

Candidate for SCHOOL DIRECTOR, DISTRICT 6

I, **DAN SIEGEL**, hereby declare that I am a candidate for an elective office in the City of Oakland, and make the following statement, to-wit:



1. That my name is Dan Siegel.
2. The office for which I am a candidate is School Director, District 6.
3. My occupation for the past five years has been: Attorney.
4. I have held the following public office: Chair and member, Oakland Housing Authority Commission; Vice chair, Oakland Community Policing Task Force; General Counsel, Oakland Unified School District.

5. Statement of general qualifications: We can improve Oakland's schools. The problems are obvious – disgraceful test scores, unsafe and poorly maintained schools, personnel policies that discourage teachers and other staff from doing their best work. I bring a vision of quality education for all children and concrete proposals for change: Real site-based decision making, with councils of parents, teachers, principal and students – a team with authority and responsibility for educational and safety strategies, personnel decisions, and spending; Reengineering the central administration to redirect resources to the classroom; a School Board that focuses less on public relations stunts and instead creates policy to insure that teachers and parents can work together towards a brighter future for our children. My record with the Housing Authority Commission, Community Policing Advisory Board, YMCA, and school district legal office demonstrates that I can make positive change. Let's work together to give Oakland the school system our children need and deserve.

6. The signatures of not more than twenty nor less than ten residents of the City of Oakland sponsoring my candidacy are as follows:

Jane Brunner
Henry Chang, Jr.
Millie Cleveland
Ignacio DeLaFuente
Olga DeLeonardis
Sheila Jordan
Lynette Lee
Lily Hu
Nate Miley
Earl Martin Price

Carroll T. Richardson
Tanya Russell
John Russo
Marion T. Sims
Dick Spees
Gloria Taylor
R. Zack Wasserman
Andra Wicks
Ralph S. Williams
Alan S. Yee

**PROPOSED ORDINANCE AND
PROPOSED CHARTER AMENDMENT**

**TO BE VOTED ON AT THE
MUNICIPAL NOMINATING ELECTION CONSOLIDATED
WITH THE STATEWIDE PRIMARY ELECTION
TO BE HELD IN THE CITY OF OAKLAND
ON TUESDAY, JUNE 2, 1998**

THE TEXT OF THE PROPOSED ORDINANCE AND PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF OAKLAND TOGETHER WITH LEGAL ANALYSES OF EACH MEASURE PREPARED BY THE CITY ATTORNEY AND FINANCIAL ANALYSES OF EACH MEASURE PREPARED BY THE CITY AUDITOR AND ARGUMENTS IN SUPPORT OF ADOPTION. ARGUMENTS IN SUPPORT OF THE ADOPTION OF THE MEASURES ARE THE OPINIONS OF THE AUTHORS.

The Council of the City of Oakland does hereby submit on its own motion the following proposed ordinance to be voted on by the qualified electors of the City of Oakland at the **Municipal Nominating Election consolidated with the Statewide Primary Election to be held on Tuesday, June 2, 1998:**

PROPOSED ORDINANCE

**ORDINANCE AMENDING CERTAIN PORTIONS OF THE
OAKLAND MUNICIPAL CODE TO MODIFY THE
BUSINESS LICENSE TAX BY CREATING A NEW
"FIREARMS DEALER LICENSE"**

CITY OF OAKLAND MEASURE D		
D	MEASURE D: Shall the Oakland Municipal Code be amended to impose on "Firearms Dealers" a higher tax rate of \$24 per \$1,000?	YES
		NO

FULL TEXT OF MEASURE D

The full text of the proposed ordinance reads as follows:

WHEREAS, in a report to Congress on the cost of injury in the United States, it was stated that the average cost for one hospitalized gunshot wound patient is \$33,000; and

WHEREAS, according to Dealer Record of Sales from the Attorney General's Office, over 10,000 firearms were sold in Oakland from 1990 to 1995; and

WHEREAS, according to Dr. James Betts, Director of Trauma Services at Children's Hospital, the number of gunshot cases at Children's Hospital has risen 200 percent; and

WHEREAS, according to the Alameda County Emergency Medical Services Trauma Registry; between 1991 and 1995, 700 people died and 3,349 were injured from gunshot wounds in Alameda County, and that almost one half of those injured were under 25; and

WHEREAS, according to the Office of Statewide Health Planning and Development, hospital costs for Alameda County in 1993 were estimated at \$7 million, of which nearly two-thirds was paid with tax or public dollars; and

WHEREAS, between 1991 and 1992, Oakland residents incurred approximately \$8.2 million in hospitalization charges due to firearm assaults; and

WHEREAS, according to the California Department of Health Services, guns are the leading killer of children in California; and

WHEREAS, the City of Oakland is forced to expend a substantial portion of its budget on police and other emergency services as a result of firearm injuries; and

