

VIOLENCE PREVENTION AND PUBLIC SAFETY
OVERSIGHT COMMITTEE

March 16, 2009
6:30 P.M. to 9:00 P.M.
Hearing Room 1
City Hall, Oakland, California 94612

DRAFT MINUTES

Item 1: Roll-Call was commenced by staff at 6:35 p.m.

Oversight Committee Members Present: Blevins, M. Brown, J. Brown, Carter, Dorado, Johnson and Chairperson Dillard Smith.

Oversight Members Absent: Member Lee (excused absence), Member Owens (excused absence).

Seven members were present; quorum for the meeting was achieved.

Item 2: Open Forum

There were two speakers on this item.

- Jim Dexter
(Expressed concern regarding community input into RDA Evaluation of Measure Y community policing and violence prevention programming via survey.)
- Sanjiv Handa
(Notice of pending filing of lawsuit regarding Brown Act and Sunshine Ordinance violations by City boards and commissions.)

Item 3: Approval of Minutes, November 17, 2008 and February 23, 2009 Oversight Committee Meetings.

The Minutes of November 17, 2008 were approved by consensus. (Member M. Brown did not vote on this item, not being a member of the Oversight Committee on this date.)

The Minutes of February 23, 2009 were approved by consensus. (Member M. Brown did not vote on this item, not being a member of the Oversight Committee on this date.)

There was one speaker on this item:

- Jim Dexter
(Expressed concern regarding lack of detail in OPD report on salaries and overtime.)

Item 4: Report regarding Revenue, Expenditures, Fund Balance and Interest Earned as of October, November and December 2008.

Robert Davila, CAO Budget Office, provided the report.

There was one speaker on this item:

- Sanjiv Handa
(Pointed out potential revenue decline in Measure Y revenue contrasted with increased cost of police salaries.)

Chairperson Dillard Smith requested three distinct line items are added in future revenue reports; (1) personnel costs of salary and benefits, (2) materials and overhead, and (3) contracts. Additionally, a separate breakout of total number of city staff paid through Measure Y as well as the percentage of time city staff spends working on Measure Y projects.

There was one speaker on this item:

- Sanjiv Handa (Suggested need for broader discussion of Measure Y and its ultimate outcomes.)

The Revenue and Expenditures reports for October, November and December, 2008 were passed by consensus.

Item 6: Update on M-Y Problem Solving Officer Salaries and Overtime, Oakland Police Department was taken out of order by discretion of the Chairperson. Gilbert Garcia, Fiscal Services Manager for OPD provided the report. Garcia disclosed the present report includes only "problem solving officers" distinguished from "Measure Y OPD salaries from all OPD activities." The latter is a different report altogether and includes "crime reduction teams and truancy officers," both of which are not considered problem-solving officers and not within the scope of the present report.

Chairperson Dillard Smith and Member Brown expressed objections to the distinctions and requested a full report of all OPD staff expenditures for salaries and overtime.

Member Johnson made a motion that the report from OPD not be accepted as presented and that OPD present a "complete report on all OPD positions funded by Measure Y (truancy officers, crime reduction team officers, domestic violence officer, crime investigations officers, problem solving officers – the totality of OPD officers and Sergeants salaries and overtime paid by Measure Y from its inception in 2005 to the present" be included in a follow-up report.

Chairperson Dillard Smith inquired whether the report would be available by the April 20th meeting?

Staff Member Garcia responded that a full report would be available however the report would not contain a corresponding program narrative.

There were one speaker on this item:

- Jim Dexter (Expressed concern regarding the lack of narrative detail in the report and suggested the Committee request extensive detail from OPD re salaries and overtime as well as the accomplishments of officers from use of Measure Y funding.)

Member Johnson repeated his motion, seconded by Member Blevins. The motion was approved by consensus.

Item 5: Acceptance of Resource Development Associates 2nd Quarter Measure Y Evaluation Report: Dr. Patricia Bennett, CEO, Resource Development Associates, provided the report to the Committee.

Member J. Brown asked whether there will be additional outreach to the general public for input regarding Measure Y programming other than the telephone survey referenced in the 2nd Quarter RDA Evaluation?

Dr. Bennett responded that the “survey” was actually a “sample survey” rather than an outreach survey or poll. It is a statistical analysis used to identify what people “likely feel” throughout Oakland regarding Measure Y and community policing.

Member Blevins asked Dr. Bennett to elaborate on the collection of data by program provider and the impact of programming on clients in Measure Y programming.

Dr. Bennett responded that program providers are required to collect data for monitoring purposes and for the evaluation. Providers have indicated a need for tools to understand the impact of their respective programs on the clients served. For instance, if providers had a “tool” to help measure the severity of the needs of clients at the beginning of service delivery, the provider could utilize the same tool to measure the needs at the end of the program – providing some insight as to the impact of the programming on the client’s need.

Member Blevins inquired whose responsibility is it to find and provide these assessment tools? Evidence-based practice required an upfront assessment, a case plan and a measurement at the end of service to ascertain if the case plan addressed the issue.

Dr. Bennett responded that in most cases the responsibility of identifying and providing these assessment tools are not part of the provider’s contract or part of the evaluation contract.

Member J. Brown to what extent were RDA’s research recommendations included in DHS’s RFP process. For instance, page 5 recommends “DHS should create clear

definitions of what is contained in service delivery categories and minimum standards of services in order to compare outcomes; that evidence based practice by cluster area be outlined in the RFP and programs be required to identify the evidence based practice or model they propose to implement.”

Dr. Bennett responded that DHS invited RDA to the RFP design meeting where conversations took place regarding evidence based practices. RDA provided DHS and the program grantees with extensive research in each of the cluster categories. A workshop was conducted on evidence based practices and a review of the literature was undertaken with cluster coaches and providers. We have made a lot of headway in the direction of evidence based practices, having very rich and deliberate dialogue about evidence based practices with program providers.

Chairperson Dillard Smith asked for the criteria used to select the six community policing beats in the RDA case study.

Dr. Bennett responded that RDA wanted a good mixture of communities that represented the diversity of the NCPC beats – not just an exercise of the worst or the best community policing beats – to compare and contrast.

Chairperson Dillard Smith noted that telephone surveys historically under represent disconnected, disadvantaged communities – the same communities most impacted by crime and violence. We do not want a representative sampling of the voters but a more representative sampling of the overall demographics of the City. Is it possible to expand the scope of future resident surveys.

Dr. Bennett responded that RDA is in the process of re-evaluating the data collected through the survey in larger geographic areas. Another way to select a survey sample is to use census data. Our concern was the census data was ten years old compared with recent voter data which from all indications included a significant increase prior to the recent election.

Chairperson Dillard Smith requested RDA over-sample under represented populations in future resident surveys.

Member Dorado asked how design of the data collection tools for Neighborhood Crime Prevention Councils will relate to how NCPSs conduct problem solving?

Dr. Bennett responded that RDA will collect data that will view the activity of the NCPC and identify groups that meet, the problems identified, the PSO attendance and how the problems identified are addressed.

Member Dorado suggested RDA review the protocol of developing NCPC priorities within the NCPCs.

Chairperson Dillard Smith asked whether the cloaking mechanism on client participants implemented by the National Council on Crime and Delinquency is still in place?

Staff person Baker responded that the third party encoder system is still in place.

Member Carter asked whether the data system on community policing is progressing.

Dr. Bennett responded that the system design is underway and that RDA is prepared to give a demonstration of the system tonight. (A powerpoint demonstration of the community policing data collection system took place.)

Member J. Brown asked when the community policing data collection system will be operational and officers will begin to input information.

Dr. Bennett responded that she anticipated officer data input will begin in May 2009.

Chairperson Dillard Smith asked that a line item in the data system include tracking of "non-Measure Y work."

Member Carter asked that given the timeframe of system implementation will there be sufficient data upon which an evaluation of the program could be made this program year?

Dr. Bennett responded that it is unlikely that the system would produce sufficient information this program year, given the final RDA evaluation report will be produced in September 2009. However, in out years, the data collection system should produce excellent evaluation data.

There were two speakers on this item:

- Jim Dexter (Overall, (1) report shows little, if any, communication with OPD outside of the NSC, (2) no attachment of survey questions as a result you don't know what was asked; (3) little if any information re NCPC citations, the six chosen beats cannot possibly represent the community policing beats of Oakland, (4) NCPC score; unknown what scorecard is composed of or how it is to be utilized; (5) there is no schema of police data base attached to understand the fields and field definitions and interrelationship between fields; (6) no mention of PSO duties in the evaluation or impact; (7) all discussion is based on three priorities of NCPCs that are just representative of three of many NCPC priorities; and lastly, (8) the PSO SARA form and associated information is internal to OPD, will not be made public and can be closed by OPD Sergeant without NCPC input. Contractor is doing what OPD should have done four years ago.)
- Sandjiv Handa (The report fails to capture that some NCPCs are out of touch with crime issues in their respective neighborhoods. Secondly, changing

demographics of Oakland require an effort by evaluator to capture input from renters. Evaluator needs to reexamine the methodology – the issue is not whether the money is being spent appropriately but whether the M-Y programs address Oakland's core issues.

Member Carter made a motion to accept the RDA 2nd Quarter Evaluation Report. Motion seconded by Member Johnson. Motion passed by consensus.

Item 7: Discussion of East Palo Alto Measure C. A City Council-Sponsored Special Tax to Fight Crime Through Community Prevention and Law Enforcement Programs w/Administrative Guidelines.

There was one speaker on this item:

- Sandjiv Handa (One of the shortcomings of Oakland City Departments is the inability to provide documentation comparable to the documentation from East Palo Alto; it would take fifteen or twenty hours of Oakland City staff time to assemble and three separate public records requests to three different agencies to get the documents. This is one of the issues of transparency that Oakland cannot address.)

Item 8: Discussion: Measure Y Administrative Policies and Procedures:

Chairperson Dillard Smith provided a list of administrative items for discussion and approval by the Oversight Committee including: (1) a written and verbal report from DHS on funding and monitoring of M-Y violence prevention programming; (2) a protocol and timeline for dissemination of agenda materials; (3) a review of the City Auditor's report on Measure Y violence prevention programming; (4) agendaize monthly presentation by Measure Y service providers; (5) letter to Chief of Police and Director of the Department of Human Resources regarding attendance and participation of their respective staff for the duration of Oversight Committee meetings; (6) discussion on a strategic funding plan for Measure Y over the ten-year period; and (7) refresher on conflict of interest issues.

Member Brown made a motion that the agenda and attendant materials be prepared for publication five business days prior to regularly scheduled meetings. Motion seconded by Member Johnson. Motion passed by consensus.

There were two speakers on this item:

- Sandjiv Handa
- Jim Dexter

Member Brown made a motion that authorizes Chairperson Dillard Smith author a letter written and delivered to the Director of the Department of Human Services, the Chief of Police and the Mayor regarding staff's regular attendance and assignment as liaison to

Oversight Committee meetings. Motion seconded by Member Dorado. Motion passed by consensus.

There were two speakers on this item:

- Sandjiv Handa
- Jim Dexter

Member Brown made a motion that public comments be summarized by staff for inclusion in the Committee's minutes. Motion seconded by Member Carter. Motion passed by a 5-2 vote in favor of the item with Member Blevins and Johnson voting nay on the motion.

There were two speakers on this item:

- Sandjiv Handa
- Jim Dexter

Item 9: Agenda Building for April 20, 2009 Oversight Committee Meeting

Chairperson Dillard Smith acknowledged carry-over of the list of administrative items in Item 8 to April 20, 2009 meeting.

Member Brown requested the issue of attending "All-Hands" meetings by Oversight Committee members be added to the April 20, 2009 agenda as well as exploration of having Oversight Committee meeting in community locations.

There were no speakers on this item.

Member Johnson made a motion to adjourn. Motion seconded by Member Blevins. Motion passed by consensus.

Meeting adjourned at 9:35 p.m.

VIOLENCE PREVENTION AND PUBLIC SAFETY
OVERSIGHT COMMITTEE

June 15, 2009
6:30 P.M. TO 9:00 P.M.
Hearing Room 1
City Hall, Oakland, California 94612

DRAFT MINUTES

Item 1: Call to Order: Roll-Call was commenced by staff at 6:40 p.m.

Oversight Committee Members Present: Barnett, J. Brown, Carter, Dorado, Forte, Johnson, Lee, Owens and Vice Chairperson Blevins.

Oversight Committee Members Absent: M. Brown

Nine members were present. The required quorum of seven members was achieved.

Item 2: Open Forum:

The following individuals spoke on this Item:

Sanjiv Handa

- Mr. Handa commented on staff layoffs proposed by four members of the City Council.

Jim Dexter

- Mr. Dexter commented on budget proposals that directly impact Measure Y funds yet have not been heard or vetted by the Oversight Committee.

Maya Dillard Smith

- Ms. Dillard Smith encouraged Committee to (1) make inquiries regarding potential of decreased funds for prevention programs from Measure OO (depending on outcome of upcoming election) and (2) make strategic plans regarding proposed increased parking surcharge as to split between Measure Y Fund and General Fund (40/60).

Item 3: Approval of Minutes, March 16, 2009

There was one speaker on this Item:

Jim Dexter

- Thanked Committee for decision to include speaker comments in Minutes and objected to Minutes from May 18th meeting not being in agenda package.

Member Dorado moved Minutes of March 16, 2009 be approved. Motion seconded by Member Brown. Members Owens and Barnett abstained. Motion approved by consensus.

Item 9: Election of Chairperson, Measure Y Oversight Committee (Taken out of order)

Vice Chairperson Blevins opened the floor for nominations.

The following persons spoke on this issue:

Sanjiv Handa:

- Mr. Handa outlined the challenges before the elected Chairperson, including eleven different forums in which complaints were made about the inability of the Oversight Committee to do its work and the pending loss of Oversight Committee staff proposed by several members of the City Council.

Member J. Brown nominated Member Dorado for Chairperson of the Oversight Committee. Motion seconded by Member Owens.

Member Dorado nominated Vice Chairperson Blevins for Chairperson of the Oversight Committee. Motion seconded by Member Johnson.

A vote was taken of the members. Member Dorado received one vote. Vice Chairperson Blevins received eight votes. Vice Chairperson Blevins was elected as Chairperson of the Oversight Committee.

Nominations were taken to fill the Vice Chairperson position vacated by Chairperson Blevins. Chairperson Blevins opened the floor to nominations. Member Carter nominated Member Dorado as Vice Chairperson. Chairperson Blevins seconded. No other nominations were made; the nomination period was closed by the Chair. Member Dorado was elected Vice Chairperson by consensus vote.

Item 4: Presentation by Office of the City Attorney and Ethics Commission Regarding Public Ethic and Brown Act/Sunshine Ordinance.

The Brown Act/Sunshine Ordinance and Public Ethics report was given by Tamika Thomas, Ethics Commission and Mark Morodomi, Office of the City Attorney.

The following persons spoke on this item:

Sanjiv Handa:

- Mr. Handa stated there are several violations of the Brown Act/Sunshine Ordinance each week. Additionally, the Committee's By-laws should be revisited by outside counsel.

Maya Dillard Smith:

- Ms. Dillard Smith stated the importance to maintain "goodwill gesture" and hear members of the public despite lack of a quorum. Secondly, she cautioned Committee that the City Council or the City Administrator's Office has the authority to alter any by-laws regarding the operation of the Committee.

Jim Dexter

- Mr. Dexter stated that there exists no city decree or indications in the Brown Act or Robert's Rules of Order regarding the length of time public speakers may address the Committee.

Member Johnson asked staff for the origins of the City Administrator's Office decision to amend the Committee's By-laws to reduce the number of members required for quorum.

Member J. Brown made a motion to inform the City Council to rescind the amendment action to decrease the number of members required for quorum. Motion seconded by Member Carter.

Member Johnson made friendly amendment that actions impacting the Oversight Committee By-laws originate from the Oversight Committee. Amendment accepted by Member Brown. Motion approved by consensus.

Member Carter made motion that City Attorney research whether Boards and Commission must adjourn where there is no quorum. Motion seconded by Member Brown. Motion passed by consensus.

Member J. Brown made a motion that the City Attorney return to fully discuss the "Powers of the Oversight Committee." Member Johnson seconded. Motion passed by consensus.

Item 5: Report Regarding Revenue, Expenditures, Fund Balance and Interest Earned as of January, February and March 2009.

There was one speaker on this Item:

Sanjiv Handa:

- Mr. Handa noted the misperception in the community of the number of personnel salaries paid through the fund. Further, Mr. Handa predicted a "deficit" in the Measure Y Fund as it relates to the Police. The Fire Service Agency uses its Measure Y Fund to backfill the fire stations with overtime. However, the Committee should have a discussion with the Fire Department to see if this is the best use of Measure Y Funds.

Report noted/filed.

Item 6: Report: Update on M-Y Problem Solving Officers Salaries and Overtime, Oakland Police Department.

Member Brown requested Item 6 placed on next Oversight Committee Meeting Agenda and in addition to a narrative report, a representative from the Police Department be available to answer questions. Motion seconded by Member Carter.

The following individual spoke on this Item.

Sanjiv Handa:

- Mr. Handa noted that most City of Oakland budget personnel are working to prepare the budget report for City Council upcoming budget meeting. Secondly, the Alameda County Coliseum has not been billed for the parking surcharge required by Measure Y and the Committee is encouraged to ask staff for a report on the issue.

Motion passed by consensus.

Item 7: Third Quarter Evaluation Report, Measure Y Violence Prevention Programming, Resource Development Associates.

Member Brown made a motion that the upcoming Fourth Quarter Report from RDA is presented to the Oversight Committee prior to presentation to the Public Safety Committee and City Council. Motion seconded by Member Dorado.

There were two speakers on this Item:

Jim Dexter:

- RDA Report has been presented to the Public Safety Committee and the City Council without presentation to the Measure Y Oversight Committee. Secondly, the Mayor's Public Safety Plan was not presented to the Oversight Committee. Lastly, the City Council recently hired 14 police officers with Measure Y Funds and did not consult this board. Lastly, the City Council is presently considering whether to appeal the results of the Measure Y Lawsuit. The Oversight Committee should weigh in on this item.

Sanjiv Handa:

- The Public Safety Committee held up the hiring of the 14 officers with Measure Y Funds. There is, however, a policy budget proposal to move five criminal investigators out of the General Fund into Measure Y. A letter from the Chairperson to the Mayor or City Administrator may result in information regarding these proposals.

Motion passed by consensus.

Item 8: Report: Department of Health and Human Services, Funding Recommendations For Violence Prevention Programming, FY 2009-2010. Sara Bedford provided the staff report.

