Below are highlights of her review:

- Billing is on a quarterly basis so there was not much billing in December 2011
- This is the same format as presented last month – in pie chart format.
- Overhead is waived for DHS contracts. There is a compliance fee, however, and Priya can provide more information on that at the next meeting.
- Late Night Live was not in the RFP, however it will be on the agenda for the next Public Safety meeting.

Item #8: Update on the RFP Process and Final City Council Funding Levels

Priya Jagannathan provided a handout with the levels approved by Council on January 17, 2012. There were two changes: 1) mental health dollars were separated for 0-5 years old, \$100K, (the original recommendation was that it be folded into the family violence strategy) and 2) that Late Night Live was taken out pending a more detailed report. The process for funding that will be discussed at the Public Safety Committee. Also the Council struck out any reference to the 100 blocks but there would be coordinated with Measure Y since they are in the top stressor beats.

The RFP timeline was handed out and included the following items. The dates below have been corrected.

Task	Date
Release RFP	February 9, 2012
Bidder's Conference	February 16, 2012
Technical Assistance Session I	February 21, 2012
Letter of Intent Due	February 27, 2012

Technical Assistance Session II	March 2, 2012
Proposals Due	March 16, 2012
Notification of Recommendations	April 16, 2012
Preliminary Report to Oversight	April 16, 2012
Appeals due	April 23, 2012
Recommendations to Oversight	May 7, 2012
Recommendations to Public Safety Committee	May 22, 2012
Recommendation to City Council	May 29, 2012
Contract Negotiations and Execution	June-July, 2012
Contract Start Date	July 1, 2012

Speakers: Jim Dexter

- You do not get the kind of information and cooperation from OPD that you get from DHS.
- There are only 35 PSOs listed on the website. Mr. Dexter asked the OPD Command staff and they said there are only 35 PSOs and the rest are being used in CRT Teams. The Measure Y Committee should have known about this ahead of time.

Item #9: Proposed Amendment and rule Changes to Committee Bylaws.

The proposed bylaw and rules changes in question are listed below. These were originally proposed by Member Barnett. The words in bold are either proposed deletions or additions, as indicated:

Proposed Bylaws changes

1. Amend Bylaws, Article V: “the members shall elect a chairperson, **and (delete) a vice chairperson, and a recording secretary (add).** “
2. Amend Bylaws, Article Vii: “A majority vote **voting (delete)** shall be required for the adoptions of any motion or resolution.”

Proposed Rules:

That the Committee adopt the following rules as allowed for in t Article VII of the current Bylaws:

1. “The secretary will include in the meeting minutes all motions made by a member, who made and seconded the motion, and the final vote for the committee.”
2. “ An audio and , if available, recording of all committee meetings will be made available to all committee members as soon as possible after the meeting/”

3. "Unless authorized by the Chair or presiding officer, all non-procedural motions at the meeting shall be submitted in written form." (it was a friendly amendment to add the words *non procedural*)

It was moved by Member Barnett and seconded by Member Aqeel to adopt rule #2, above. 7 Ayes, 0 Nos, 0 Abstentions.

It was moved by Member Barnett and seconded by Member Aqeel to adopt rule #3 above. 6 Ayes, 0 Nos, and 1 Abstention.

Motion by Member Brown to amend the ByLaws per #1 above died for the lack of a second.

It was moved by Member Barnett and seconded by Member Hunter to table the motion to amend the Bylaws per #1 above. 7 Ayes, 0 Nos, 0 abstentions. Motion Passes.

Item #10 Measure Y Oversight Committee 2012 Calendar of Meetings

It was moved by Member Brown and seconded by Member Aqeel to accept 2012 calendar with the following amendments: delete the May 21, 2012 meeting and add a meeting on May 7, 2012. 7 Ayes, 0 Nos, 0 Abstentions. Motion Passes.

It was moved by Member Brown and seconded by Member Aqeel to accept 2012 calendar with the above amendments: 7 Ayes, 0 Nos, 0 Abstentions. Motion Passes.

As it was 9:15pm, it was moved by Member Brown and seconded by Member (inaudible) to extend the meeting for 15 minutes 5 Ayes, 1 Nos, 1 Abstention. Motion Passes.

Item #11: MYOC Retreat – dates & agenda

It was moved by Member Aqeel and seconded by Member Brown to have a Measure Y Oversight Committee retreat on June 23, 2012. 7 Ayes, 0 Nos, 0 Abstentions.

It was moved by Member Brown and seconded by Member Aqeel for Chairperson Dorado to appoint a subcommittee to come back with a proposal regarding the retreat agenda and logistics. 7 Ayes, 0 Nos, 0 Abstentions

Members can volunteer to be on the Retreat Committee. Members Brown and Lee volunteered.

Item #12 Draft Calendar from DHS, RDA and Controller - tabled

Item #13: Mayor's Office, see above.

Item #14 Agenda Building

The following items were suggested for subsequent meetings:

Breakdown from OPD on the number of man-hours on the job by PSOs including:

- Measure Y: community Policing hours vs. non-community policing hours
- House PSOs spent on Occupy Oakland
- Which PSO hours are charged to Measure Y

DC Breshears or his designee provide a report on the PSO database and included a copy of a month's entries to see how the officers use their time and what is going on in the various beats.

DC Breshears or his designee regarding the general state of OPD and the PSOs.

Item #15 Adjournment

The meeting was adjourned 9:27pm