WHEREAS, at the general election of November 5, 1996, the voters of the State of California amended the state constitution, adding Article XIII C, which requires that all new or increased general taxes be submitted to the voters prior to becoming effective, and

WHEREAS, Article XIII C further provides that all elections be consolidated with a general election at which members of the City Council are standing for election;

NOW, THEREFORE BE IT RESOLVED:

That the City Council of the City of Oakland does hereby submit to the voters at the next regularly scheduled general election, scheduled for June 2, 1998, the text of the proposed ordinance, which shall be as follows:

Section 1. Oakland Municipal Code Section 5-1.44, entitled "Firearms/Ammunition Sales" shall be created as follows:

(a) Notwithstanding any other provision of this ordinance, commencing January 1, 1998, for every person engaged in the business of selling firearms or firearms ammunition, as defined by this Section, the tax shall be \$60 per year or fractional part thereof for the first \$2,500 or less of gross receipts, plus \$24 per year for each additional \$1,000 of gross receipts or fractional part thereof in excess of \$2,500 from selling firearms or firearms ammunition or from any other activity which is subject to tax under the provisions of this Article.

(b) As used herein, the term "firearm" means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion, or other form of combustion. The term also includes any rocket, rocket propelled projectile launcher, or similar device containing any explosive or incendiary material and not designed for emergency or distress signaling purposes.

(c) As used herein, the term "firearms ammunition" means any projectiles with their fuses, propelling charges, or primers fired from weapons, and any of the individual components thereof, including, but not limited to, black powder and reloading primers.

(d) As used herein, the term "engage in the business of selling firearms or firearms ammunition" means the selling, leasing or transferring of firearms or firearms ammunition, except for wholesale sales, as provided in Section 5-1.26.

(e) This section shall not be applied to establishments exclusively involved in the sales of firearms or firearms ammunition to law enforcement officials.

(f) This section shall not be applied to any business licensed as a pawnbroker pursuant to the Oakland Municipal Code that (i) receives firearms or firearms ammunition as bond or other security for loans, advances or other forms of compensation, or (ii) sells or resells firearms or firearms ammunition wholesale to properly licensed and registered dealers exclusively.

Section 2. Section 5-1.26 WHOLESALE SALES shall be amended, to read as follows:

(a) Every person engaged in the business of selling any goods, wares or merchandise at wholesale, and not otherwise specifically taxed by other Business Tax provisions of this Article, shall pay a business Tax of \$60.00 per year or fractional part thereof for the first \$50,000 or less of gross receipts, plus \$1.20 for each additional thousand dollars of gross receipts or fractional part thereof in excess of \$50,000; except that any business engaged in the wholesale of firearms or firearms ammunition, as defined in Section 5-1.44 of this Article, shall pay a gross receipts tax of \$60 per year or fractional part thereof for the first \$2,500 or less of gross receipts, plus \$24 per year for each additional \$1,000 of gross receipts or fractional part thereof in excess of \$2,500 from wholesaling firearms or firearms ammunition.

(b) For the purpose of this Sections, "a wholesale sale" or "sale at wholesale" means the sale of goods, wares or merchandise for the purpose of resale in the regular course of business.

Section 3. Section 5-1.49 OPTIONAL METHOD OF DETERMINING TAX shall be amended to add the following subsection:

(3) Each person required to obtain a business tax certificate for engaging in the business of selling firearms or firearms ammunition under the provisions of Section 5-1.44 shall not be required to obtain a business tax certificate for activities covered by any other Section of this Article and shall pay tax on gross receipts derived from any activity covered by any Section of this Article at the rate prescribed for gross receipts from the sale of firearms or firearms ammunition.

Section 4. The effective date of this ordinance shall be January 1, 1998.

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE D
FIREARMS BUSINESS LICENSE TAX**

If adopted, this measure would create a new category of business license tax, amending the Oakland Municipal Code. Proposition 218, enacted by the voters of the State of California on November 5, 1996, created Article XIII C of the State Constitution, which governs imposition of general and special taxes. As this measure would create a new category of business license tax, and impose a higher rate than that currently imposed, it must be approved by two-thirds (2/3) of the voters voting on the measure at the special election.

The proposed measure imposes a tax rate of 2.4 percent (\$60 for the first \$2,500 or less of gross receipts, plus \$24 per year for each additional \$1,000 of gross receipts or fractional part in excess of \$2,500) on gross receipts from selling firearms or firearms ammunition or from any other activity which is subject to tax under the provisions of this Article. The proposed tax will apply to all gross receipts of any business which sells firearms or firearms ammunition. The effect of this measure is to impose a higher rate of tax on all receipts of a business which chooses to engage in the sales of firearms and ammunition. However, the measure does not apply to any business which is (1) engaged exclusively in the sale of firearms and firearms ammunition to law enforcement agencies, or (2) to any business licensed as a pawnbroker pursuant to the Oakland Municipal Code that (i) receives firearms or firearms ammunition as bond or other security or other form of compensation, or (ii) wholesales firearms or firearms ammunition exclusively to properly licensed and registered dealers.