Member Johnson requested DHS and CAO staff provide the Oversight Committee with the "critical dates" re strategy implementation.

There was one speaker on this item.

Sanjiv Handa:

- Measure Y funded police salaries will be impacted by the furlough dates – possibly resulting in a savings to the fund. The larger issue is whether the investment in violence prevention programming will produce dividends to the City as a whole.

Jim Dexter:

- The federal stimulus monies for the NSCs is a long-shot, thus the request for funds will ultimately come to Measure Y. OPD has also recently added three additional sergeants to the Measure Y Fund.

Member Barnett asked where to find evaluation documents on Measure Y programming?

Staff person Bedford answered that the best information would be found on the Measure Y website.

Item 10: Agenda Building for July 20, 2009 Oversight Committee Meeting:

Member Johnson requested all items scheduled before City Council Committees pertaining to the expenditure or receipt of Measure Y Funds be agendized before the Oversight Committee.

Member Brown requested a report from the City Council regarding the decision whether to appeal the present Measure Y litigation. Secondly, Member Brown requested a report on the collection of the Alameda County Coliseum parking surcharge. Lastly, Member Brown expressed surprise that the City Council would recommend elimination of staffing the Oversight Committee, particularly where there are funds to support the position – all without consulting the Oversight Committee itself.

Member Carter requested two reports: (1) a report from OPD regarding the shifting of 14 police officers salaries to the Measure Y Fund, and (2) a report from OPD regarding the shifting of five criminal investigators to the Measure Y Fund.

Member Johnson requested the earlier recommendation of the Oversight Committee regarding the Measure Y litigation (Sacks v. City of Oakland) be included in the next agenda package for review by new members.

Member Johnson made a motion to adjourn. Motion seconded by Member Owens. Motion passed by consensus.

Meeting adjourned at 9:20 p.m.

VIOLENCE PREVENTION AND PUBLIC SAFETY
OVERSIGHT COMMITTEE

July 20, 2009

6:30 P.M. TO 9:00 P.M.

Hearing Room 1

City Hall, Oakland, California 94612

DRAFT MINUTES

Item 1: Call to Order: Roll-Call was commenced by staff at 6:40 p.m.

Oversight Committee Members Present: Barnett, Carter, Dorado, Forte, Johnson, Owens and Chairperson Blevins.

Oversight Committee Members Absent: M. Brown, J. Brown, N. Lee

Seven members were present. The required quorum of seven members was achieved.

Item 2: Open Forum:

The following individuals spoke on this Item:

Sanjiv Handa

- Mr. Handa commented on the lack of a consensus among various city boards, commission and City Council members on the definition of "community policing." Various audit reports will be forthcoming in the Fall and may provide the Measure Y Oversight Committee an opportunity to weigh-in on the financial status of the Measure Y Fund.

Jim Dexter

- Mr. Dexter commented on the City's "treatment" of Measure Y. "The City is gutting Measure Y without providing additional resources to Measure Y." In addition, the Initiative is misinterpreted by the City's budget personnel. He recommended the Committee "make it clear" how it feels about the treatment by the City.

Maya Dillard Smith

- Ms. Dillard Smith commented on the City Attorney's opinion on use of the Measure Y Fund to fund 14 police officer positions. She stated that the opinion was "flawed." Though the opinion that Measure Y funds can be used to pay police officer salaries over the 63 Measure Y officers is true; however, the Measure Y fund is scheduled to "bankrupt" in two-three years. Adding an additional 14 police officers to Measure Y would accelerate the bankruptcy of the Measure Y Fund.

Item 3: Approval of Minutes, June 15, 2009

There were two speakers on this Item:

Jim Dexter

- Thanked Committee for decision to include public speaker comments in Minutes.

Maya Dillard Smith

- Commended staff for inclusion of public comments in Minutes. Ms. Dillard Smith asked for a correction in Minutes of comments attributed to her during the June 15th meeting. Page 3, first paragraph, second sentence states "Secondly, she cautioned Committee that the City Council or the City Administrator's Office has the authority to alter any by-laws regarding the operation of the Committee." For the record, Ms. Dillard Smith stated "the City Council or the City Administrator's Office does not have the authority to alter any by-laws regarding the operation of the Committee."

The correction was noted in the record.

Member Dorado moved Minutes of March 16, 2009 be approved. Motion seconded by Member Johnson. Motion approved by consensus.

Item 10, Report Regarding Revenue, Expenditures, Fund Balance and Interest Earned as of April and May 2009 and End of Fiscal Year 2008-2009 Report by CAO Budget Division, was taken out of order by direction of the Chairperson. Cheryl Taylor, CAO Budget Director, provided a brief overview and asked for questions.

There were two speakers on this item:

Sandjiv Handa

- Measure Y will not be able to fulfill its obligation to pay the salaries of its 63 police officers. The national average annual cost for police officers, salaries, benefits, fully loaded, is about \$148,000 per officer. In Oakland, that amount is \$250,000 per officer, a substantial gap. The end result is that if Oakland receives the federal stimulus dollars anticipated it will only be able to fund about 40 police officers. I would urge you to ask staff what is the projected date where the Measure Y Fund can no longer pay the salaries of the base 63 Measure Y officers.

Maya Dillard Smith

- The new budget helps to illuminate the overwhelming personnel cost of Measure Y. With the Mayor's new budget in July 1, there will be a restructuring of the Measure Y budget. In the Measure Y Evaluation

section, which lists out personnel at \$193,000, materials at \$15,000 and contracts at nearly \$500,000 and the prior year's budget of \$174,000. I would inquire about this since there was a change in the evaluator that the City is using. Last year's budget looks substantially less than what I would expect it to be. I would encourage the Committee to look at this. As you move forward in 2009-2010 I would keep an eye on the budget for efficiencies since there is a "money grab" of Measure Y. I encourage you to inquire when the money is coming back to the fund for repayment of monies advanced for police recruitment a year or so ago, unrelated to the \$7.7 million recently taken from the Measure Y Fund.

Chairperson Blevins asked for an explanation of the Augmented Police Recruitment Program summary balance sheet of \$3,412,591 (page 3, paragraph 1, May 2009, Revenue and Expenditure Report).

Gilbert Garcia, Deputy Director of Finance, OPD: The narrative breaks down what was spent on the Augment Police Recruitment during Fiscal Year 08-09 up to May, 2009.

Chairperson asked whether this amount comes out of the previously approved \$7.7 million augmented recruitment program? If so, how much is left?

Mr. Garcia responded that some money from the augmented recruitment program was spent in 07-08; of that, there is about a million left that will revert back to the Measure Y Fund for PSOs and other Measure Y activities.

Member Forte asked how would that information on credits and repayments be captured or reflected in the budget document? Where is the "credit" from the \$7.7 million dollar repayment or payments from previous years reflected in the budget document?

Mr. Garcia directed the Committee to Page 2 of the 2008-09 Budget Report, year to date expenditures, left hand column. The budget document shows an over/under of in the Police Services Agency of \$2,058,389, which reflects the balance in the fund as well as the \$1 million remaining from the Augmented Recruitment Program.

Member Barnett made a motion to accept and file the report, motion seconded by Member Dorado. Six members voted yes. Member Johnson opposed. The Motion to accept and file the report passed.

Item 4. Presentation: Powers of the Measure Y Oversight Committee, Legal Opinion, Oakland City Attorney, January 24, 2008. Mark Morodomi, Deputy City Attorney, provided the presentation of the legal opinion. In summation, the Measure Y Oversight Committee "shall review the annual audit, evaluate, inquire and review the administration, coordination and evaluations of the programs and make recommendations to the Mayor and the City Council for any new regulations, resolutions or ordinances for the administration of the programs." Measure Y Initiative, Section 3, Oversight.

Member Barnett commented that the use of the word "shall" in the Initiative requires the Oversight Committee to receive staff reports for review prior to any legislative action by the Mayor or City Council. Reference was made to the Department of Human Services Funding Recommendations Report for FY 09-10, first presented to the Oversight Committee at the June meeting though final action on the report was taken by the City Council in May. Any report within the criteria set forth in the Initiative should come before this Committee prior to City Council action.

Morodomi responded that the opinion does not require a report on Measure Y to come before the Oversight Committee before passage by City Council. The Oversight Committee's has no veto or procedural delaying power over the City Council.

Member Carter asked whether the Oversight Committee has power over its by-laws.

Morodomi responded that the Oversight Committee has power over its by-law as long as it does not contradict the City Charter, other City Ordinances or State/Federal law.

Chairperson Blevins noted that the legal opinion conclusion that the Initiative imposes no requirement of approval of any proposal that involves Measure Y monies be reviewed or approved by the Measure Y Committee seems contrary to the Committee's fiduciary duty.

Morodomi responded that the legal opinion concludes that the language of the Initiative imposes no oversight precondition to enactment or approval of legislation or the expenditure of Measure Y funds by the City Council.

Member Johnson asked whether the Oversight Committee can recommend the Mayor and City Council allow sufficient time for the Oversight Committee to perform its fiduciary duty, e.g., reviewing, evaluating, making inquires, etc., prior to City Council enactment or approval of Measure Y legislation?

Morodomi responded that the Oversight Committee could make such a recommendation.

There were three speakers on this item:

Jim Dexter

- The legal interpretation presented tonight states that you are responsible for fiduciary oversight only if you find out about the report on your own. No one is going to present the information to you; no one is going to tell you about because they don't have to. If this ruling were to stand, essentially we could pack up and go home because you're not going to get the information. There have been major changes to Measure Y without informing this Committee. The legal opinion does not make sense. The City establishes a board, a commission, an Oversight Committee but has no responsibility to tell

that Committee what is going on. This issue should be reviewed by an outside attorney.

Maya Dillard Smith

- The City Attorney says you have no fiduciary duty, no legislative oversight authority and that the executive/legislative branches of the City do not have obligation to put forth information to this committee. Where is the transparency and accountability to tax payer dollars? This is unacceptable. As a taxpayer I am outraged at the idea that in a ballot measure we put forth to the voters that indeed there would be trustees of this funding source only to systematically reverse it through a series of process, protocol and defunct legal opinion. They will also tell you that you cannot seek outside legal advice. They essentially strip you of all your authority. Member Barnett and others asked appropriate questions to which this City Attorney's Office does not have credible, authentic genuine answers that are truthful to the citizens and taxpayers of this City. How dare they. I think it's incredibly disrespectful of your time as committee members to do come here and do this on behalf of the taxpayers. We have got to clean the city up. Lives, public safety, education of our children, and protection of our neighborhood demand that. As a city and as taxpayers we should all be outraged.

Sandjiv Handa

- Welcome to the City of Oakland, where the game is played very differently. First, Mr. Morodomi is interpreting the language as it stands, that's the role of the City Attorney's Office. The problem is that someone else in the City Attorney's Office wrote [the Initiative] language on behalf of the City Council based on the direction they were given. The idea of an oversight committee in Oakland is a joke. For the library, they gave the responsibility to the Library Advisory Commission, which does not have an "arms-length's" relationship with the library. Rather, in some cases, the members are library former employees or spouses of library employees or in other cases are invitees to library socials, such as the employee holiday parties to which the public is excluded simply because the Library Director wants to make brownie points with them. The Library Budget Commission went for two years as the oversight committee and almost never had a quorum. Look at the Measure B Transportation Tax Half-Cent and their Oversight Committee. That's a Committee with some teeth with the ability to do something. The City Council of Oakland did not set that up. You, as an oversight committee have not even received the courtesy of getting the actual financials of Measure Y for the past several years. You ought to use your bully pulpit as the Oversight Committee to schedule a discussion item on what it is you

want your role to be – and send a letter to the City Council stating your plan and ask the legislation be changed to reflect your role.

Member Owens noted he could not recall a single time where the City Council asked for the Oversight Committee's opinion on anything of importance. Our role is that of a "straw man" and I'm fed up with the "non role" that we play. We need to send a letter to the Mayor and the City Council to complain about the way the Oversight Committee is ignored.

Member Carter noted that the Committee does not receive information in a timely fashion to allow it an opportunity to weigh in on a topic. However, we should ask that any proposed changes to the Measure Y Initiative should be brought to this Committee prior to any action by the City Council.

Member Barnett made a motion that: The City Administrator provide to this committee any copies of new regulations, resolutions or ordinances for the administration of programs to comply with the requirements and intent of this Initiative 60 days prior to Council action on those matters so that we have an opportunity to review them, to make inquiries if appropriate and to make a formal recommendation to City Council so we can go on record as having reviewed and agreed which is our responsibility.

Motion seconded by Member Dorado.

Chairperson Blevins stated that he believed the major role of the Committee was to "watch the dollars" and provide oversight to ensure the funds are spent properly. Chairperson Blevins made a friendly amendment to the motion: Anything action that involves expenditure of Measure Y funds should be reviewed by the Oversight Committee.

Jim Dexter added an additional statement on this item:

- Budgets are just a dollar implementation of what is happening on the ground. To have this committee shrink its responsibility to only look at the dollars avoids the real reason why we're here – to make sure that Measure Y and the concept of community policing is implemented in the best possible way.

The motion was passed by consensus.

Item 5. Proposal to Amend Measure Y oversight Committee Enabling Ordinance No. 12690, Section 2b., to Reduce the Number of Members Required to Constitute a Meeting Quorum. Staff person Baker provided the report.

Chairperson Blevins noted that he thought this was the proper approach and recommended approval of the report.

Member Barnett asked whether "quorum" could be based on the number of "filled" seats rather than the total number of members.

There were two speakers on the item:

Jim Dexter

- If the quorum is set by the number of actually filled seats and by fiat the Mayor and City Council could not appoint and the resulting quorum could be a single member.

Sandjiv Handa

- This is one of the few board or commissions where the quorum requirement is greater than a simple majority and that was incorporated particularly during the Jerry Brown administration and showed his disdain for public participation. Since he didn't appoint members to various boards and commissions you would see meeting after meeting without an ability to transact business. Since Measure Y was sensitive, politically, they were trying to craft something that would appease the public and make it look like this Committee and had teeth and some purpose. There was to be uniform expiration dates of April 18th for each of the seats. Neither the City Attorney nor the appointing council person paid attention and so you have five different expiration dates for your members. As amply relayed by at least four members of the City Council at different stages of the budget process – they had members appointed by them who came back and reported that they did not want to participate on this Committee or did not like the set up – the word used repeatedly was dysfunctional. The Mayor's Office still has yet to respond to several of the issues raised and has instead chose to engage in a lobbying campaign along the lines of budget rather than dealing with the issue. A final point, seven to six is fine; if you go to a situation with a simple majority of members present or seated you would have something like the Planning Commission where at one point there were 3-4 members; two members could approve a project with one absent and another abstaining.

Member Johnson asked if an appointee decides not to take a seat is there a ninety day period before the seat becomes vacant?

Mark Morodomi responded that the seat is vacant immediately upon resignation – however a ninety-day absence will not constitute an automatic vacancy. Each situation would require analysis on a case-by-case basis.

Member Johnson made a motion to move the item. The item was seconded by Member Dorado. The item passed by consensus.

Item 6: Review of Recommendation of Measure Y Oversight Committee on "Augmented Police Recruitment Plan." Oakland Police Department. Staff person Baker provided the report.

There were two speakers on this item:

Jim Dexter:

- The letter prepared by staff to the Public Safety Committee didn't represent in any way, shape, or form the discussion had by your board at this time. I remember very distinctly the discussion. This letter, with all due respect, didn't capture the discussion. Your former Chairperson, spoke at the City Council, very eloquently I thought, about what the discussion consisted of at this board – along with a couple of her own personal opinions. This is not a good example of this Committee's official relationship with the City. There are changes in the City of Oakland's community policing within the Oakland Police Department that you do not know about or if you know about it, it hasn't been discussed in this Committee. There has been the elimination of the 6 public safety areas in the City of Oakland, according to Deputy Chief Kozicki. You should know about this; it should have been brought to your attention. There has been the creation of nine PSO teams, this has not been brought before you or the City Council. It was brought before the Public Safety Committee in the public safety plan and rejected – that rejection is being implemented right now without any further review by the Public Safety Committee, the City Council or you. Third is the creation of six city staff teams, again from the public safety plan; its being done, implemented, actively worked on, without any approval.

Sandjiv Handa

- First, just to clarify, the \$7 million plus that was earmarked did not get spent since OPD got up to full 803 officers – actually beyond that. There is approximately \$4 million that was unspent. That's what being paid back over the current and next fiscal year. Two years ago you could have looked in reserves "all funds" and found \$75 million. If you looked around June 1st you would have be lucky to find \$12 million all funds reserve. Since all money is mingled; money from the Rent Board, money from Measure Y, is spent to pay bills. The actual money is not sitting in a separate account and the city borrows and paid back.

Item 8: Report Finance Agency: Status Report on Collection of Measure Y Parking Surcharge from Alameda County Coliseum, FY 04-05 to Present. Joe Yew, Finance Director, City of Oakland, gave the report. There is presently a dispute between the City of Oakland and the Alameda County Coliseum. The County has filed a lawsuit to prevent the City from collection of the parking surcharge. Mark Morodomi, Deputy City

Attorney added that the City of Oakland prevailed on a temporary restraining order but the case is still active. The County claims the parking spaces are county property there is an issue of sovereign immunity and the City cannot tax county property.

There were two speakers on this item:

Jim Dexter

- Item 8 and Item 7 were listed in the agenda as "action items." There is no indication as to what the anticipated "action" is. When information is brought to the Committee, there is a responsibility to inform the public as to what is going on. Having the agenda reflect that there is "no report" is understandable from a staff point of view, but should not be acceptable from the Committee's point of view.

