

PROPOSED CHARTER AMENDMENT MEASURE E

OAKLAND SCHOOL DIRECTOR NON-INTERFERENCE MEASURE

E MEASURE E: Shall Section 404 of the Charter of the City of Oakland be amended to prohibit an Oakland School District Director from interfering with the duties vested in or delegated to the Superintendent of the District by statute or by act of the Board of Education; to designate such interference and other acts previously codified as official misconduct and to provide a process for removal?	YES
	NO

FULL TEXT OF MEASURE E

Article IV of the Charter of the City of Oakland is amended to add subsections (c) (d) and (e) to section 404 which subsections shall read:

"(c) No District School Director of the Board of Education may interfere with the performance by the Superintendent of the District of those duties vested in or delegated to the Superintendent of the District by statute or by act of the Board of Education. Such interference specifically includes any attempt by a District School Director to order, coerce or influence, publicly or privately, any subordinate, official or employee of the District as to any matter within the authority of the Superintendent under statute or as conferred by the Board of Education through its policies, procedures, resolutions, or minutes of meetings. Such interference will constitute official misconduct.

(d) Violations of California Education Code section 7053 and 35230 and California Government Code section 1090 and 1126(a) will constitute official misconduct.

(e) Any District School Director who engages in official misconduct as defined in subsections (c) and (d) above may be removed from office, pursuant to Government Code section 3060, by an accusation presented by the Alameda County Grand Jury or as otherwise provided by law."

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE E

This measure would amend Article III of the Oakland City Charter at section 304 by adding subsections (c), (d) and (e) which would prohibit an Oakland District School Director from interfering in administrative duties which have been delegated by the Oakland Board of Education or by statute to the School Superintendent. The measure specifically includes as interference, any attempt by a District School Director to order, coerce or influence, publicly or privately, any subordinate, official or employee of the District as to any matter within the Superintendent's authority as provided by the Board of Education's policies, procedures, resolutions or minutes of meetings or as provided by state law. Such interference would constitute official misconduct.

CITY AUDITOR'S FINANCIAL ANALYSIS OF MEASURE E

Passage of Measure E will not have any effect upon the cost of City government.

Measure E amends the City Charter to: (1) prohibit an Oakland School District Director from interfering with the duties vested in or delegated to the District School Superintendent by statute or by the Board of Education; (2) designate such interference and other acts previously codified as official misconduct; and (3) provide a process for removal.

s/Norma Ng Lau
City Auditor

Official misconduct would also include using one's Director position to secure a vote in exchange for a favor, acceptance of a bribe, being financially interested in a contract made by the Board of Education and engaging in activities in conflict with the Director position. (Education Code sections 7053 and 35230 and Government Code sections 1090 and 1126(a).)

Finally, the measure provides that a District School Director engaging in official misconduct may be removed pursuant to Government Code section 3060 by an accusation presented by the Alameda County Grand Jury or as otherwise provided by law.

s/Jayne Williams
City Attorney

ARGUMENT IN FAVOR OF MEASURE E

You elect members of the Oakland Board of Education (School Directors) who have the duty to provide this City with the best education possible for our children.

For years, many School Board Members have failed to understand their proper policy-making role, and have **unduly interfered** with the responsibility of the Superintendent of Schools, principals, and teachers in the carrying out of their administrative and educational responsibilities. This has severely interfered with the provision of quality education to our children.

In order to clearly separate **policy** from **implementation**, Measure E would add a Non-Interference clause to the Oakland City Charter, clearly setting forth the policy role of the board members, prohibiting interference with the administration of our education programs.

This new language is complementary to the code of conduct set forth in the State Education Code. The Mayor and City Council are subject to a similar strong Non-Interference Charter clause.

The Mayor and City Council urge your support for Measure E, a Charter change that will assist the Board of Education in focusing on its policy making responsibilities.

s/Lionel J. Wilson
Mayor

No argument submitted against Measure E.

PROPOSED CHARTER AMENDMENT MEASURE F

MEASURE TO CHANGE THE TIME FOR REDRAWING OAKLAND CITY COUNCIL DISTRICT BOUNDARIES	
F MEASURE F: Shall Section 203 of the Charter of the City of Oakland be amended to change the time for redrawing City Council district boundaries from 1984 and every six years thereafter to 1993 and every ten years thereafter?	YES
	NO

FULL TEXT OF MEASURE F

Article II of the Charter of the City of Oakland is amended at section 203 to read:

"Section 203. **Nomination and Election of Councilmembers.** Seven Councilmembers shall be nominated from districts and one shall be nominated at large. The Councilmember-at-large shall be nominated and elected by the qualified electors of the City at large. The District Councilmembers shall be nominated and elected by the qualified electors of their respective districts. The districts shall be as they exist upon the taking effect of this section, until revised by ordinance. In the year 1993, and every ten years thereafter, and whenever any substantial territory is annexed to or consolidated with the City, the Council shall form new districts not exceeding seven. Districts shall be composed of contiguous territory, as equal as possible in population, and as geographically compact as practicable. No change in the boundary of a district shall operate to exclude an incumbent from office before the expiration of the term for which he was elected or appointed.";

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE F

This measure would amend Article II of the Oakland City Charter at section 203 to provide for the formation of new City Council districts beginning in 1993 and every ten years thereafter, instead of in 1990 and every six years thereafter.

This amendment would allow for more effective compliance with Elections Code section 35150 which provides that legislative districts in chartered cities be as nearly equal in population as possible according to the latest federal decennial census.

s/Jayne Williams

City Attorney

CITY AUDITOR'S FINANCIAL ANALYSIS OF MEASURE F

Passage of Measure F will not have a significant effect upon the cost of City government. Instead of spending approximately \$15,000 every six years to redraw the City Council District boundaries, approximately \$15,000 will be spent every ten years, not including changes in the consumer price index.

Measure F amends the City Charter so that the time for redrawing Oakland City Council District boundaries is changed from 1984 and every six years thereafter, to 1993 and every ten years thereafter. The reason for this change is to enable the City to use the data contained in the latest U.S. Census, which is taken every ten years.

A breakdown of the costs for redrawing the boundaries is shown below:

• <u>City Planning Department</u>	\$ 2,000
Staff costs for analyzing the population distribution by census tract; creating proposed Council Districts of equal population; developing a narrative description of the proposed Council District boundaries; and drawing maps based on said information.	
• <u>City Clerk's Office</u>	13,000
Administrative costs for preparing staff reports; coordinating with the County Registrar of Voters to establish modified precinct boundaries; scheduling public meetings; presenting the legislative package as approved by the City Attorney to Council for decision; and processing the legislation and maps adopted by Council for distribution.	
Total	<u>\$15,000</u>

s/Norma Ng Lau

City Auditor

ARGUMENT IN FAVOR OF MEASURE F

Each resident of our City lives in one of seven Council Districts, and has the opportunity to elect a resident of their District to represent them on the City Council. To provide equal representation, each Council District should contain the same number of residents as each of the other six Districts.

As the number of people in our City and in our Districts changes over the years, the District boundary lines must be adjusted to maintain the principle of equal representation in each District. The United States Census, which takes place every 10 years provides the most complete information about those changes.

The passage of Measure F will allow the City to revise the District boundary lines after each federal Census, thereby using the most up-to-date and most accurate population information available to the City.

The Mayor and City Council urge your support of Measure F, which will make it possible to provide you and every resident of our City with the fairest Council District representation possible.

s/Lionel J. Wilson

Mayor

No argument submitted against Measure F.

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