The measure also amends the tax rate on businesses licensed and engaged in wholesales, to provide that any business engaged in the wholesale of firearms or firearms ammunition, shall pay the tax rate of 2.4 percent on its gross receipts from wholesaling firearms or firearms ammunition.

As used in this measure, the term "firearm" means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion, or other form of combustion. The term also includes any rocket, rocket propelled projectile launcher, or similar device containing any explosive or incendiary material and not designed for emergency or distress signaling purposes. The term "firearms ammunition" is defined to mean any projectiles with their fuses, propelling charges, or primers fired from weapons, and any of the individual components thereof, including, but not limited to, black powder and reloading primers.

The measure does not create any additional collection and enforcement structures, and will be enforced through existing procedures. The Director of Finance is charged with collection and enforcement of the tax. An appeals process is provided, as well as the imposition of penalties and interest on uncollected taxes. Failure to pay the Firearms Business License Tax would be a misdemeanor.

s/JAYNE WILLIAMS
City Attorney

**CITY AUDITOR'S IMPARTIAL ANALYSIS OF MEASURE D
ORDINANCE AMENDING CERTAIN PORTIONS OF THE
OAKLAND MUNICIPAL CODE TO MODIFY THE
BUSINESS LICENSE TAX BY CREATING A
NEW "FIREARMS DEALER LICENSE"**

Passage of this Measure to create a new "Firearms Dealer License" class with a business license tax rate of \$24 per \$1,000 of gross receipts and amending Section 5-1.49, "Optional Method of Determining Tax," will not increase the cost of City government.

The Revenue Division of the Budget and Finance Agency will administer this tax during the ordinary course of their operations.

s/NORMA LAU
City Auditor

ARGUMENT IN FAVOR OF MEASURE D

Gun violence takes a terrible toll upon Oakland, both in lost human potential and in direct fiscal costs. Measure D makes store owners who profit from the sale of guns or bullets share some of these costs by increasing the tax rate paid by firearm and ammunition dealers in Oakland.

The cost of gun violence is staggering:

- ▼ Medical treatment for the average gunshot wound costs \$33,000;
- ▼ Response to firearm-related homicides requires at least seven Police officers. Officers spend 4-6 hours on interviews and paperwork;
- ▼ In 1991 and 1992, Oakland residents incurred approximately \$8.2 million in medical costs due to firearm assaults, nearly 75% of which was paid with public monies.

Not surprisingly, gun dealers oppose Measure D. But Measure D doesn't make it illegal to buy guns. It simply holds dealers more accountable for their products' cost to society.

We support Measure D because:

- ▼ Businesses that profit from selling weapons and ammunition in our community should share in the costs to society;
- ▼ We want to reduce violence;
- ▼ We want safer neighborhoods and schools;
- ▼ A child is killed every two hours in this country by a handgun.

A similar law is already working in San Francisco. This law will work in Oakland, as well.

The money raised through this increased tax can be used for **violence prevention, gun buy-backs**, and other types of programs that **reduce gun availability** on our streets and in our neighborhoods.

Vote YES on Measure D for a safer Oakland.

s/HONORABLE HENRY CHANG, JR., Oakland City Councilmember-at-Large

s/JOSEPH SAMUELS, JR., Oakland Chief of Police

s/HONORABLE BARBARA LEE

s/BARBARA (BONNIE) McB HAMLIN, President,
Oakland League of Women Voters

NO ARGUMENT AGAINST MEASURE D WAS SUBMITTED.

The Council of the City of Oakland does hereby submit on its own motion the following proposed charter amendment to be voted on by the qualified electors of the City of Oakland at the **Municipal Nominating Election consolidated with the Statewide Primary Election to be held on Tuesday, June 2, 1998:**

PROPOSED CHARTER AMENDMENT

MEASURE PROVIDING FOR APPOINTMENTS TO VACANCIES ON THE PUBLIC ETHICS COMMISSION

CITY OF OAKLAND MEASURE E	
E MEASURE E: Shall Oakland City Charter section 202 be amended at paragraph (b) to allow appointments to vacancies in the four (4) non-Mayoral appointee seats on the Public Ethics Commission by a vote of at least four (4) of the members of the Public Ethics Commission and to provide for staggered terms for both Mayoral and non-Mayoral appointees?	YES
	NO

FULL TEXT OF MEASURE E

The full text of the proposed charter amendment shall be as follows:

The Oakland City Charter is amended at section 202, paragraph (b) to read:
“(b) The members of the Public Ethics Commission shall consist of seven (7) members who shall be Oakland residents.