Sandjiv Handa

- There were several entities that were not collecting the parking tax. One is the Port of Oakland. They do at the airport and their parking lot at Jack London Square and all of the operators that have leases with them all collect and remit parking tax. But the Coliseum is an entity that does not. The oversight of the coliseum is vested in the Coliseum Joint powers authority which is comprised of an eight-member board which includes two members of the Oakland City Council and 2 members of the Alameda County Board of Supervisors. For the last 8-9 years, the City of Oakland has not been viewed in the region as a good or a honest partner by other government agencies and that has resulted in litigation all over the place. The City and the Port sued Caltrans when Caltrans had notified that they wanted to take a portion of the Army base to rebuild the Bay Bridge. The City balked and got the money out of that as a settlement. About six years ago the City unilaterally decided without any notice to the County that they didn't want to bother running a jail anymore and dumped millions and millions worth of costs on the County at a time when the County also had a deficit. The situation here is the same; a decision was made by the Oakland City council, and yes, you have your fiduciary responsibility as a council members, but you also have the obligation that if you want to be an equal partner to keep your partner informed and not surprise them or have them read in the Oakland Bulletin about the action the City had taken that affects their partner. In the case of the Coliseum the tax has not been collected, I mentioned that at this meeting, that's partly how this issue came up. Additionally, what the City Council looked at was it is paying 10 ½ - 11 million dollars a year as its share of the subsidy to keep the coliseum going the county pays the same amount out of its general fund. As they both have a half and half responsibility that will go on until 2030 something when the Raiders Bond for the coliseum finally expires. So the end result is that the City said we can figure out a way to get rid some of this 10 ½ - 11 million and they thought through this parking tax they could leverage

it. The question is whether the County as a separate jurisdiction has a legal right not to be taxed. I think Mr. Morodomi is right, ultimately the City will prevail and they can collect the tax. However that does not resolve the underlying issue that if you're in a partnership you ought to talk thing over rather than surprising everyone.

Chairperson Blevins made a motion that upon completion of litigation on this issue, staff provide a report as to the outcome. Motion seconded by Member Johnson. Motion passed by consensus.

Item 9: Discussion: Legal Opinion, Office of the City Attorney: Budgeting Measure Y Funds to Pay Police Offices Assigned to Neighborhood Beat Positions that the City Filled Before the Voters Approved Measure Y. Mark Morodomi provided the report.

Member Carter asked whether there is any language of Measure Y that requires the Measure Y positions to be fully funded?

Mark Morodomi responded that if it turns out after the City collects all the Measure Y money and its not enough to fund the 63 officers, fire department and other items listed in Measure Y, there is no obligation on the City to contribute funds to pay for these positions.

Member Dorado asked what does the City plan to do when Measure Y runs out of money?

Mark Morodomi responded that the Committee would have to ask the City Council Members for a response to that question.

There were three speakers on this item:

Sandjiv Handa:

- First, let me point out that there is no prohibition in the Initiative to move the 14 offices. What was in the proposed policy budget from the Mayor to the Council was two discussion items - (1) to move 14 officers from the general fund to Measure Y and (2) move five criminal investigation staff to Measure Y. Both items were discussed in the Finance Committee and never made it out of committee, thus no actual action was taken. The important thing to keep in mind is that many of the City's dedicated funds are running at a deficit – they have been loosing money. Two years ago the City Council approved a repayment schedule to make these funds whole so the City is ultimately on the hook. But keep in mind that legal requirement under State law and the City Charter is only that the City's general fund be balanced so therefore if you can shift costs to other funds there is no requirement that they be balanced every June 30th so you can run deficits and you can do all sorts of fund accounting and cash flow

tricks to allow money to be spent from those funds. The Litigation Reserve Fund for example, is running at a deficit of tens of millions of dollars and there are other funds running at a significant deficit. The city pays for those costs and the discussion this year was how to make those whole. The Mayor proposed deferring it and some of the Council Members disagreed and there was considerable discussion on that. Even the Council Members are still trying to figure out what actually was approved in the budget. You'll note the Wall Street Journal had an article last week talking about the challenges facing Oakland's crime. One of the things it said was that the helicopter was shut down. Well as a last minute budget amendment the helicopter was fully restored. People are having difficulty getting the basic information as to what is in the budget and what is not which is part of what causes this confusion. The other thing is that when the Police Department makes a presentation to the Community Policing Advisory Board or some other board and they say that this is our plan that does not mean that this is implemented. Sometimes people assume that it is going to happen or a date is given and the City Council changes their mind and it doesn't happen. The last point is that you have the legal opinion but the fundamental issue is - and you ought to direct a letter to the City Council - what is the City Council's plan - what is the date where they project Measure Y to have a "zero balance" and secondly what is their plan - are they going to go back to the voters for an increase or transfer money from the already bankrupt general fund?

Jim Dexter:

- I read this legal opinion for the first time and had not seen it before any other Committee. It's really nice to see opinion here, and we can now say, for sure, that somehow or other the concept of a legal opinion in the City of Oakland is terribly suspect. Common sense tells you that Measure Y was intended to say we have a base of 739 and we add more officers to it. This legal opinion says that we don't have a base of 739 - all that we have to do is make sure that we get to 739 - so if we want to have 14 officers assigned to Measure Y that's fine, we can just add them in. When you look at all of the issues associated with Measure Y the legal opinions and the others, what you find is that they're using Measure Y money to pay for up to 739 officers. It's incredible but true. We have to understand this so that when this Committee or the City Council ask for a legal opinion we understand that the basis reason why Measure Y was written is not understood or appreciated by legal staff.

Member Owens asked whether the city is operating from a base of 739 police officers and then add to it or is Measure Y required to maintain the 739 officers?

Mark Morodomi responded that the opinion states that requires there be 739 officers prior to collection of the Measure Y funds.

Gilbert Garcia, Deputy Fiscal Director, added that in the City's adopted budget there are 739 police officer budgeted position. We have been overstaffed, with 59 officers paid from Measure Y.

Member Johnson made a motion to accept the report. Motion seconded by Member Bennett. Motion passed by consensus.

Item 11: Agenda Building for August 17, 2009 Oversight Committee Meeting.

Member Carter: We should have a better idea going forward as to how its going to be funded. It would be nice to know where we stand.

Member Owens: A member of this Committee of the Board or a letter should be forwarded to the City Council to make them aware of what we think. We should have a monthly advisory report to the City Council on our opinions – this way we are ahead of the game in police operations and programs. At least the City Council will know where we stand.

Member Owens made a motion that a monthly report from the Oversight Committee recommendations be directly forwarded to the Oakland City Council on any issues regarding expenditure of Measure Y funds or have a member of the Oversight Committee appear at the City Council meeting to present the opinion of the Committee on such item.

The Motion was passed by consensus.

Member Carter made a motion to obtain a report on the legal ramifications of the legal opinion (Office of the City Attorney: Budgeting Measure Y Funds to Pay Police Officers Assigned to Neighborhood Beat Positions that the City Filled Before the Voters Approved Measure Y.)

Member Johnson made a motion that the Committee review potential changes to the by-laws at the last meeting. The Motion was seconded by Member Barnett. The Motion was passed by consensus.

Member Barnett suggested that given articles in the press about receiving all or a part of the monies requested through the stimulus package could the Committee receive a report on the impact of the stimulus funds on Measure Y.

Mr. Sandjiv Handa made additional comments on this item:

- That report is on line, the first item on the July 28th City Council's agenda. That item proposes to furlough and additional cuts on the Oakland Police Department. There will be eight furlough days and the

equivalent to 12 furlough days for the other rank and file. The Fire Department has agreed to change their weekly work week to increase the number of hours that are paid at straight time instead of overtime. What that would do is save the City about 5 million dollars a year over the next four years. As a result of those measures and the surplus that was calculated into this year's and next reserves, there would not be any cuts in the Police Department in terms of staffing – they are just taking furlough. Keep in mind if they lay off one officer of the 739 officers the 63 officers under Measure Y go away because they cannot collect the taxes.

Mr. Jim Dexter made additional comments on this item:

- All of the discussion associated with the various agenda items that you're considering that if the Mayor's staff is able to get recommendations to the Committee without you hearing about it. The question is can you get a recommendation to the City Council fast enough to catch the moving train.

Member Johnson asked whether there is an audit of the Measure Y Fund being forwarded to the City Council and will the Oversight Committee have an opportunity to weigh in on the audit.

Staff person Baker responded that the audit produced internally is the outcome of the Superior Court order in Sacks versus the City of Oakland. It is unlikely the City Attorney will forward its audit report to the Oversight Committee for review prior to submittal to the Superior Court. Patel & Company, a San Francisco auditing firm, is conducting the mandated independent audit of Measure Y. Their report should be completed in September also – as well as the audit report by the City Auditor.

Member Johnson made a motion to adjourn the meeting. Motion seconded by Member Owens. Meeting adjourned at 9:35 pm.

**VIOLENCE PREVENTION AND PUBLIC SAFETY
OVERSIGHT COMMITTEE**

September 21, 2009

DRAFT MINUTES

Item 1: Call to Order: Roll-Call was commenced by staff at 6:40 p.m.

Members Present: Barnett, M. Brown, Dorado, Forte, Johnson (arrived late), Lee (arrived late), Owens and Chairperson Blevins. (A quorum was achieved with eight members present.)

Item 2: Open Forum

The following two individuals spoke on this Item:

Jim Dexter:

Jim Dexter from District Two. I had a nice vacation. I hope you all have been busy accomplishing good things. I read the minutes. And I want to again compliment both the committee and the staff for including not only an extended minute comments on what the members have spoken about but also the public comments. I find that to be very, very good, and I really appreciate that.

On the agenda though, we have two items that have no data at all on them. And one of them is a committee agenda item to discuss public comments on the minutes. And there's nothing in the agenda packet to describe what this is, what's going to be discussed, why it's going to be discussed, what options are going to be discussed. And that does not service the public well whoever is paying attention. They don't know what's going on, and you're not telling them. And I find that to be a disservice to the public.

Of much more concern is that we have agenda item number seven which is requesting a report from OPD about PSO salaries and overtime. And there's no data here, zero data. This is an embarrassment to the committee from OPD, and I find this to be completely unacceptable. This committee makes a request and gets nothing in return. Thank you.

Sandjiv Handa:

Good evening. For the record Sandjiv Handa of East Bay News Service. It's been a rather uneventful summer around here. Unfortunate, because the rest of the Bay Area, the rest of the state, and the rest of the country elected officials and appointed officials have been in overdrive trying to come up with some novel solutions and strategies for dealing with the current economic crisis.

But in Oakland the Oakland City Council checked out for an eight-week recess thinking everything was normal. The Port Commission decided to follow suit to get eight weeks off themselves. The only difference is the Port Commissions do not get paid.

And what you could count on before Ron Dellums became the mayor of Oakland was there was one thing in Oakland that invariably worked well, and that was the Port of Oakland. Now, that's fallen apart.

And it's rather listless. It's revenues are plummeting. More than 200 employees' positions have been eliminated in the last two years or so. 37 layoffs were just recently announced. A number of those individuals have now bumped city employees.

And in the middle of this, we find out several interesting things. As you know first of all was the issue of the parking tax collections. The port still is not paying parking tax on a number of its operations. They are at the airport, but they're not in other areas.

And it turns out that there's also now the issue of a number of gas stations and other businesses that are classified simply as retail establishments that may also not be collecting parking tax, even though they're renting out spaces. And one of those is the Zip car.

A Zip car came into Oakland about two-and-a-half, three years ago, as did one of the competitors that they've now bought out, so there are dozens and dozens of spaces all over Oakland including half a dozen on Grand next to Domino's. And it turns out that those may not be on the city's list to collect parking tax, even though they're paying a monthly fee to park there.

And I'll go through a number of the items today on the agenda in some detail. But the last thing I just wanted to share with you was that given the way that the city's finances are going, the next round of cuts is imminent within the next 90 days. Once they figure out what the revenue expenses are we'll be repeating this cycle again. Thank you.

Chairperson Blevins: Thank you. For the record I'd like to note that members Nicole Lee and Marcus Johnson are now present.

Item 3: Approval of Minutes from August 17, 2009 Oversight Committee Meeting.

There was one individual speaker on this Item.

Jim Dexter:

Jim Dexter from District Four. And I'd like to take just a few minutes, a minute or so, to talk about the fact that Paul Brekke-Miesner from the Neighborhood Services Division has submitted his resignation. He is retiring. He's taken a golden handshake, and has decided to leave the city. I really appreciate all that Paul Brekke-Miesner has done for community policing in the City of Oakland. The distressing this is that his position is frozen which means that once again community policing is going to take a direct and irreversible hit. And this is under the purview of the Measure Y Oversight Committee.

Why is this happening? Is this how community policing is going to be eradicated in the City of Oakland? We just simply let people retire, quit, or get fired, and then don't replace them? And that's how community policing is going to go in the City of Oakland. All of you should know that that position was frozen, but I don't think you did. I don't think anyone has told you. And then you should have the ability to influence how that's done. You are the Oversight Committee. You're the committee that says this is how Measure Y money should be spent, and this is what should happen with that money, specifically, in community policing.

I believe that Paul Brekke-Miesner's salary was part Measure Y. This is directly related to you. And, yet, as far as I know, this hasn't even been brought forth to the committee. Thank you.

Staff Person Baker: For the Committee's information, the Neighborhood Services Division is paid out of the General Fund not Measure Y. The Neighborhood Service Coordinators are not paid from the Measure Y Fund.

M/ S/ Passed by Consensus.

Item 5. Report: Measure Y violence Prevention Performance Audit: Grant Selection, Management, Monitoring and Evaluation Needs Improvement, August 31, 2009, Office of the City Auditor

Tammy Willis, Office of the City Auditor, provided the report: Good evening committee chair and members of the committee. My name is Tammy Willis. I'm the Performance Audit Manager for the Office of the City Auditor. I'm presenting the Measure Y Violence Prevention Performance Audit regarding Grant Selection, Management, Monitoring, and evaluation.

First I'd like to explain that a performance audit addresses whether the city is effectively spending taxpayer dollars and using efficient processes and procedures while complying with relevant rules and regulations. If areas needing change are identified, recommendations for improving operations are provided.

Measure Y was passed by Oakland voters in 2004 as a comprehensive effort to address the root issues of violence in Oakland. Since 2004, the city has awarded more than \$23 million in grants for violence prevention which are administered through the Department of Human Services.

The objectives of the audit were to assess DHS's administration of the program including oversight and monitoring of grantee activities, also to assess whether grantees have administered the grants in accordance to conditions of the grant contracts and to assess the effectiveness of the process for evaluating Measure Y grants.

We did not, however, assess whether individual grant programs were effective or not. The audit scope included fiscal years 2006 -- 2006-'07, 2007-'08.

To complete the audit, we reviewed laws, regulations, and other guidance for managing, administering, and awarding grants for Measure Y. We interviewed the auditor, a member of the Measure Y Oversight committee, the independent evaluator, and the Measure Y grantee's responsible for implementing the program. We also selected assemble of grantees, conducted grantee site visits, and tested various fiscal and programmatic activities.

Our first finding established that the grantee selection process was conducted adequately, but the selection criteria needs to be clearly

defined. DHS needs to better define the selection criteria that requires grantee applicants to have a proven track record for providing violence prevention services.

Also, we found that seven out of 26 of the grants were approved without going through an RFP or defined selection process.

The specific criteria to determine a proven track record -- the lack of specific criteria to determine a proven track record is problematic. The applicants in DHS need to know what a proven track record means prior to applications being submitted.

Also allocating funding to programs without going through an RFP process or defined selection process may compromise the credibility, integrity, and fairness of the selection procedures.

The second finding established that DHS needs to improve grant management and monitoring efforts. Without an effective grant management and oversight program Measure Y funds are subject to misuse and may not meet program objectives.

The Department of Justice identified grant management as one of its top 10 challenges for addressing misuse of funds and potential fraud. And the U.S. Comptroller General has identified a number of areas where internal controls are important.

One important aspect of an audit is to present a fair and balanced picture of the program. In our report we acknowledge that DHS has implemented a number of necessary internal controls for managing and monitoring the Measure Y program.

For example, DHS has established grantee reporting requirement, a database to oversee grantee activities. They've also provided training and technical assistance to grantees and conducted grantee annual site visits. However, we found key management areas that were either not implemented or not fully implemented in the internal control and managing performance categories.

Our audit identified oversight weaknesses in the following areas: Payment practices, program attendance, participants eligibility, fiscal management, corrective action follow-up, sub grantee monitoring, supervisory review of annual site visits, and documentation and records retention.

Our audit testing revealed that in most cases DHS withheld partial funding when grantees didn't meet required quarterly deliverables. However, we found cases where DHS paid grantees the full contract amount despite deliverables not being met.

We identified attendance reporting issues during our site visits of grantees. For example, for one grantee, 70 percent of the students enrolled for the program were not present on the day of our visit. And for another grantee, 50 percent of the students left the session early.

DHS does not adequately monitor grantees to ensure that they provide services to eligible program participants. For example, during our review, a grantee couldn't provide eligibility documentation for 23 out of 40 participants. We also found that two grantees charged various items to the grant that were not approved in the grant contract.

Our audit found problems with annual site visits conducted by DHS. For the sample of the five grantees we reviewed, we did not find evidence maintained in the file that a supervisor reviewed either the site visit checklist or supporting documentation prior to issuing the site visit summary. We also couldn't verify the level of monitoring that DHS performed due to DHS's lack of documentation in the grant files.

There is no requirement to monitor sub grantees yet. Out of the 23 million awarded in the past three fiscal years, sub grantees have been awarded a total of \$3.3 million. In addition, DHS doesn't have an adequate method for tracking corrective actions to ensure that grantees correct problems in a timely manner.

Overall the weaknesses that I've discussed are attributed to DHS not implementing key management controls such as having formal comprehensive written policies and procedures for grant management and monitoring prior to awarding contracts, providing adequate grant management training to staff, and providing adequate guidance for grantees regarding program and fiscal management of Measure Y funds.

We concluded that the significant investment in reducing crime and increasing public safety is subject to misuse by nonprofit agencies if appropriate internal controls are not in place. Therefore, DHS needs to establish a strong system of internal controls to ensure that grant programs are properly implemented, objectives are achieved, and grant funds are spent appropriately.

Our third finding established that the city needs to improve the program

evaluation process. The City Administrator contracted an independent evaluator to measure the effectiveness of the grants, but we know the problems regarding the data collected for the evaluators.

In addition, the role and responsibility for providing oversight and technical direction to the program evaluators is unclear between DHS and the Office of the City Administrator.

Finally, the independent evaluator did not evaluate six Measure Y grantees that received over \$1.7 million. Without proper evaluation the city can't determine whether there has been appropriate use of the city funds and if the program met the intentions of the voters.

As a result, we have made 23 recommendations. We've highlighted 11 of the recommendations that relate to the grant selection process, grant monitoring, and the evaluation process.

DHS concurs with seven of the recommendations. And they've stated that they've implemented an additional 11 recommendations. At the end of the day, the value of the audit is achieved when recommendations are implemented.

In response to our audit, the City Administrator and DHS provided actions they've taken or plan to take to implement the recommendations. We prepared a summary of actions necessary to close the report which provides the status of each recommendation and a detailed plan for implementation.

At the time our audit was issued, there were four unresolved recommendations, six partially resolved recommendations, 11 resolved, and two closed recommendations.

In our analysis, we also provided clarification regarding two areas that DHS presented in their response regarding the Measure Y Policies and Procedures manual and the City Auditors use of judgmental sampling.

The policies and procedures were developed after issuing grant funds. According to generally accepted government auditing standards, without policies and procedures in place, \$23 million was put at risk of misappropriation and misuse.

Regarding judgmental sampling, one of the most commonly used sampling techniques in the performance auditing field is judgmental sampling. We identify the areas of greatest risk for the sample in order

to evaluate and comment on the root causes of any findings.

In closing, we hope this audit is used as an effective tool for improvement. DHS has the opportunity to take appropriate actions to address the management issues identified by the performance audit.

The Office of the City Auditor would like to express its gratitude to the Office of the City Administrator, DHS, and the Measure Y Violence Prevention Programs for their cooperation and assistance during the audit. Questions?

Member Lee: Could you elaborate a little bit on how the audit was triggered and the thinking behind it. Does it happen on a regular basis, or was there an incident that triggered the audit?

Courtney Ruby: Hello. I'm Courtney Ruby. I'm your elected City Auditor. And an audit comes into existence based on what's at greatest risk, so I'm constantly listening to the citizens to know if they have concerns and -- as I report to the citizens. I had a lot of questions around Measure Y, and so that's why it was determined that we would go in and do an audit of Measure Y. I'm always listening to see what's of greatest concern either directly from citizens or if I have concerns through other channels.

What would be really great and what we did in the previous presentation was DHS also has a presentation. So if it would be appropriate to go ahead and then allow them to give their presentations and then do all the questions at once, it may flow easier.

Andrea Youngdahl, Director, Human Services Department: As you can see, we work very cooperatively together, even pulling up each other's Powerpoints.

My name is Andrea Youngdahl. I'm the director of the Department of Human Services. I know some of you, and some of you I don't know, because I was out on medical leave for a while. But I'm happy to be here tonight and respond to the City Auditor's report.

We have prepared a response which is a brief Powerpoint summarizing our more lengthy rebuttal to the Auditor's report. This -- the rebuttal which is our departmental response -- it has also been vetted by the City Administrator -- is incorporated into the Auditor's report which was published for City Council and for tonight.

I do encourage you to read our response so that you can see the detail of our perspective on the audit. And I know City Council found it very helpful as they were looking at the audit to be able to weigh both perspectives.

I do want to make it very clear that the City of Oakland is committed to ensuring accountability and oversight. We take this very, very seriously. We hold the public trust very seriously, and we know this is actually resident dollars that they have voted on to tax themselves to support this work.

We do very much appreciate the City Auditor's review and input. It's always helpful to have another pair of eyes to give us some guidance on where we could improve on what we've done. And we want to also appreciate the support of the City Administrator's office and the DHS staff, who put a lot of time into this. And a special thank you to the Measure Y grantees who were selected for the audit.

Measure Y -- I just want to remind you -- is a fairly new program addressing violence prevention which is one of the most difficult social policy areas for all of us to address across this country. I just came back from a meeting of 13 California cities, who are grappling with violence increases. And we were all sharing our knowledge, our best thinking, and our -- the difficulties we still all face as we try to address this issue.

We have really taken a balanced approach, we believe, in terms of administrative bureaucracy and efficient service delivery. And we believe this balance must be maintained in order to achieve the goals in Measure Y, one of which was to really make sure we got the money out into the needed areas based on the City Council plan as quickly and efficiently and comprehensively as possible.

We believe stopping the violence is our number one priority in the city. And all of the programs and initiatives that were funded by Measure Y are based on best practices and proven models that have been researched, some that have been already evaluated by other cities that we have adopted for Oakland perspective. And they are all part of a comprehensive strategy that not only includes Measure Y dollars but other public systems dollars.

And we have planned Measure Y with our public systems dollars, our community partners, and our faith based partners. I do want to point out some things. Sara Bedford will come up and talk specifically about where we're at with implementing the recommendations and where there may still be areas that need further

input from City Council or where we may actually disagree.

But I do want to point out that after a lengthy audit process, the City Auditor did not uncover a single instance of fraud or misspending, that they found instead that systems are in place for oversight -- they would like those systems to be more rigorous in some areas -- and the fact the city has withheld funding based on our performance based contracting when grantees did not meet your -- the benchmarks that we established. And Sara will talk more about this.

The City Auditor's report shows that Measure Y has implemented 15 out of the 16 best practices and grants management identified by the Department of Justice.

And I'd also like to point out where it is true that we evolved our own policies and procedures manual as we implemented the program, we were also following the city's policies and procedures which are numerous and also have oversight and governance over any kind of grant making and monitoring that we do.

But we have done specific Measure Y policies and procedures that actually we did start before the audit, and we did complete during the course of the audit.

I'd like to now introduce Sara Bedford, who's the manager of Policy and Planning for our department, who has daily oversight over the Measure Y program. Thank you.

Sara Bedford, DHS: Good evening. Thank you. Members of the Committee, we, again, want to emphasize that Measure Y does a really rigorous kind of grants management and oversight and more rigorous than other entities that we've at least talked to.

We did a kind of informal survey of about six different programs both in the city and in San Francisco and throughout the Bay Area. And we were the only ones that did site based site visits, web based reporting, file reviews. You know, we had a fairly more extensive, and you can see that in our rebuttal.

Another area that I think there's been some confusion around is that we do implement performance based contracting. So if grantees -- it's less about what they spend in their budget, and it's about whether they meet the deliverables that we've agreed upon when the contract starts.

And of the five grantees that the Auditor chose to look at as you, again, can see in their report documented we withheld \$40,000 from those grantees for not meeting those deliverables.

There was only one grantee who was paid in full because they didn't meet their deliverables based on some immigration raids that made it impossible for them to hold their classes working with families with gang involved youth, so we deemed that that's sort of something beyond their control.

But, again, to go back to the report, there are 23 recommendation from the City Auditor. Two of those will be addressed by the City Administrator's office, because they relate to the evaluation which DHS is not responsible for.

However, there are 21 recommendations that are specific to DHS. And I know we're going to meet and talk about our numbers, but we believe that there are about 16 which we are in concurrence with the City Auditor's office and that we have either already implemented -- again, remember, this process has been going on for almost two years, about a year-and-a-half, and so we have been adopting some of the recommendations as they've come along -- that we've either already implemented or that we are in the process of implementing. And so some examples of ones we have already implemented is we've improved the payment documentation. I think some of the confusion around whether grantees were paid when in fact they didn't meet their deliverables. They were not paid. But we've now changed and enhanced our documentation, so it's very clear if you come in from the outside what we withheld and why we withheld it. And we are appreciative of that improvement.

We are following city policies in record retention. We are insuring complete and accurate demographic data is collected by the grantees. And, again, these are recommendations that we believe we've already implemented.

There are a few that we're working on, a development -- the Auditor recommended a development of a grantee manual, and we concur. And we have draft -- in fact that's being revised right now with our staff, and we will train grantees on that at the next grantee meeting which is October 20th.

We are improving the corrective action follow-up. When we do a site visit if we find an issue, we write it up as a corrective action with a due

date by grantees. And we are implementing that, again, based on the Auditor's recommendation as part of City Span and will show up on every quarterly invoice so that they will be able to see that that corrective action is coming due and tell us what kind of progress they've made.

We are also improving the training of monitoring of sub grantees. We have always monitored sub grantees who were funded under a specific strategy, but we're improving that and enhancing that for other sub grantees who may have been a smaller contract under one of our primary grantees.

There are five areas though that we'd like to highlight where we do think there requires further policy discussion or additional -- and/or additional resources. And, again, the Public Safety Committee indicated this as well.

The first one is that the audit report recommends that it is ideal to put all funds through an RFP process and that the select -- if there's not an RFP process, the selection criteria be very -- better defined, I think, is how the report describes it.

We have always gone through City Council direction with that, and we would like to continue to do that. Most of the funds of all the dollars implemented, only about 17 percent didn't go through an RFP. And, typically, they went to agencies like the school district to implement a violence prevention curriculum where they were the only entity that could do it. And it didn't -- it doesn't make sense to run an RFP process. So, again, we look to Council direction on this one, because we think it's not quite so easy to define.

The Auditor also recommends that staff be trained and conduct more extensive fraud assessments for the grantees. We feel that we have a fairly comprehensive site visit in which we look at fiscal records. And we conduct an annual site visit of every grantee. And if directed by council to do a more extensive fraud assessment and fraud training, we really would need more resources both for training and staff time. Again, just a reminder, we have less than five FTE that are funded under Measure Y to manage the whole effort.

Next one, staff verification of grantee's eligibility. We agreed with the Auditor that we would expand our sampling of case files. We conduct a case file review every year as part of our site visit. We look at eligibility

at that point. And we will expand that if City Council recommends a more extensive -- which is in the audit report to review every client file over two discontinuous quarters. We, again, would need more staff time. I mean, we can barely do the site visits we currently do, so it would be challenging for us without more resources.

Again, the next one is maybe the most one where there's the strongest disagreement. There is a recommendation from the Auditor to require proof of residency for clients. We currently -- again, during that site visit and during that file review, we look at eligibility. We look at -- every quarter we look at residency, cause we get a stat report that shows the ZIP code of every person who served. If there's -- if there are people served outside of Oakland ZIP codes, we query about that and figure out what's going on. Sometimes they may be Oakland residents who are San Quentin and the ZIP code comes up differently. Most of our clients are referred from agencies like Probation or the school district or OPD and, therefore, we know are Oakland residents. But we do believe that to require proof of residency will really hinder and deter serving the highest risk individuals who are most -- we are most targeting, particularly around families who are gang involved. And there's usually often a lot of issues around illegal aliens who are undocumented here.

There's also issues with high risk youth families who don't have engaged families who are going to provide that kind of evidence. And we think it would be a deterrent to serving some of the people we most need to serve. So, again, that's an area we feel pretty strongly about.

And then the last one there is concern or encouragement in the report to be sure that people sign their consent forms. And I want to get a little clarity here. A consent form is something that a client does voluntarily. They voluntarily agree to share their personal information in service of the evaluation. And they have to sign a release for that. The national averages for compliance for consent rate, as you can see, are between 33 and 60 percent. Currently for adults we are at over 98 percent compliance for consent. For youth we are at 62 percent. That's really high for young people, and that's above the national average. And of that 38 percent of youth who don't have a consent form, over half of them are either intensive outreach clients from either the Sexually Exploited Minors group or the Street Outreach Group. Those are not clients we would expect to have consent form. They're preliminary contacts getting to know them. They're trying to bring them into the more intensive service.

So we actually think we're doing really well in this area. We weren't in the first year. I want to acknowledge that. We've gotten better and better and better every year. And we have continued to train grantees, and we will continue to do that. But we fill, again, very strongly it is not the industry standard, nor is it appropriate to withhold services because someone does not agree to sign a consent form. It should be a voluntary act to share their personal information.

So I think those are the five areas where there's still something to work out. But as you can see, I think the majority of areas we're in concurrence and are moving towards compliance and think we can meet the deadlines that have been outlined. And we're happy to answer any questions. And thank you.

And, again, I want to say we are always into improving what we do. We think we've actually done a lot for a new program. The web based data reporting, the quarterly reporting is actually pretty unique in our field. The fact that we've been able to, with the help of our county partners and school district partners, integrate data from the school district and probation and really look at outcomes. So we think we have a lot of great things in place. We -- I think this will help us make it tighter with paperwork documentation.

And, again, I think we have very few staff who are working incredibly hard to make this successful for Oakland's young people and their families.

Chairperson Blevins: I open it up to questions from the committee. And be prepared both sides to answer questions.

Member Barnett: The Auditor's report mentioned the issue of projects that are not initiated by an RFP process. And we were provided a letter that indicates that that is a requirement of the Oakland Municipal Code. I'm just asking for a response from whoever would like to respond to that issue: Whether or not it is a requirement of the code.

Mark Morodomi: Well, it is not a requirement of the code. We have two types of contracts in this city. We have --

Chairperson Blevins: Excuse me. Could you identify yourself?

Mark Morodomi: Oh, I'm sorry. Mark Morodomi in the City Attorney's Office.

The Oakland Municipal Code and the state law apply to purchases of services by the municipal corporation or a purchase of contract construction, building a sidewalk where the municipal corporation receives goods or services.

The Measure Y Violence Prevention piece grants an aid. The city is giving money to organizations to provide not services to the municipal corporation but to do things, provide services, give money away basically, grants, to nonprofit organizations.

As the municipal code and the state law are written, they're not applicable to those grants and aid. Now, should the City Council wish to apply those procedures to grants, they're entitled to. But as the municipal code is written, the RFP is not required.

Member Barnett: Thank you.

Member Lee: I have more of a comment. The question I asked earlier was just to try to get more clarity as to what triggered this process. One of the concerns I have is there's mention of preventing service providers from fraud. It seems like Measure Y runs a pretty rigorous process to evaluate these organizations. And many of them are, you know -- those of us who work in non profits understand there's capacity issues to sort of be able to manage the reporting on the grants and get the work done. And so they're already being asked to go through a rigorous process. And then on top of that, it seems like now they were doubly audited which seems challenging and cumbersome. And so, for me, it's just sort of getting clarity on what was the issue. Was there something specific that triggered this? Most of the controversy that's been brought to this committee's attention has been more around the spending on the OPD side of Measure Y. And so the question for me is was there something specific other than comments from the public? It just sort of seems vague.

Courtney Ruby: Courtney Ruby again. Just to -- grant funds are vulnerable in and of themselves so -- because you are releasing money outside of the direct control of the city. So when we talk about best practices and making sure that the internal controls are in place, then to ensure that monitoring and tracking are occurring so that the funds -- we can ensure that the funds are properly spent.

So this is not -- when we talk about ensuring it, it's not saying that DHS is doing anything wrong. It's just that when you are administering grant programs -- like the Department of Justice has identified this is one of their top 10 concerns -- we know the U.S. Attorney from this district says that 10 to 15 percent is lost in grant funds due to fraud, waste, and

abuse, so these are high risk areas.

We, as auditors, are always evaluating risk. So when you put in a system of internal controls, policies and procedures, tracking, and monitoring, those systems are put in place to reduce the risk.

Member Forte: I was also curious why the police side of the Measure Y services were not audited. Was there a reason why you just focused on the programmatic aspects?

Courtney Ruby: It's a matter of scoping. So this was scoped to do the Violence Prevention Grant Program. So it's all a matter of resources and being able to apply the resources, and this is what we scoped out. There're numerous audits in Measure Y that we could do. But this is in particular response to the Violence Prevention Grant Program.

Member Brown: I was just wondering in terms of if -- if there's future things presented, are audits -- you said there's multiple Measure Y elements that could be audited. I think from this committee's standpoint, one of the hotter topics has been the, you know, the police allocation. So I'm not sure if we'd need a motion to -- or if there was any future audits -- I guess my question would be are there future audits planned?

Courtney Ruby: Certainly the community has talked about the OPD aspect of this. And as well people have talked about the fire aspect, so we are considering those requests. And then it is just a matter of prioritizing the request and then scheduling.

Member Owens: Two things. Would you agree with the statement that was made that out of all the auditing that was done that you didn't find -- it was stated that there was no finding of any fraudulent activity? Would you agree with that?

Courtney Ruby: Happily we are reporting there is no fraud that we identified during our audit procedures.

Member Owens: Okay. This is a big, thick piece of paper. What kind of grade would you give DHS? Just an A, B, C, D, E, F, G?

Courtney Ruby: Are you trying to get me in trouble, Reverend Owens?

Member Owens: I just want to know if they passed or not.

Courtney Ruby: We talked about -- and we -- and we represented in the report the and the systems that DHS has in place. And so they're -- you know, what we're recommending is improvement, but we are definitely not saying that DHS is -- does not have systems in place that they're executing. And as Director Youngdahl talked about that the 15 out of the 16 processes, the grant systems that are recommended, are in place. And then -- but we talk about improving, strengthening, making sure that they're effective based on the as a result of our sampling, so what we found.

And it is always, you know, continual improvement. We want to make sure where we had the greatest concerns that those vulnerabilities are addressed with immediacy. And from what you heard from DHS, they're working to address those issues, and many of the recommendations have been put in place. We'll do a follow-up process then to ensure that. So this audit speaks to what we went out and looked at in the field.

Member Owens: Once again did they pass? All right. I'll withdraw that.

Member Johnson: I have a couple of questions. Since you're at the podium, I'll start with you. First of all, I want to commend you on your work. As someone that has participated a number of years in conducting audits, I know how one minute I'm loved, and the next minute I'm hated.

But what I found unusual with this audit was that you actually did an evaluation and determined some findings, but you also made recommendations. How did the recommendations part sort of come out of this? Is that sort of part of the deal in the beginning or --

Courtney Ruby: That's how we do -- so we follow government auditing standards, and we develop a criteria of what we're evaluating on. And then in the evaluation of the criteria, then that's where the findings come from. When we identify the findings, then our report is always accompanied by recommendations on how to address those findings.

Member Johnson: Okay. So it's not sort of findings and you allow a certain amount of time for folks to come back with proposed corrective action?

Courtney Ruby: When we make recommendations, we don't want to mandate as far as I have no management responsibility. As your independent -- to be the independent and objective audit function in the

city, I don't -- I don't define management operations.

So the recommendations are recommendations for improvement. And then it's up to management then to implement those or to come back with, you know, this is a way that we can make this work. So we do have a dialogue.

And the audit process is very much a part of a dialogue. So when we go into the field and audit and then when we come out of the field, we have an exit conference. And that's where we meet with the auditee, in this case with DHS. And then we talk about the findings.

So if there is -- maybe there's a factual -- something's been represented that needs to be corrected, we go through a process back and forth to make sure that the report is vetted. And then we give the auditee to respond, and that's found right in the report.

Member Johnson: And another question I have -- the other cities that were reviewed for like policies and programs, did they have a similar Measure, like the Measure Y Fund based on taxes like Measure Y?

Andrea Youngdahl: The other cities do have pots of dollars. San Francisco has established dollars for children in youth funds. It's sort of a combination of Measure Y and Kids First funding. We also looked at San Jose that's dedicated a number of its resources through CDBG and redevelopment and other funding streams to violence prevention.

We talked to Alameda County about its grant monitoring, because they contract out a lot of their services to non profits as a county. So we were really trying to find out what are the best practices.

Again, the input we got was that we were doing a lot in the City of Oakland already, and they were impressed with the amount that we're doing. Again, that doesn't mean we're still not open for improvement. We're open to addressing these additional layers.