- (1) **Initial appointments.** The first seven members of the Commission shall be appointed as follows: Three (3) members who represent local civic organizations with a demonstrated history of involvement in local governance issues shall be nominated for appointment by the Mayor and confirmed by the City Council; and four (4) members shall be appointed following a public recruitment and application process, by the unanimous vote of the three (3) representatives appointed by the City Council. The four (4) members so appointed shall reflect the interests of the greater Oakland neighborhood and business communities.
- (2) **Subsequent Mayoral appointments.** A vacancy in any of the three (3) positions nominated for appointment by the Mayor and confirmed by the City Council shall be filled in the same manner and upon consideration of the same criteria as for the initial Mayoral appointments.
- (3) **Subsequent Non-Mayoral appointments.** A vacancy in any of the four (4) positions initially selected by the unanimous vote of the three (3) Mayoral appointments shall be filled, following a public recruitment and application process, by a candidate who receives the affirmative vote of at least four (4) members of the Commission. Any member so appointed shall reflect the interests of the greater Oakland neighborhood and business communities.
- (4) **Staggered Terms.** Both categories of members shall be appointed to staggered terms.

- (5) **Functions, duties, powers, jurisdiction and terms.** The City shall by ordinance prescribe the function, duties, powers, jurisdiction and the terms of members of the Commission, in accordance with this Article."

Proposed changes are indicated by highlighting and strike throughs.

Oakland City Charter Section 202. Public Ethics Commission

- (a) There is hereby established a Public Ethics Commission which shall be responsible for responding to issues with regard to compliance by the City of Oakland, its elected officials, officers, employees, boards and commissions with regard to compliance with City regulations and policies intended to assure fairness, openness, honesty and integrity in City government including, Oakland's Campaign Finance Reform Ordinance, conflict of interest code, code of ethics and any ordinance intended to supplement the Brown Act, and to make recommendations to the City Council on matters relating thereto, and it shall set City Councilmember compensations, as set forth herein.
- (b) The members of the Public Ethics Commission shall consist of seven (7) members who shall be Oakland residents. ~~The Commission shall be appointed as follows:~~
- (1) **Initial appointments.** The first seven members of the Commission shall be appointed as follows: Three (3) members who represent local civic organizations with a demonstrated history of involvement in local governance issues shall be nominated for appointment by the Mayor and confirmed by the City Council; and four (4) members shall be appointed following a public recruitment and application process, by the unanimous vote of the three (3) representatives appointed by the City Council. The four (4) members so appointed shall reflect the interests of the greater Oakland neighborhood and business communities.
 - (2) **Subsequent Mayoral appointments.** A vacancy in any of the three (3) positions nominated for appointment by the Mayor and confirmed by the City Council shall be filled in the same manner and upon consideration of the same criteria as for the initial Mayoral appointments.
 - (3) **Subsequent Non-Mayoral appointments.** A vacancy in any of the four (4) positions initially selected by the unanimous vote of the three (3) Mayoral appointments shall be filled, following a public recruitment and application process, by a candidate who receives the affirmative vote of at least four (4) members of the Commission. Any member so appointed shall reflect the interests of the greater Oakland neighborhood and business communities.
 - (4) **Staggered Terms.** Both categories of members shall be appointed to staggered terms.
 - (5) **Functions, duties, powers, jurisdiction and terms.** The City shall by ordinance prescribe the function, duties, powers, jurisdic-

tion and the terms of members of the Commission, in accordance with this Article.

- (c) The Public Ethics Commission shall set the compensation for the office of Councilmember which shall be reviewed by the Commission and adjusted as appropriate, in odd-numbered years. In 1997, the Commission shall first establish a base salary for the Office of Councilmember at a level which shall be the same or greater than that which is currently received. Thereafter, the Commission shall fix City Councilmember compensation at a level not to exceed ten percent (10%) above the base salary, as adjusted.

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE E
PUBLIC ETHICS COMMISSION CHARTER AMENDMENT**

Currently, Oakland City Charter section 202 provides for a seven (7) member Public Ethics Commission. Three (3) of the members are appointed by the Mayor and confirmed by the City Council. These three (3) members then must appoint, by unanimous vote, each of the remaining four (4) members. If adopted, this measure would amend Oakland City Charter section 202, paragraph (b) to provide for a new method of appointment to fill vacancies on the Public Ethics Commission for any of the four (4) positions not appointed by the Mayor. This measure would provide that appointments to vacant Non-Mayoral appointee positions would be made by an affirmative vote of at least four (4) members of the entire Commission rather than by a unanimous vote of the three (3) Mayoral appointees. The amendment would also provide for staggered terms for both Mayoral and Non-Mayoral appointees. No other provisions of Oakland City Charter section 202 would be affected by this proposed amendment.

s/JAYNE WILLIAMS
City Attorney