Member Johnson: And my last question has to do with the voluntary effort for the consent of services. Is that sort of a DHS philosophy, or is that an industry practice or --

Andrea Youngdahl: That's an industry practice. And the Chair of your committee might want to speak to that since Don works in this world. But, actually, again, at this meeting I was just at with 13 other cities in California, we were discussing informed consent and interagency data sharing. And it's something that we're all dealing with across the state

and requires a lot of work.

And it's hard to get perfect results, especially with young people for the reasons that Sara -- but we do not want to be in a position -- and this is an industry practice across the country -- of denying services because someone would not sign an informed consent, again, because there may be multiple reasons for that, so -- and I don't know if Chair Blevins would like to speak --

Chairperson Blevins: Oh, no, I think your numbers are pretty good, and we are dealing with minors. A lot of times confidentiality is important.

Member Johnson: I'm sorry. I did have one last question.

And the question I have is in general does the City of Oakland have a quality policy? A policy on the quality of the services they provide, just everything in general, a general quality policy that is sort of taken out of their mission and goals and objectives and --

Courtney Ruby: The City Administrator's Office would have to speak to that. I mean, we -- what comes up from me -- and I can't speak on behalf of the administration, but you definitely -- performance measures are put in place as mechanisms as that. There're evaluations done. But, again, Jeff, do you want to speak to this?

Staff Person Baker: Sure. I think the closest that the City Administrator's office would come with that would be the evaluation itself, that is, whether or not the services paid for are delivering the outcomes that we're trying to achieve.

In the case of Measure Y Violence Prevention Programming, as well as our community policing efforts the outcomes that we seek is a reduction in crime and violence, and that will come out with the evaluation itself.

Member Johnson: Okay. So it sounds like there's no overarching quality policy umbrella that all this stuff falls under. I've seen where Boards or Commissions are a part of a quality policy or a mechanism of it.

Staff Person Baker: I don't know. Other than the evaluation that we do and the performance measures that we use from department to department, I'm not sure of anything that's named quality policy per se.

Member Johnson: Thanks.

Member Dorado: I had a question about the types of proof that would be proposed, Ms. Ruby, under the verification process. What would be some

examples? Well, maybe Ms. Youngdahl could take that on, speak to the question of -- that this would provide a deterrent or may be a deterrent to high risk individuals.

Sara Bedford: Well, I think, typically, proof of residency, first of all, is a pretty frightening concept, I think, if you are an undocumented immigrant in this country. And we do -- as you well know, we have a whole strategy focused on gang involved youth. And often, we're dealing with families that face that issue.

And then, often, you know, proof of residency are things like your utility bills and your lease agreements. And some families see that as confidential and don't want to share that. Some families aren't around enough to get that information for their kids and get that back into a school setting and then get that to us.

We've taken a lot of -- again, I think by, you know, over the three-year period, we have really worked hard, and I'm grateful to our partners with the school district, with probation, with parole. And a lot -- I would say the majority, 75 percent of our clients, come as direct referrals, so I feel very confident. I'm not aware that the Auditor found we were serving nonresidents.

There are a few instances where someone's experiencing domestic violence and it's for their safety that they are moved outside of Oakland. We would still serve that person. As I said we serve young men in San Quentin before they're released, so, obviously, they're not in Oakland at that moment but are considered Oakland residents.

Though there are a lot of complexities to this issue. And, again, we don't feel that there is sufficient concern that we're not serving Oakland residents to warrant the loss of clients I think we would experience if we were to start to require more kind of formal proof of residency. I think we have a lot of kind of checks and balances in the partnerships.

Member Dorado: As a follow-up to that question though, the four agencies that you cited here, typically, those agencies would know the addresses of the individuals that have been referred.

Sara Bedford: I don't think there's any question they have the address and an address. I think what the Auditor is suggesting is it just needs to be proofed that that person actually lives at that address. And so we would need a lease agreement, a series of utility bills, or something like that.

Member Dorado: Are any of the people that you service homeless?

Sara Bedford: Oh, absolutely, yeah, absolutely. And couch surfing, I mean, many, many variations.

Andrea Youngdahl: I just wanted to say that we know that people are moving back and forth across city lines. They may be staying with mom in Oakland and dad in Hayward or aunt in wherever. But as Sara mentioned earlier, we do track through City Span, our computerized data base, all the ZIP codes. So while the providers have the exact address we do get the ZIP code, and you do use that as verification for primary address.

Chairperson Blevins: Great. Do we have an answer to the previous question?

Tammy Willis: We do. Based on DHS's response, we understand a challenge exists to prove residency for undocumented individuals. But we're asking DHS to identify the size of the undocumented group of participants and report their percentage that these participants constitute out of the population of Measure Y participants.

And this is in our summary of actions to close the report on page 90 of the bound report. And we also have -- we've prepared what DHS needs to do to close this recommendation. And we'll work with DHS to close the recommendation.

Member Johnson: I actually have one more question. It will be really short. There was a mention about Measure Y members being a part of this audit. And the question I have is whether they were staff or actually committee members? Are they the past committee members or present?

Tammy Willis: Past committee members.

Member Johnson: Okay. Thank you.

Chairperson Blevins: As a follow-up to that, if there's future audits, would you need a representative from the committee? And if so, would you let us know when you need that person?

Tammy Willis: We certainly will.

Member Barnett: I have one final question for the City Administrator's Office. There are a number of points in the report -- I don't know if it was specifically in a recommendation -- that called for some or at least better communication between the City Administrator's Office and this Committee, regarding proposals that have come before that are being considered elsewhere and other matters. I'm just wondering if the City Administrator's office has taken note of those statements in the Auditor's report and has any comment about that.

Staff Person Baker: Yes, we have. Specifically, there were a couple of items that dealt with the evaluation in the Auditor's report, and I believe we addressed those on Page 81. There's a memorandum from myself that was reviewed by my boss, Dan Lindheim, in regards to those items.

Overall, I can tell you we agreed with the findings of the City Auditor in regards to the evaluation portion. I believe one item was whether or not each Measure Y grantee is to be evaluated. We most wholeheartedly agree with that. We have every intent to evaluate every grantee.

The second issue I believe was Item 23 in the Auditor's report which asks for a clearly defined role between the City Administrator's Office and the evaluator; I guess the Auditor didn't think that there were clear roles as to who was to give direction and guidance to the evaluator itself.

And one of our responses to the Auditor's office was -- it's found also in the same memorandum -- is that we have clear roles. The City Administrator's Office manages the evaluation contract, gives direction to the evaluator and guidance as to the specific items that we want to be evaluated which are our entire community policing component as well as each and every one of our Measure Y balance prevention programs.

Chairperson Blevins: All right. Other comments or questions? I wanted to make a couple of comments. First I wanted to thank the City Auditor for doing this audit. This is the kind of data I think the committee has been looking for. It definitely answers a lot of questions. I do have some -- a couple of questions of DHS, either Sara or Andrea.

Could you talk a little bit more about when it would be appropriate to use a sub grantee. And in your opinion, are the primary grantees doing a good enough job of monitoring the sub grantees in making sure they're following the rules?

Sara Bedford: Well, let me be clear, too, that we did monitor sub

grantees when they were funded under a very specific strategy or they did the bulk of the work. So let me give you a couple of examples. ICPC does the Sexually Exploited Minors Partnership.

They don't deliver services, so we did go out and look at those grantees, although, not all of them. And similarly, there were a number of agencies that had sub grantees in the Sports and Rec strategy that we had in the first RFP. And we did go monitor those grantees, so because they were under a separate funding stream while their lead agency was under Youth Outreach funding stream. So there was some effort done about that.

We believe grantees -- we have no reason to believe that the main grantee when there are other sub grantees that we would be not -- wouldn't -- neither of those triggers would've had us go look at them, we have no reason to believe that they're not being monitored carefully, but we are in full concurrence that we can more formally be clearer.

And it's going to be in our grantee manual about how if you're the lead agency, what our expectations of you around that monitoring of sub grantees. And that's certainly something we haven't been that explicit about and so can improve and expand on.

Chairperson Blevins: All right. I was a little concerned about the data that suggests 70 percent of the students currently enrolled in one program weren't present. 58 percent of the participants in another -- are the grantees doing a good enough job of ensuring that people are getting into the programs take advantage of these services since we're paying for them?

And, secondly, we have an evaluator. And as I recall, the evaluator's part of the job is to go out and audit classes, too, to ensure the -- that the classes are full or the people that are supposed to be getting the services are getting them. Was this just bad luck that this class wasn't full, or is this happening more often?

Sara Bedford, DHS: Again, the one example we're aware of is the 70 percent figure. We've asked that agency. They're not clear what class that was that was observed and why it would -- you know, there may be a myriad of reasons, so I don't think we can answer that specific question.

That same grantee we conducted a site visit and did not experience that in fact. And in terms of their year end deliverables, they served more clients than they were originally committed to, so -- and, again, we track not only number of clients who serve but the hours you serve. So we can look at the ratio that you're not just enrolling people and then not serving them. So we don't think this is an issue. But, obviously, that's

what the monitoring tools are in place to look at and to address. And, again, we do annual site visits. We observe classes at that time. And as part of our audit agreement with the City Auditor, we will now do unannounced program visits at some other time in the year.

We think that's a good idea. I also want to be clear that my staff is very closely involved with agencies. So, as the Chief well knows, Pryia is at every case conferencing meeting at the Juvenile Hall Strategy currently, so it -- we find it hard to believe that we would not know if there were that kind of issue going on.

Chairperson Blevins: Okay. And the evaluator is also monitoring these things, too?

Sara Bedford, DHS: Yes, and the evaluator meets with the grantees and goes out and visits programs and then also, you know, assesses the actual outcomes as well through match data.

Chairperson Blevins: Very good. Andrea, did you have any follow-up? I noticed you were --

Andrea Youngdahl, DHS: No, I was just going to add what Sara just did that, you know, there's the official site visits, our staff are really out there doing program development, so they're out there in many different ways with the grantees. We feel like we have a good handle. But, again, we can improve our -- probably our documentation paper trail.

Chairperson Blevins: Thank you.

Member Johnson: You sure open the door to a question. I'm confused. The agency or the organization involved didn't know what class that this happened in. But at the same time, I'm hearing, we're very close. We would've noticed. We would've did it. And so I'm wondering how could it be possible that no one knows what class or --

Sara Bedford: No, no, no, all I said was that the agency -- you remember the audit's gone over a year-and-a-half. That class visit happened at some point in time, but the agency couldn't give an explanation, because they don't know when the Auditor visited that class. So they don't necessarily when that observation took place.

Member Johnson: Okay. So it wasn't an announced visit?

Sara Bedford: I gather. But that was their feedback to us.

Member Johnson: Okay. Was your visit announced?

Tammy Willis: The City Auditor's visit was announced. We gave notification to the grantee as well as DHS when we planned to do our site visits.

Member Johnson: Okay. Was DHS's visit announced?

Andrea Youngdahl: Yes. All we can say is overall over the course of the contract period, the grantee exceeded the number of youth served, exceeded the hours. And in our actual site visits, we did not see what the Auditor saw in one -- in one visit.

And there can be circumstances with youth programs where -- you know, it could be a spring break time. It could be kids are sick. You know, it's not a perfect world. But overall what we look at is the intensity and the depth of service over a year.

Member Johnson: Okay. And I understand the variables. I just don't understand that we don't know what day, and we don't know what time when this was an announced visit. And so --

Andrea Youngdahl: We didn't go with them, so it wasn't our site.

Member Johnson: All right.

Chairperson Blevins: Other comments or questions? Go ahead.

Member Forte: Ms. Courtney, I have a question for you. I'm not sure if you already said it or not, but I was curious. Do you only audit when it's requested, or do you do it after a certain amount of time or --

Courtney Ruby: So as the City Auditor, I can go in and audit anything at any time, so it's really about identifying what's the greatest risk or concern that's going on either because, as a City Auditor, I'm seeing or hearing things that are concerning me, or there is concern in the community, and I'm getting continuous feedback from the community that they have a concern.

Member Forte: Thank you.

There were two public speakers on this Item:

Jim Dexter.

Jim Dexter, District Four. It was a pleasure to continually hear the information from DHS and -- over the past year and a half. And the City Auditor's report seems to have validated that the information coming from DHS is accurate and is generally supportive of what DHS is accomplishing. This is all good news, and it's really a pleasure to hear this.

At the same time, all of the people that I'm aware of in community policing have voiced over and over in public and in private that the real audit that needs to be done is OPD not the Violence Prevention Programs on the social side.

This has been a consistent thing. I have -- I'm a member of the Community Policing Advisory Board and that has been a consistent theme there. I have heard this same thing here from various members of this committee. And it really seems strange to me that the City Auditor could have come out with the generalized opinion that it was more important to do an audit of the social program side of Measure Y than the OPD side.

And I want to publicly ask the City Auditor to listen to me saying that OPD needs it. And Item Seven of this agenda is a perfect opportunity that will display why we need this audit done, because we are getting zero information from OPD, zero. And this is a public situation.

So this committee -- the last time I was here I announced to you that the SDS teams had been formed and that they were operating, even though there was no public acknowledgment that this was to be done, even though the public safety plan had been submitted to the Public Safety Committee and had been turned back from the Public Safety Committee. And, yet, the SDS teams are in operation. They are being driven by the City Council members which is not what the Public Safety Plan had indicated should be done. And all of these meetings are happening without any community input at all, zero, nothing. This is what's happening to community policing in the City of Oakland.

I want to address --

Chairperson Blevins: Could you wrap up your comments, please?

Jim Dexter: I will very quickly. I want to address the minutes. On page 10, Member Carter requested a complete report of OPD from OPD regarding all problem solving officer duties, crime reduction teams, and the implementation of community policing pursuant to Measure Y. This hasn't been done. It's not on the agenda. I don't see it even happening. This committee is responsible not only for making the requests but ensuring that the requests are responded to by OPD, and it's not happening.

Furthermore, Members Owens and Barnett requested the presence of Oakland Police Department personnel to respond to issues of salaries and overtime PSO officers. This did make it to the agenda tonight on Item Number Seven.

It's going to be very interesting to hear that report, since I don't think you're going to hear anything. And that is really important. On page nine we have Member Forte making a motion that the Oversight Committee receive notice whether the city files an appeal in the Measure Y litigation and receive a report regarding the city's plan scheduled to repay the Measure Y fund. It's not on the agenda, and you have zero information.

This is what the oversight committee is supposed to do. You have \$7.7 million plus, and you have no idea where that money is or what's going to happen to it. Thank you.

Sanjiv Handa:

For the record I'm Sanjiv Handa from East Bay News Service. Let me note for the benefit of the viewing public let you in to this meeting either live tonight or on replay that the critical distinction, of course, is that the financial audit that is done by the independent auditor looks only at numbers or the receipts to document the money was spent was spent appropriately.

The performance audit is the one Oakland voters a number of years ago put in the Charter that the City Auditor has the authority to conduct performance audits.

Now, one of the difficulties is that over the last six to eight years, City Council has substantially cut the budget of the Auditor's office both under the previous Auditor and the current Auditor.

In the current economic climate, the official response is that everybody took at least a 10 percent cut. And most people did other than the City

Council. They gave up their slush funds which were known as PAYGO. They gave them a 20 percent cut, but they did not lose a single staff number, not one dollar of any kind of other money other than those slush funds.

And, yes, most of the council members took a voluntary pay cut of five percent last year and are proposing to take a 10 percent pay cut this year. But managers who get car allowances have also had those cut. The City Council has not eliminated its own car allowance the way they have everybody else's.

So there is certainly a lot of wiggle room in the City Council's budget. Where they do take the same 10 to 20 percent cut in personnel that everybody else has taken, we would see a million dollars or more opening up, perhaps not quite that much the first year but certainly over two years. And that would be money that could be redirected to things like audits of the police department and other kinds of things. So that's an important point to remember.

The last thing I want to point out is that because -- I'm pretty sure Council Member Jean Quan took some umbrage at some of the recommendations that were in there saying that the Auditor's report had gotten into areas that were policy issues.

Ms. Quan failed to understand that that is the whole purpose of a performance audit is to make recommendations. If they don't like the policy recommendations, the City Council doesn't have to pass them, but that's the whole purpose of having a performance audit is to make a recommendation whether they be policies, procedures, implementation, whatever it might be. Thank you.

Member Johnson: I would like to move the item with a notation that they should come back when all the issues are resolved or the progress as to how the two groups are proceeding toward achieving the recommendations or that they've closed items and this audit is sufficiently closed and that staff return with the report as a future item. That's my motion.

M/Second. Passed by Consensus.

Item 4. Discussion Item. Continued Inclusion of Public Comments in the Official Minutes of the Measure Y Oversight Committee.

Staff person Baker: This Item was brought to your attention by Member Johnson via an email who wanted it before the oversight committee for

discussion. At the end of any discussion if there's action desired to be taken by this Board, we would have to do it at the next meeting.

Chairperson Blevins: I agree. Mr. Johnson, did you have anything you wanted to discuss?

Member Johnson: I'll provide a summary of my interest -- in reading the Minutes, I noticed they were 11 pages, a little over 5,000 words for the Minutes. 65 percent of those words were consumed by public comment. I think when we pass the motion earlier this year on the inclusion of public comments that we -- maybe we should've added a little bit more structure so that we're not getting verbatim what's being stated.

If you look at the minutes, you see large chunks of comments that are made. And it made it hard for me to focus on what the committee members actually said and what the committee members recommended and so forth. I'm just asking that we look at that again, and maybe we may want to decide to tighten it up a little bit, put a little bit more structure in it, make it more palatable for somebody that's trying to read it, not just committee members but the public at large.

In addition, I'm sure it consumes a proportional amount of time for staff to generate these minutes. There are a lot of things that we would like to see happen on this committee and I would not want this to be sort of a distraction or something nagging that's preventing other activity from occurring.

Chairperson Blevins: All right. Let's table it until Item Number 10

There were two speakers on this Item:

Jim Dexter:

I want to make two points very clear. One is that when I came before this committee and asked that public comments be put into the minutes, I had made the request that it be done in summary form And so I am very comfortable with reducing the comments to summary form.

However, that being said, since I wasn't here at the last meeting, it was a great pleasure, and it was very, very useful for me as an individual to see what I assume is essentially verbatim comments that were being transcribed, and I really liked it. So there's two sides to that.

I don't know how each of the committee members relates to this, but I can tell you for sure that it was very, very useful for me to come here to this meeting having the support of all of the comments being laid out

very clearly in the minutes. It really was very nice.

The second thing is that the minutes -- there's a philosophical discussion about minutes and what the function of minutes is supposed to be. And I'm very well aware that there is a whole school of minutes advocates who want the minutes only to be a list of items, actions taken and actions to be done and that's it. Thank you very much.

I am definitely not in that camp. And I think that the minutes from last meeting would be a model -- and I really compliment the staff in generating them -- a model of what the other side of that argument is all about. Those minutes are so clear and so precise. It was wonderful. Thank you.

Sanjiv Handa:

For the record I'm Sanjiv Handa from East Bay News Service. And, you know, there's an old saying, "Those who can do. Those who can't debate."

The City of Oakland has been arguing for 25 years about his boards and commission, their role, their function, and how they're to be run. If this city were a municipal -- if were not a municipal corporation with immunity from fraud, immunity from all sorts of accountability that the private sector has to have, it would've been bankrupt long ago. Everybody would've shut out the lights. This city would probably be either some sort of a hotel or some sort of commercial office space, because there would've been no need for the city government to continue.

I point that out to say three things. The first is that the basic philosophy in Oakland, what I call the Oakland disease that permeates from the top down is that the public is irrelevant.

And this, unfortunately, goes to all -- most all the boards and commissions as well. The Committee Policing Advisory Board is a prime example of an organization that has done nothing other than obstruct community policing. They sit there and they pontificate month after month.

They want to run the police department. They don't have the qualifications. Members come and go. Priorities change. They violated the Brown Act, met illegally for years. City Attorney told them they couldn't do it that way. They kept doing it.

Their former chair, Don Link, couldn't understand the concept of term limits that you have two, three-year term limits. That means six years.

Presumably if you're on a Board of Commission, you can add to six;

one, two, three, four, five, six.

When you've been president for nine years, it should not require a PhD to figure out you've exceeded your term limits. Their minutes were pathetic for a long period of time because they had to be written and then approved by the Chief of Police they were released. Sometimes that process took months. By the time they came out, nobody knew what the relevance of the minutes was or whether they ought to be continued.

And the third thing is that as you look at this, simple equation ought to be this. What will help members of the public, who have no interest in attending a meeting if they pick up the minutes understand what transpired and where they can get the information? This previous version was extremely inadequate. This may be way on the other side. There's probably a happy compromise, but the point should be what will best service the public interest, not what the Members of the Board think serves their purposes. Thank you.

Item 6: Informational Report on Financial and Program Status of Measure Y Violence Prevention and Public Safety Act of 2004 for Fiscal Years 2004-2005, 2005-2006, 2006-2007, 2007-2008 and 2008-2009, September 15, 2009, Finance and Management Agency.

Osborn Solitei, Acting Controller, Finance and Management Agency, provided the report.

Good evening, Chairperson Blevins and members of the Oversight Committee. For the record my name is Osborn Solitei, acting Controller, the Finance Agency.

I'm pleased to present to the oversight committee an information report from Measure Y Financials and Program Status Report for fiscal year 2004 to 2005 through fiscal year 2009.

Measure Y Part Two, Section One in the Government Code 50075.3A and B requests the chief financial officer to present the governing body an annual report identifying, A, the amount of funds collected and expended, and, B, the status of any project required or authorized to be funded.

The Measure Y Annual Financial Report has been presented to the Council Public Safety Committee and the Finance Committee each year as required by the Government Code Section 50075.3A. However, the project status report has not been detailed in those submissions which are attached in your packet. This report resubmits the attached financials along with providing the program status for each of the above fiscal

years to adhere to the Government Code. In the future the Annual Program Status report will be presented to council and the oversight committee along with Annual Financial Audit each January of -- every January of the year.

Attachment E through H provides a summary of programs and annual expenditures for each of the Violence and Public Safety intervention programs as identified by Measure Y. With me are representatives from the Police Department, Fire, Human Services or DHS, and the City Administrator's Office to answer any question you may have. Thank you.

Member Barnett: I would like to table further discussion on this Item until the next meeting, because I just got this on Friday, and I didn't have time to go over it in any kind of detail. And I'd like to do that and have a discussion. And maybe we could postpone that discussion until next week. If somebody wants to go ahead, I'd still like to table it and have further discussion next week if anybody has any thoughts on it.

Member Barnett: I move to table further discussion on this.

Member Johnson: Sorry. Yes, there's a second.

Chairperson Blevins: Is that till next meeting or October meeting?

Member Johnson: Can we ask staff if they would be available for next month? Will you be available next month?

Osborn Solitei: We'll try to work with you guys, so -- but most of this report is from all agencies, so it's just not one staff that will be available. We'll have to have Police, DHS, the Evaluator, and Fire Department, so all of them will be coming back if you have any questions.

M/2 Passed by Consensus.

Item 7. Update on Measure Y Problem Solving Officer Salaries and Overtime, Oakland Police Department.

Gilbert Garcia, Fiscal Manager, OPD, provided the report.

Gilbert Garcia: Good evening, Chairperson and Members of the Committee. I'm Gilbert Garcia with the Oakland Police Department. Well, the short answer is, yes, you have a report. I believe you recall at the last meeting, the direction was for me to work with Mr. Baker to put

together a report that detailed -- and it wasn't just the PSO but really all of the spending within the police department over the course of Measure Y.

So Mr. Baker was kind enough to put together a template that had the kind of activities that the police department is required to do under Measure Y, with dollar amounts, fiscal year, line items. While I was working on that I realized that almost the exact same information was being requested of me by our finance department as part of the audit.

One of the reasons the departments are here to answer the questions on the item that was just spoken of is that we provided much of the -- much of the summary information, much of the, I guess, narrative information regarding, you know, the information that's in there.

So the Finance Department itself culls the information from our city's accounting system. They're the experts on the accounting system. And then we respond, you know, what -- how the money was spent in terms of the narrative, so, again, the data was almost identical.

So for one as a practical matter, me and my staff, you know, we have only a certain amount of time to help the Finance Department put together this information, and, two, you know, if I were to, basically, provide the exact same information but not quite in the same format or not quite with numbers that weren't consistent, that would probably undermine the efforts of the Finance Department.

So the information that was requested, all of the police department spending by category, number of FTE's by fiscal year is in the -- actually the report that was just heard.

Chairperson Blevins: I'm going to ask the -- there's three committee members at last meeting asked for specific information, so I'm going to refer to you all to see if this meets your approval as to what you expected.

Gilbert Garcia: Well, first -- okay. I mean, I really would like specific information. This report, literally, has every dollar spent in the police department since Measure Y, every dollar, all right, by category as authorized by Measure Y.

So if there is anything in this report that is lacking, you know, or isn't what you have asked for, you know, let me know, but that -- this is as comprehensive and audited a summary as is possible for Measure Y spending.

In addition to that, you get the monthly expenditure reports that detail by category, you know, how money was spent in Measure Y.

There was the initial reports that were when I -- you know, one of the first reports I presented on behalf of the police department to the committee was, specifically, dealing with PSO's and PSO spending. That report is still available for inspection.

You know, again, I think if the goal is to understand -- if the outcome is you want to understand how the police department spent Measure Y money by fiscal year, by category, who -- how many people charge to Measure Y, this information has all of that.

If you want something else or want to see the information a different way, you know, let me know but -- the other thing is that information, you know, as you know was still being worked on very, very late in the game. So, again, to not have a conflicting effort or a dove tailing effort, you know, I did have to direct my staff to help the Finance Department with this report.

I mean, actually, I really would like to know what, specifically, is in this report or is lacking in this report that you would like to see as an accounting of police Measure Y spending?

Chairperson Blevins: I'll direct that to other members of the committee, who have in the past asked for specific information. And we are continuing this item, but I don't know if it's contained in there or not, cause I also didn't have the time to review this 100 percent.

So, specifically, there's two ways we can do this. We can ask for it again. You can also direct me as your chair to send a letter to OPD maybe more strenuously asking for the information that you're requesting here. But I want to make sure that the committee members are getting the information that they've requested.

Member Forte: For myself I think tabling the Item. I have been one of the members to ask for more information. This document does appear to have more. But, again, we've received it less than 72 hours ago, so I would like time to review it. And I'm not sure if, you know, if -- I can't respond to whether at this point it has all the things that we've required, because I haven't done a complete review.

Member Barnett: One of the issues that's come up is when PSO officers are

taken off that assignment for a period of time to go to another assignment and then, you know, for a shift or a half a shift or whatever and various things I've read. And I know from talking to them, I know that happens. And the question is, is that accounted for in the allocation of what account their salary comes from? Because they're getting paid the same or maybe even overtime for those -- on those.

Gilbert Garcia: The answer to that is typically no. So if it's -- and it depends. But I think the answer you're looking for, you know, in the context you're asking is typically not. So if, you know, during the course of their normal work day they happen to get pulled to another assignment, they're -- they don't have to, you know, mark that on their time sheet typically.

Now, if they are volunteering to work a special event, a parade, civil unrest, football game, they will not charge that time to Measure Y. And that is -- and so, again, those things wouldn't be accounted for in the narrative anymore than somebody working in a different part of the police department, you know, so I hope that answers your question.

Member Barnett: For example, the PSO in my particular beat has been confined to office duty for some period of time, so would he still be being paid out of Measure Y even though he's not working in that capacity?

Gilbert Garcia: It depends on -- you know, I'd have to look at that specific case, but, you know, it really depends on why they're, you know, not working on their duties, if they're on vacation, things like that, but it would depend on why they're not actually working in the beat at that time.

Member Forte: So my understanding is that this really looks at how money was spent, and that it's audited so that we know that there're proper internal controls to vet it and all that. But this really isn't looking at budgets and whether you're hitting your numbers for budgets or is it?

Gilbert Garcia: Yes and no. I mean, we know that Measure Y, will, at least when taxes were a little better, roughly collected \$19 million a year, and about 40 percent of that minus some money went to the police department. So you see if \$4 million was spent in a year, clearly, the entire budget wasn't spent.

There is not a column here that talks about the budget. And I've actually -- I know I've talked to the committee several times about budget, particularly how the unspent money that the police department

had has carried forward across fiscal years.

Gilbert Garcia: So if the police department received a \$10 million allocation and only spent two, then next year that \$10 million allocation will be \$12 million. And so that information is in your monthly reports, what the budget is and how close the police department is to achieving that budget.

What this report does is say across fiscal year how much money was actually spent -- and, again, if you want to see the budget, you know, any one of your monthly reports would have it -- how many people charge to it, and what specific activities were involved with each of these categories of spending or each of the Measure Y programs that the police department has.

Member Forte: So if you were off budget, then it would show in this?

Gilbert Garcia: You mean either -- well, it would show up in your monthly report.

Member Forte: Would it be possible if something's off, like, say five percent off budget that there would be a narrative attached explaining why that was the case either one way or the other?

Gilbert Garcia: It would be. I mean, that probably is something that should be in the report. And a lot of times it is. I think we've --historically, the police department has under spent its budget for Measure Y, and there's been, you know, usually some narrative associated with that that it's associated with just the police department not being able to recruit enough people.

But, I mean, really that's ultimately what it's going to be. If we have enough staff, you know, we'll be either at our budget or if we have -- we probably wouldn't have too many, because we can control how many people are charged to Measure Y. So, you know, the biggest driver of us not meeting our budget is going to be lack of staffing, so it will be on the under side.

And, again, I think that has been a pretty openly debated and vetted item historically.

Chairperson Blevins: Okay. Let me just make a brief comment here. And I'm going over the data right now. And I know a little bit about budgets. And if I refer back and forth between pages, I can probably pick out most of the

information we're looking at. But we need information that's pretty much designed for lay people who are not budget experts, and so, again, I'm going to ask what specific information is it that you want him to bring back? Cause what we're -- it looks like what we were looking for was, specifically, problem solving, officer salaries and overtime. And over what periods do you want that information? And I think we need a report that's fairly clear and understandable for lay people rather than to have to go back and forth between pages of a budget summary.

Gilbert Garcia: Right. And one of the things -- and this is exactly the type of information I'm really trying to get a handle on so I can give you the information that you need. One of the things I'll point out is that there's a category in the police department's audited figures called Neighborhood Beat Program. And that is the PSO program.

Gilbert Garcia: That's synonymous, exactly synonymous. So, you know, if that's what you wanted just an expansion of the Neighborhood Beat Program with overtime and the budgeted figure, you know, again, I could focus my staff's effort on that.

And, you know, not -- just so you know, we -- you know, our staff was working until very late in the process, too, to make sure the figures in this report met the standards that the city requires. So now that they've completed that project it would be a pretty straight forward process to tie together the information that you want.

And it really -- I think we can say that it's information that you have but maybe has been presented in discreet places. And to tie it together in a way that you want is something I could have my staff do provided I have clear direction.

So, for example, again, the Neighborhood Beat Program that is the PSO program. Putting a budget figure and an overtime figure, would that meet the requirements?

Member Owens: I'll give it to you in a minute. It's kind of hard to go back and try to remember exactly what we came to an agreement on. What concerns me is we had an agreement that you would go back and bring this information to us. And everything was laid out at the time.

I think one of the things was what the other board member said was if a police officer is pulled, say, off Measure Y duty and performed some other regular police duties and went back to Measure Y, would it be charged to Measure Y.

That was one of the things. The other stuff was -- I think it was a figure thrown out of 70 something percent of this person's time was allocated to Measure Y or

something like that. Like I say, we'd have to go back and look at the notes from that last meeting. But we had come to an agreement that this was going to be brought forward, so I kind of give up. It seemed like you unilaterally just said forget the agreement.

Gilbert Garcia: I guess there's a couple of matters. One is the request to see, you know, how the money was spent. And then there's information on, you know, our policies of who charges Measure Y, how they charge to Measure Y. And there was not an agreement. Because I can tell you, it's not humanly possible to do both, to say here's how the numbers bear out. Here's every policy, every way of looking at how people can charge to Measure Y.

Now, I have answered, you know, if people, you know, are working on Measure Y, they're incidentally, you know, for a shift or a few hours pulled off of something else, do we adjust their time sheet? No. If somebody is assigned to a different function, you know, they need another investigator, they need something else, they will charge to the new place where they're working.

So it doesn't even show up in these reports, because the person never charged their time here. Their time shows up in a different part of our accounting system. So, you know, we don't account for that. We account for the actual charges that are in this fund not the possibility of, you know, the possibilities of people doing other things when they wouldn't happen to work on Measure Y.

So, I mean, again, the agreement was -- again, there was an old report that's still out there that says here's how much PSO was charging, you know, time charged to Measure Y. Here's how much overtime. Then there was a request, well, we'd like it broken out by sergeants and officers.

And then, well, what about the CRT's and the people working on it? We'd like to see that, too. Now, it's all here. How many FTE's of PSO's, how many FTE's of CRT's, people working on truancy. It's all in here, and that's really all I can do.

And I can answer specific questions about our policies regarding who's charged to Measure Y, how they charge to Measure Y, and I have done so, and I'll continue to do so. But I just, frankly, cannot roll that all into a comprehensive report.

And, honestly, the evaluator's reports, RAND reports, I mean, that's

really their purview, and they do tend to do that sort of analysis.

Member Owens: Well, I stand corrected if I misunderstood what we were supposed to be doing bringing it back to a simpler form so that a lay person could understand it. I thought that's what we were doing. But if that's not what we were going to do, then I stand corrected.

Gilbert Garcia: And what -- I mean --

Chairperson Blevins: Well, you can always ask for that if you want it.

Gilbert Garcia: Right. And the problem with simplicity is if you're going to leave something out, there's no way to have something in a summarized format where somebody doesn't feel that the information they are looking for is there. In order for you to really catch everything, it has to be a very complex, you know, almost by definition presentation in order for it to be a summarized or simplified version just like the notes to the public comments. You can have a one-sentence summary or you can have something more complex, but they're very different animals.

And that really has been the dilemma. Up to this point I have been asked for a tremendous amount of detail but in a very, very summarized layman's version. And I honestly believe that this format for the audit accomplishes that.

And if we could build on that or modify that somehow or throw in -- and we're only talking about throwing in things, really not taking out at this point, you know, maybe we can get closer.

Member Johnson: I'm a little bit like Ron. I mean, we started this conversation eight months ago, and each time we get a commitment of what you can do. And what you could do hasn't been done each time you -- when you're here you speak on your constraints, what's already being provided.

And it's interesting because during this time something could've -- I would think you would want the noise to go away and would generate something. That would be me. But that's not -- that's not me.

What I'm asking for at this time is that this -- let's find out what you can give us. Let's get something real basic, something that -- you know, it's something you've already committed to what you said you can do -- tonight you said you could do. I think it would help address some of the questions that have been asked. In addition to that, I would like for us to look back maybe through staff

eight months of minutes just to see what's been promised to us, because it is hard to remember what the questions were we asked, what we wanted to see in this report. But then we bring it back. We present it. And if we get to a point where maybe we need to get the information subpoenaed, I don't know. I'm at a loss. Eight months. And I know we've talked offline just to try to get some clarity on this, so I'm at a loss as well. That would be my recommendation.

Chairperson Blevins: All right. For the record I want to note that Committee Member Michael Brown had to leave and that we still have a quorum. Mr. Barnett, did you have a comment?

Member Barnett: Yes. You just mentioned -- you said, "This format for the audit." What do you mean by this? What format -- what piece of paper are you speaking about?

Gilbert Garcia: The last item. There's an attachment that shows spending by category for the police department, PSO's, truancy, training. That document. And, you know, to answer the question directly, what I can provide is an accounting of every penny that's been spent in Measure Y since its inception which is in here, a description of how that money was spent, how many people that represented, you know, and by fiscal year.

That's what I've committed to. That's what I've delivered or -- because believe it or not, my staff did work quite a bit on working with Finance to prepare the figures in here. And so that's what we have delivered, and I'm -- if we can build on that -- and that's one of the direct questions I have. Is this something we can build on or is this not even close to meeting the commitments that I have to?

Member Barnett: You know, I for one haven't had a chance to really review it, so I'm not sure whether it meets what we're looking for or not quite frankly.

Member Owens: I think all the information is contained in the reports. I mean, nobody is disputing the fact or trying to insinuate that you are dodging the information. I was just trying to get it in a just like a simple format to where somebody who is not educated in accounting per se can just look at it and still figure out just how many dollars were spent where on a monthly, you know, monthly basis, but, you know, it is in here. You've just got to separate it out.

Chairperson Blevins: Other questions of the speaker? Do we have public comment on this? Go ahead.

Courtney Ruby:

Hi. Again, it's Courtney Ruby, the City Auditor. I want to make one

distinction about this report, because staff has talked about this being an audited document. And given as the City Auditor, I want to be very clear.

So in the bottom it talks about that the expenditures are consistent with the financial audits. But my understanding is that this chart has not been audited just so you are clear. And I think that that's a clear distinction that needs to be made that is it the financial numbers match the financial audit, but the chart has not been audited.

Chairperson Blevins: Thanks for that clarification.

There were two speakers on this item:

Jim Dexter:

Jim Dexter, District Four. This is truly embarrassing. OPD once again as, in my opinion, completely dodged the whole concept of what was being asked by the committee and certainly has dodged what I was asking for and I believe other people have been asking for.

This isn't the information. The information that we need, the information you should be requesting and requiring is not only, literally, what money has been spent which this doesn't answer, but what has it been spent for. And there's no information at all about that.

And that's really the key to all of this. You can have a dollar figure. In my budget I've spent \$6,586 on my car maintenance, but the car doesn't run. And that's the key to all of this. What are you getting for all of this money? And we're not getting any of that information, zero information about that. And that's really what this committee is for.

How can you perform oversight of OPD's actions if you get no information? And if you're not willing to stand up and say this is required rather than saying it's been eight months, and I'm going to give up because there's no way to get this information from OPD, then you've failed in your basic function as oversight.

And I really urge you to consider this the most important role you must take. OPD is where the problem is. It's always been there. And that's the key. You've got to be able to get the information, and you're not getting the information.

And if you sit there and say, well, we're just not getting the information, there's no oversight at all.

Sanjiv Handa:

For the record, Sanjiv Handa, East Bay News Service. Let me remind you once again this Oversight Committee was created only to provide lip service to the concept of oversight.

It's a standard marketing ploy for every bond measure, every assessment, every tax, every additional source of revenue that any city or county proposes in California. Oh, we're going to have this oversight committee. And it convinces a lot of voters, oh, yeah, it's going to be somebody independent.

As I was just recently told by two different attorneys for two different legislative bodies that over the summer as they reflected on some of my comments, they were actually thankful that I stepped forward and said something, because they're hearing from members of the public that when somebody stands up and is strident, it takes away from that appearance that everything is rubber stamped. At least somebody is challenging something.

And you're not put in that role. You have to be more strident. What you need to do is start where Marcus suggested. Compile what it is that you want, but send a letter on your letterhead signed by your chair to the Chief of Police with a copy to the City Administrator and the Assistant Administrator and the President of the Council saying that this is the information we're asking for and if Oakland Police Department cannot provide it within 30 days, you would like to request that that the Rules Committee of the City Council take up the matter for scheduling and discussion.

I hate to break the sad news to you, but you have no subpoena powers. You are not that kind of a body like the ethics commission. You were given no such powers. You cannot order city staff to even appear before you. You can just scream and yell and be frustrated like everybody else is.

But part of what it seems to me is that there's still even confusion about what is being asked for in what format, so that needs to get rectified. And the other and bigger problem is that because of the turn over on the committee, turn over of the staff of the Oakland Police Department, in the budget office and other places including the City Council's financial analyst for the time being, there is really a need to redefine what this committee would like on a regular basis.

And, perhaps, at your next meeting, agendize that for discussion as to

what reports you want from which department and what are the specifics. And that might be the most constructive way to move forward. Thank you.

Member Johnson: I have a couple of comments. And this is sort of a rare moment of me sort of agreeing with Mr. Honda and Mr. Dexter at the same time and not entirely. But I think that we do have to understand what we're asking for. And we should actually take the time, document what we're asking for, so that we can hold Mr. Gilbert in this case accountable.

Eight months is a long time to ask the same questions over and over and over again. And then here if you were to go back and watch a KTOP viewing of this, I'm sure you would get some of the same responses.

And I don't want to give up, because this is our duty. This is why we signed up. It's only going to work if we make it work. And if the city plans on trying to come out with another measure for taxes to pay for police, this is what's going to be looked at, so it's important that we do that.

I would like to start, basically, asking for the problem solving officers' salaries and overtime since the fiscal year start, this fiscal year start and as well as last fiscal year.

Chairperson Blevins: So you're talking about '08, '09 and then '09, '10 –

Member Johnson: Right.

Chairperson Blevins: -- for the first quarter?

Member Johnson: And that would be my motion to start with addition to that we look back those eight months and see what our questions are and get those questions framed clearly in a letter to Mr. Gilbert, cc to the Chief and anybody else that we think and see if we can get a response then.

Although, we may not have the power of subpoena, I'm sure we could find a friendly person that has that power if we needed to take that next step.

Chairperson Blevins: Could I suggest we add a couple other things to that?

Member Johnson: Sure.

Chairperson Blevins: Because it was clear in the last month's minutes

that we wanted the information regarding all problem solving officers's duties.

And also, I think we need to have the number of problem solving officers and which beats are covered by the problem solving officers in addition to the salaries and overtimes for the period that you outlined. Is there anything else that the committee would like to see?

Member Owens: I agree that the -- I told Mr. Garcia that the information is in here. It's just that we have to separate it out.

But the original agreement would be that it would be presented in layman's form so that anybody could look at it and, you know, deconstruct whatever it is just by on a glance pretty much, not having to search through it and try to decipher and ask -- you know, we had to have the Auditor come up here and inform me after I said what I said that it was not an audited document, so, you know, I'm kind of at a loss.

I go back to the original agreement that we had that request that it be done -- whatever we do that it be done in a simplified format so that anybody could read it, any citizen of Oakland could read it.

Member M. Brown: Would it be possible to ask for that information from the inception of Measure Y or is last -- is over the past year is that just what we want to see? And then also, I guess, moving forward would it be -- I'm not sure if Mr. Gilbert could respond. Would this be something that we could request and/or expect on a monthly and/or quarterly basis?

Gilbert Garcia: There's really two separate issues. One is the salaries and overtime of Measure Y officers. And so, you know, the Finance Department told me that the information that, you know, these tables pull from has that level of detail, so it would be very easy for this, you know, the PSO Committee Program to pull out salaries and overtime and just break that out for you. Then you'd have that. And so it would be just as easy to do it for Measure Y inception to date as it would for two years, so that's good. The second issue --

Member Johnson: Did that sound like a commitment that you're going to give us that?

Chairperson Blevins: Well, hold on. Let's take it incrementally here.

Gilbert Garcia: If that's -- So we have the PSO, you know, the total amounts spent, so however you want it broken out we can do that, because the date is already there. It just needs to be, you know, subtotaled in a different way. This is a high level summary, so, again,

we could break out components of it.

The other matter as to which beats are being covered, of course, that's going to change as we -- you know, depending on how we -- on staffing. So what I would prefer, you know, is that we just say this is a certain point in time, so maybe even the most recently available spreadsheet that we have of, you know, where the Measure Y officers are working in which beats, which ones are covered and with the understanding that this is just a point in time even now.

Because, again, since the inception, you know, when we had 2004 no Measure Y officers until now, that chart is wildly different over time. So, again, and that is not the same -- you know, I really think that should be a very separate report or separate document at least from, you know, just a summary of the salaries and overtime for PSO's.

Chairperson Blevins: We're going along okay, and now you've confused me, so I want to make clear what I think we want. We want to make sure that we know how many problem solving officers are out there in which beats and what are they covering. Are they covering PSO duties, or are they being pulled off their PSO duties to be doing other things like patrol?

So I think that's the information that we want to make sure that the PSO's are doing what Measure Y intended them to do.

Gilbert Garcia: Lieutenant Poirier could answer that latter part for you.

Chairperson Blevins: Thank you, Lieutenant.

Lieutenant Poirier:

Hi. I'm Mike Poirier. I'm the Commander of the Special Operations Section. Let me see if I give you some information as I know it today right now if that will help you in that we have a full compliment of PSO's. All PSO beats are covered but they're not all Measure Y officers. So you want to know which ones are the Measure Y.

We have, you know, 20 Measure Y officers and 37 non Measure Y officers. Or you don't even care about the non measure Y officers. There are 16 Measure Y officers in Area One, 14 in Area Two, and 16, in Area Three, and this is where they're assigned. They're assigned to PSO or CRT if you want that number.

CRD, our Investigation Division, has six Measure Y officers that are doing Domestic Violence and two that are doing Dedicated Truancy. That's exactly the information that you want, where everybody's assigned. And you would get -- it will be -- it may be different

tomorrow. Somebody's out on leave or something like that. It will be different tomorrow.

Is that the kind of information that you want? I don't have the money. Mr. Garcia does. But I can tell you where everybody's at.

Chairperson Blevins: I think we want a collaboration of the two of you.

Lieutenant Poirier: I understand.

Chairperson Blevins: He can put the dollar figures to it, and you can tell where everybody is. I think that's what we're asking.

Member Barnett: Well, it sounds like what we want is to have the numbers mean something, you know, what's actually going on. And probably what we're looking for is more of a performance audit like Courtney's just done on the other side.

And that kind of goes beyond, I think, our capacity as an oversight committee to do that kind of an audit, but I think that's what we're looking for. If there's some shorthand version of that that we can do on a monthly basis to give us some idea of what's actually happening on the ground with the money, that would be helpful. I think, personally, that's what I'm looking for.

Lieutenant Poirier: In order -- there's -- Problem Solving Officers by their very nature take on projects. We have a narcotics house at 1234 Main Street. And everybody has told the police department this is a problem house. Problem Solving Officer, please, pull together a plan and close this house down. Whatever -- however it has to be done. Make this house nice again.

You've got to understand there are, literally, hundreds of these projects all over the city. And to pull that -- and is it the Problem Solving Officer that does it? He's assigned to it, and they move out. Well, is that -- is that a measure that the Oakland Police Department took care of that, or is it just because the people moved out?

I don't know how you measure it. And then I don't know how to take these hundreds of projects and shove them your way in a -- what do you want, the summary view or the long view?

Member Barnett: We don't know either.

Member Dorado: I would really like to know very simply in terms of the PSO's how many projects have been completed let's say on a monthly basis. And by completed I'm talking about having gone through the Sara process

completely.

So it's a simple number. You know, in Area One, out of the 16 PSO's, there was 10 completed for the month of September or October.

Chairperson Blevins: Right. Yes, I don't think we need the detail that you were referring to –

Lieutenant Poirier: Okay.

Chairperson Blevins: -- about what, specifically, they did.

Lieutenant Poirier: Okay. And I'm going to give you a little bit of ignorance on my part. I don't know -- there is -- we have a Problem Solving Officer database. And I'm hoping what it does is it says that number and it says, hey, there were 10 open this month, four closed from last month.

And remember, it doesn't open and close every -- in the same month. So I'm going to tell you in October Area One closed 10 projects. They opened five projects, but each one of those closes at a different time.

Member Barnett: I'm wondering if it's possible to put together a committee without violating the Brown Act where a group of us would work with a group of you to really kind of hammer out some of these issues, because it's complicated. I think it's difficult to do in this setting but then to bring back some recommendations about what the data would look like, what the format would be, and see if it meets the members' needs.

Right now it's kind of like everybody is looking at a different part of the elephant, and I'm not sure we're going to see the whole thing.

Lieutenant Poirier: You know, I'm much like you. I'm not very into all the audits and all that. I think I can put together a simple thing that everybody could understand, answer most of your questions in just numbers. When we get down to the summary version or the long version, then we can fight it out there, but I think I can come up with something –

Member Barnett: As a starting place? Right.

Chairperson Blevins: All right. I'm looking for a motion that gives clear enough direction so that we know next month we're going to get a report back, and that report is going to contain what it is that we want. Who wants to

make a stab at that?

Member Owens: What I was looking for Lieutenant was if you had, say, a hundred officers being paid out of Measure Y monies for the month of September, three of them worked on this for this week. We paid -- this much money. 15 worked over here. That costs so much money and the hourly rate, have all that laid out. I mean, would that be too difficult to do, you know, so that we could look at it?

Lieutenant Poirier: I'm not the money guy. I think what you're asking for is if I am a PSO funded by Measure Y and I'm assigned to Beat Two, can I get -- and I'm doing my Sara project on Beat Two and working full-time on it, and my beat partner calls for cover, and I go help him, should I take that hour and somehow adjust that?

What I think is, is that the Measure Y has bought this PSO whether it's he's on his Sarah project, whether he's training -- whether he's helping his beat partner because it requires two officers. I don't -- I can't separate that. I can't -- can't account for every minute. I can only account for the position. The position exists. It's paid for by Measure Y, and you get the whole package whether he's --

Member Owens: Whatever he's doing? Okay.

Lieutenant Poirier: Right.

Member Owens: That's what I was talking about, a certain amount of time as we agreed last month is allocated to Measure Y, a percentage of that officer's time is allocated to Measure Y; is that correct?

Lieutenant Poirier: Absolutely. But you've bought the whole position. Measure Y bought the whole position, so you can't say he's -- when he goes to training, he's no longer Measure Y because he is.

Member Owens: Okay.

Lieutenant Poirier: And the priority, of course, is those Sara -- for those problem solving projects, but you can't say you cannot possibly go help over here because it's required.

Member Owens: Right. So if you spend \$200,000 in September say, for instance, could you break it down to where that money was spent, how many officers received that money?

Lieutenant Poirier: Mr. Garcia can say the PSO's cost this much as a whole. He can't -- I don't think anybody can say this project costs \$50,000 of staff time.

Member Owens: Okay.

Member Johnson: In the interest of time, can we ask staff if they understand what we're asking for to be brought back and generated?

Chairperson Blevins: Do you want to read it back to us verbatim?

Staff Person Baker: Verbatim? I believe what's being requested was requested was the salaries and overtime of all police officers paid out of the Measure Y fund fiscal years '08-'09, '09-'10.

Member Forte asked that we start at the inception, so we're talking about fiscal year '04, '05 to the present. The request is for a breakdown of PSO salaries as well as members of the Crime Reduction Teams, also Domestic Violence, Truancy and all of the other components of Measure Y. I see it as being a very simple chart fiscal year to fiscal year with those particular community policing components, the number of officers, the number amount paid in salaries, as well as the amount paid in overtime.

Member Dorado: You missed the column on the opened and closed Sara projects.

Staff Person Baker: Yes, you mentioned that, Member Dorado. I think the lieutenant made reference to the data collection system. But I know it as a fact that that system has only been in use for about two months maybe, so it's unlikely that you'll get an accurate count of projects that were opened in the past through the data collection system.

However, that information is maintained in OPD. So, for instance, in fiscal year '04, '05, it would be very easy for OPD to tell you how many projects were actually opened using the Sara model and how many were closed. The same thing in '05, '06, '06, '07, '07, '08. It's just that the source is not the same. It's not coming from the data collection system.

Member Dorado: That's fine. As long as you've got the information, it doesn't matter the source.

Staff Person Baker: In addition, they could also give you the actual number of PSO's actually deployed on the street during a particular month. And so it's very easy to go from January to February, February to March to see OPD

ramp up their Community Policing PSO program. In fact, the evaluation is taking a look at the same information to get a sense is it an issue of dosage? How many officers do we have in -- in a beat in a single period of time? So OPD has that information. And I'm assuming that the agreement is they'll provide that for you within 30 days.

Lieutenant Poirier: Well, what I did is I said I would look at it to see if I could formulate a simplified version of what it is I'm looking at, because I don't know what it is. So when I look at it, if it's pretty clear we opened a hundred cases or a hundred Sara projects, and we closed 90 of them, I'll get it. If I can't I'll come back here next month and go, "I couldn't do it." And I'll tell you why.

Member Johnson: Okay. You promise?

Lieutenant Poirier: I promise.

Chairperson Blevins: Do we have a motion that summarizes what Mr. Baker just said?

Member Barnett: I would move to request the information Mr. Baker stated about salaries and staffing, the results in closed projects and open projects, whatever information they could provide and start looking at that if it can be and if it -- does it answer the question.

Chairperson Blevins: All right.

M/Barnett – 2nd/Johnson: Motion passed by consensus.

Item Number 8. Budget Report regarding Revenue Expenditures, Fund Balances, and Interest earned as of July 31st, 2009 w/Narrative.

Staff Person Baker provided the report. Chairperson Blevins and Members of the oversight committee, this is our monthly report for January 31st, 2009. I would suggest in the interest of time that you may want to pass this Item over to the next meeting since you have the City County Initiative following this, and you would actually get a chance to look at the initial fiscal year numbers at the same time that we look at the report from OPD.

There were two speakers on this Item:

Jim Dexter

Jim Dexter, District Four. The issue of the PSO's and what they're doing isn't a matter of a budget line item. The Sara Projects are at best a small percentage of what the PSO's are doing.

Some of the PSO's have projects that take up 10 percent of their time, so asking about Sara Projects and getting Sara Project's superficial numbers or summary numbers isn't going to give you any information.

You still won't know what the PSO's are actually doing and what you're actually getting the money paid for. You don't know what it is you're getting.

I was at a NCPC meeting where the PSO came up and said that they had four Sara Projects. And the PSO was asked, "How long have you spent on the PSO Projects this month?" And the PSO said, "Five minutes."

So they've been working on PSO projects. They've been working on Sara Projects. It didn't make any difference. You have to know what the PSO's are doing. And the PSO's are doing things like being pulled off their beat to go up to a demonstration and sit at a car for two weeks as they did in Beat 22X, or they're riding around in a car in another beat, because they don't have two cars.

That's what the PSO's are doing. And until you get to that information, all these budget numbers are meaningless.

Sanjiv Handa:

For the record, Sanjiv Handa, East Bay News Service. Keep in mind you heard from many people about the negative impacts resulting from Proposition 13. I want to point out to you that since Prop 13 passed, the City of Oakland's population has actually gone down slightly, and the number of city employees has gone up by more than 75 percent, yet, there's far less service delivery than there was all those years ago. And in this discussion and the last couple, you've seen why. So many people are pushing paper, generating reports, going to meetings, and trying to justify why the city needs more money, that there's never enough money to actually do any of the work that needs to be done. Why did Oakland get into this mess? Council Member Larry Reid right before the two-month summer recess took up a new cause. He was complaining bitterly that when you are outside of Oakland when you're in San Leandro or Berkeley or whatever, people follow the traffic rules. They're not speeding. And the moment you hit Oakland, all rules go by the wayside.

And nobody bears more responsibility for that than the City Council, because over the years as they set the budgets, they did not set the appropriate priorities.

OPD eliminated the patrol function for all intents and purposes, the routine stopping of cars if somebody flies through a stop sign now. You know, on the corner of 41st And Piedmont, I've noticed California Highway Patrol now that they've taken over that coffee shop there. OPD is not around there much.

But what replaced OPD is five, six, seven cops are standing at (Inaudible) and people zip right through stop signs or red lights. They know nothing is going to happen. And that over time builds up, builds up, builds up. And that's because, again, this whole thing has started that there are limited resources and OPD is dealing with violent crime and so forth.

And they're right. They are. The problem is that all the other things are being neglected, so the smaller problems become bigger and bigger and bigger till you're going to need a special assessment to, basically, pay for routine patrol. You're going to need a special assessment to simply have the lights on in city hall.

Those are the kinds of issues that also need to be looked at. Thank you.

M/Member Owens to continue the Item to the October Meeting.
Second/Member Forte. Motion passed by consensus.

Item 9. The City/County Neighborhood Initiative, Neighborhood Services Division, Office of the City Administrator

Joe Devries, Neighborhood Services Division provided the report.:
Hello, Chairperson Blevins, Members of the Board. I am Joe Devries with the Neighborhood Services Division. I know I now have 15 minutes or less. I supervise the City County Neighborhood Initiative. As the report states, it's a partnership between the City of Oakland and the Public Health Department in Alameda County. It's been in existence since 2004. We have two target neighborhoods. It's a place-based initiative. We work in the Hoover Historic District in West Oakland which is Beat Six and a Sobrante Park in East Oakland which is Beat 31Z.

The initiative employs two community building coordinators who work closely with the residents in teams of service delivery -- I believe the service delivery teams, the neighborhood service coordinators. We also work with the Y Team, the school district, county agencies. The city's portion of the CCNI as a project is funded predominately through Measure Y revenue, but we also do receive CDBG grant funding at well.

Background, in 2003 Jerry Brown, then mayor, convened a Violence Prevention Task Force. He brought together agency heads, council members, county supervisors, and they created the Oakland City County Violence Prevention Task Force. Using Measure Y revenue, the CCNI Project was launched, and these two target neighborhoods were chosen based on crime data, stressors, population, etc. To engage residents in

addressing the priorities in the community, the community building coordinators were hired. The Alameda County Public Health Department through their community assessment planning and evaluation team which is also known as their Cape Unit also hired community organizers to work in partnership with the city in these two neighborhoods on the ground.

Because the initiative is neighborhood based and it's about service delivery as well as community organizing to ultimately reduce violence, in 2005 the project was moved from the Department of Human Services into the city's Neighborhood Services Division.

This is when the Neighborhood Services Division was about a year old. It is under the City Administrator's office, but it is definitely the division that comprises the neighborhood service coordinators, the neighborhood watch program.

All of the community organizing that is really done in regards to community policing is handled through the Neighborhood Services Division. Therefore, the City County Neighborhood Initiative was put there, and that's where it has remained until present.

As far as the project, the main components of the project, we looked at -- or the task force initially looked at a lot of different models around the country. One that rang true was the Broken Windows Theory. And, of course, if you're familiar with that theory, it's that if there's a broken window on a street, ultimately, there will be more broken windows and then graffiti, and then crime will follow. And if you can clean up blight and problem properties and some of the minor quality of life problems that you'll avoid the violence and the higher crime that comes later.

The CCNI takes this model a step further by linking residents to vital services including housing, employment, and employment training which has become a major focus for the city side of the CCNI as well as capacity development and health services through the Alameda County Public Health Department linking people to MediCal enrollment, information about parenting.

A variable plethora of programs that the Public Health Department offers are targeted into these two target neighborhoods.

Some of the main components community outreach. Our community building coordinators go door to door in the target neighborhoods to gain

input on what improvements need to be made. They hold regular resident action counsel meetings to help implement community wide events such as Earth Day, National Night Out, and things of that nature. Street outreach, again, is a major component for our staff where our community building coordinators go out directly onto street corners interacting with people that are hanging out -- many of them ex offenders -- to try to link them to jobs and to try to help them overcome the barriers they face to seeking employment.

We've been known to drive people to interviews, help them get the clothing they need to actually make it through an interview, buy them a bus pass to see that they're successful, you know, getting to work until they get that first paycheck.

And that's been such a successful part of our initiative, we were actually the members of the first Y teams that created by Measure Y, the West Oakland Y Team, where we actually went out and met with people in the street with employers right next to us. We had UPS, Lucky's, and other employers willing to hand out jobs and to really kind of let especially parolees and other, you know, persons know that, you know, regardless of your regard, there are jobs for you, and we can help you get them. So it's a major part of what we do.

Youth development that portion of CCNI for youth development is known as the Oakland Youth Movement. These are young people from both the West and East Oakland target neighborhoods that have been trained in assessment, community organizing, data collection. And they've actually gone out and completed youth surveys. And their results have culminated in a big push in West Oakland for a teen center to be built similar to the one that we have in East Oakland at Youth Uprising.

About a year and a half ago the city purchased old abandoned Olivet Church right in our target area, and that is the future home of the West Oakland Teen Center. And it was our Oakland Youth Movement youth that actually pushed for that and really helped make that happen. And they sit on the advisory board now as that planning process moves forward.

One of the advantages of having the staff of CCNI in the Neighborhood Services Division is that we are all members of the city's SDS teams. So when there's a hot spot or a problem, violence, you know, that may erupt due to disputes or what not in a particular -- in our target neighborhoods, we have access to the service delivery teams to see that all city resources

that can be brought to bear will be including Parks and Recreation, Redevelopment, Public Works, etc.

Problem solving and leadership development. The staff work to abate problems identified by residents and to meet with residents on a regular basis but also attempting to train residents and especially youth to advocate on their own behalf so that if the project goes away, you'll have a group of leaders in the neighborhood who know how to solve these problems on their own. And that, basically, plays right into sustainability.

Also do provide a lot of family support in the neighborhoods, referrals to social services agencies and community based organizations. In both of our target neighborhoods, we've had successful block building events with Rebuilding Together Oakland where we've actually rehabilitated 10 or 12 houses at a time using all volunteer labor. And we've helped to do the outreach to get people on board with those programs.

We've always worked in West Oakland very closely with Healthy Oakland to link people to their services.

I could go into each of these key victories in the two target neighborhoods if you'd like, or I could just let you read the report and cut it off and take it for questions, whichever you prefer. Should I keep going?

Member Johnson: I –

Joe Devries: Okay.

Member Johnson: A couple.

Joe Devries: All righty. All right. Well, in Sobrante Park those who are familiar with that neighborhood you know that the only entrance -- there's only one way in and one way out of Sobrante Park, and that's you have to drive right by Tyrone Carney Park. Tyrone Carney Park has been shut down for years because of a stream of murders and violence. There was a lot of infamous gang activity that took place at that entryway, and that was identified as a major, you know, problem, in fact, the number one priority for the community.

While the park still is shut down over the past few years the CCNI has organized with the neighbors and developed a plan for what they want the entryway of their park to look like. World class architect Walter Hood was recruited. He's the same

architect who did the DeYoung in San Francisco, and he's an Oakland resident, and he cares about community. He did the Splash Pad by Grand Lake Theater. He has designed a beautiful new entryway for Sobrante Park. And we're working with residents to identify or to gain momentum to identify redevelopment funds and outside funding to transform the entryway to that neighborhood.

That's empowerment. And that's, basically, one of the big victories is that because if you would've asked five different people what they wanted to see at the entrance to Sobrante Park, you'd get five different answers. Now, hundreds of residents have weighed in and voted on exactly what it is they want to see, so that's one real tangible win.

Another big win in Sobrante Park is the Time Banking program that they have. Time Banking is an international concept where groups of people get together and they trade services. So, you know, I spend an hour changing the oil in your car, and I earn an hour in the time bank. And so then when I have to come and present to the Measure Y oversight committee, I need somebody to provide an hour of childcare for me. So I can get that from another neighborhood in the Time Bank. That's the idea of Time Banking.

The Time Bank that was funded through the Public Health Department and started through CCNI it has now over 200 members in Sobrante Park. And it's not only a way for people to get services that they need for free. It's a way for neighbors to meet each other and to increase their capacity. And one of the key aspects of that is it's broken down a lot of the barriers between the Spanish speaking community and the African-American community in Sobrante Park which is about 50/50 right now.

Before Time Banking, before CCNI, a lot of these folks just did not communicate. Whereas now they have holiday celebrations together. They're getting to know each other. They're teaching Spanish classes at Community Reform Church sometimes so that that bond can be bridged between these two communities whereas once there had been a lot of strife.

Chairperson Blevins: I'm just going to cut you off, Joe, and open it up --

to questions here.

Joe Devries: Okay.

Chairperson Blevins: I have one question. I noticed the 2007 survey they noted that there was some successes, but they also noted that they still needed improvement in the city's response to crime and making their neighborhood safe. What's the 2010 survey going to say?

Joe Devries: Well, I'm hoping that it will say that crime is down and that the relationships that have been built in the neighborhood are sustainable and that people know how to access to these services and they know where to go and who to ask and that they actually see a better city response time.

If you -- if I were to go into the details about the '07 survey, there were some major improvements in terms of city's response to things like blight, Parks and Rec -- the maintenance of the parks. But actual crime in West Oakland stayed pretty much the same, the perception. And the data shows I can't say for West Oakland that we've seen any major reductions. After this year I think we will.

In Sobrante Park, however, in 2007, we had seen a substantial reduction in violent crime from the initial base in 2004. While the violent crime in the city had gone from, approximately, 14 acts per thousand people up to 22, in Sobrante Park they the gone from 21 down to 12. So as the city's violent crime rate went up, Sobrante Park's violent crime rate went down. West Oakland stayed more static. But we're hoping that after this year that will change, too.

Chairperson Blevins: All right. Any questions?

Member Johnson: The comment I have is real quick.

Chairperson Blevins: Sure. Go ahead.

Member Johnson: I'm familiar with the program of -- I think we met at a gun collection --

Joe Devries: Oh, yeah.

Member Johnson: (Inaudible) and I also have attended -- trying to get

back into the Resident –

Joe Devries: -- Action Counsel.

Member Johnson: -- Action Counsel meeting with Africa Williams –

Joe Devries: Correct.

Member Johnson: -- which is a really great program. I'm familiar with that, and I know 6X is a challenge. And I see it as being a challenge for years to come unfortunately.

Chairperson Blevins: Other comments? Do we have public speakers on this?

There was one speaker on this Item.

Sanjiv Handa

For the record I'm Sanjiv Handa from East Bay News Service. I just want to take this opportunity to point out that there have been an effort to craft, basically, integrated neighborhood services program in the City Administrator's office.

There is an ongoing dispute about where the Neighborhood Service coordinators should be. They were pulled out several years ago from the police department and put at city hall, but they are still paid for out of the police department's budget.

Every time the police department is asked to make cuts, the first thing they offer up is the Neighborhood Service Coordinator's Program. The City Council always steps forward and says, no, we don't want to do that, and so the program is restored. But it's never really been resolved as to how it's going to be permanently housed.

Paul Brekke Meisner, who was mentioned earlier, has just opted for the buy out that the city is offering eligible employees for two initial years of service credit. And all employees who accept that have to be gone off the payroll by September the 30th, so his last day is September the 29th. And the way it works is most of the positions are being eliminated and not being back filled. There will be, basically, a freeze for an indefinite period of time. And so that means that some of the programs that are underway will now be reduced or other supervisors if there's only one other supervisor at this point will take over.

And as you know the Neighborhood Service Coordinators have gone

from 19 down to 17 and the number keeps dropping to 15 and possibly down to 14. With the hiring freeze that's on, there are people who are not going to be replaced. And one of the issues that keeps coming up is the equity of the workload in all these programs.

In that context, the City County Initiative also does not have the full staffing that it was originally envisioned as is not the NSC program, and so that's going to make things a little bit more difficult down the line. So I wanted to draw just that as a contrast.

And the final thing I just wanted to share with you was that as you're looking at the next year when the numbers come out in October or November, probably mid November, with the forecast for revenues for the 2010, 2011 fiscal year, there's a possibility that the Measure Y Parking Tax may drop again. And that may create some additional needs for some cuts. Thank you.

Chairperson Blevins: Thank you. Any further comments on this item? Do we need a motion, Mr. Baker?

Staff Person Baker: Chairperson Blevins, members of the committee, the City County Initiative presentation was the beginning of our effort to bring the Violence Prevention Programming to you in order to get a sense of what our programming from the grantees.

I've been in conversation with DHS in regards to the other violence prevention program. So if there's some interest to having someone else make a presentation, just let me know, or you can bring it up during your agenda building so that we can go from reentry to all the different programs.

Chairperson Blevins: Thank you.

Member Johnson: Sir, do we need a motion to accept a report or just information?

Chairperson Blevins: No, I think we're fine.

Member Johnson: Good.

Item 10: Agenda Building for October 19, 2009 Oversight Committee Meeting.

Member Johnson: Gangs. Gangs is the big topic now. I mean, there was a thing on the Discovery Channel this evening at 6:00. That's why I was

late. I got caught up watching it. I know that Measure Y is trying to address the gang problem, and I don't know if we fully understand what we're doing as far as Measure Y to address the gang problem. Maybe we're not ready for that?

Chairperson Blevins: I'm not really clear on who would make a report or what you're asking. I know that the Discovery program alluded to 10,000 gang members.

Member Johnson: Yes.

Chairperson Blevins: Which those of us in the business think that might be a little bit inflated. Ms. Bedford, can you illuminate this?

Member Johnson: She may have some idea.

Sara Bedford, DHS: Good evening. We would love to come and have providers come when you're ready and talk maybe strategy by strategy. I think gang is an area we could pull out. Although, it crosses a number of different areas. It crosses our in school work. It crosses our street outreach work. But we could start there.

But we think it would be great to bring -- and then have the providers come and talk about what they're doing and how they connect to each other, so, you know, reentry, maybe street outreach, domestic violence. I mean, there's a number of areas. You couldn't take them all at once but one at a time.

Member Johnson: Okay.

Chairperson Blevins: And I'm thinking this could be a future item but maybe not next month, but can we direct staff to give it some thought as to when we want to have them bring this back?

Member Johnson: Sure. I was thinking that it's a topic that's out there right now and hoping to draw some public attendees having an interest to know what Measure Y is doing to address the gang problem.

Member Dorado: I would love to hear from Kevin Grant and what's happening out in Street Outreach.

Sara Bedford, DHS: Okay.

Member Dorado: Specific to gangs.

Sara Bedford: Sure. I mean, I think we could have our street outreach teams come and make a presentation. And I think that's a good place to start. You'll definitely hit the gangs. There's some other strategies that also deal with gangs, but you may -- it may be too much for one presentation.

Member Lee: Can I just make a quick comment on --

Chairperson Blevins: Go ahead.

Member Lee: You know, I would love to have Kevin come in here and to hear more about what they're doing with the street outreach team so that's -- but I also just want us to caution not to -- I think the Discovery Channel episode with the young people that are involved in our program is featured heavily in it, and it's really sensationalized.

Member Johnson: Right.

Sara Bedford, DHS: I'd like to second Nicole's. Kevin and OPD spent a lot of time with the Discovery Station. We understood it was going to be a very different piece. And we are really deeply disturbed by what was presented versus what we -- the amount of work that went in to really try to help them understand what young people are struggling with and what that struggle means for them.

And this really did a disservice, I think, both to the staff who worked with them but more importantly to the young people as Nicole said and paints them in a really frightening way that's not --

Member Johnson: I agree. But at least we can bring some reality in the discussion. And that's my whole point.

Sara Bedford, DHS: Absolutely. That would be great.

Chairperson Blevins: Any other agenda items that we want to see?

Member Johnson: That's probably enough.

There was one speaker on this Item:

Sanjiv Handa

For the record again, Sanjiv Handa, East Bay News Service. And, yes, every item that's agendized under the Brown Act the public has a right to speak on. I want to offer several items for you to consider, the first one which would be to actually start getting on a rotating basis a

comprehensive report. For one month you might have, for example, something like Claudia Albano or Dori Reed come and talk about the Neighborhood Services Coordinator's Program.

Another month one of the other aspects like you did with the City County Initiative so that you, as a committee, have a working knowledge of what the different components are that are in these different arenas.

The second thing is as it relates to the Oakland Police Department. Once you identify what are the reports that you want and what kinds of figures it should be fairly routine after that to get them on a monthly basis.

The third thing is discussion on -- you know, the City of Oakland is great about changing things when they think that it ought to be changed without any public discussion, notice, or any kind of dissemination to the public. The biggest disaster along those lines, of course, is the parking enforcement change.

But I noticed that today, for example, you don't have available the backup materials for the agenda packet, only the agenda and a couple sheets of paper available. But the committee presumably got a full packet.

And under the Brown Act whatever is given as an agenda pack to the members of the board is what has to be available to the members of the public, so there's not a two-level type of a packet that is done. This is a fight I thought we'd had a long time ago. The City Attorney's office had taken care of it. And all these different boards and commissions end up -- you know, it's I think to save money.

And I go back to this basic premise that you might save a few dollars here, a few dollars there, but the number of people you anger in the process more than makes up for the money, because you lose a lot more in the long term.

As this city is finding out, millions of dollars of business have fled Oakland for the \$1.3 million they think they're going to collect on the additional parking revenue on the tickets.

The fourth thing is an update to get a comprehensive training on basically what you can and cannot do as a committee. You ought to have the City Attorney give you a presentation. And you ought to look at that and make recommendations to City Council to change your role.

Because its clear most of you are frustrated with what limited powers you have. That can be done administratively and through City Council not to go back to the voters to change the charter or anything else.

And the fifth and final thing is that as you're progressing with your boards and commissions, most boards have in their packet every month or in some cases every quarter an attendance record and the expiration dates.

We know that all of you have mutual expiration dates in terms of the date that your terms expire. But a chart like that would make it simply easy for the public and the members to track who is attending, who's not, and what are the terms coming up, and who's appointed. Thank you.

Chairperson Blevins: Thank you. With that I'll entertain a motion for adjournment.

Member M. Brown: Just one additional item. I thought we were awaiting an independent audit. I was just wondering if we could receive an update on the timeliness of that if and discuss whether that was something we wanted to place on the agenda.

Staff Person Baker: Mr. Chairperson and Members of the Committee, we are completing the evaluation. I'm waiting to hear if it will be prepared and ready by the October meeting before -- I think it's the 19th -- or whether it will come in afterwards. And so RDA is diligently working away to complete it.

We've received data from Alameda County, the State Department of Correction as well as the Oakland Unified School District, and so they're just simply churning the numbers.

Chairperson Blevins: Thank you.

Member Barnett: I'd like to put on the agenda consideration of a motion which I'll provide to everybody to get this committee organized to gather some of the information that we're trying to digest and make it available to the committee as a whole by virtue of establishing some ad hoc committees which are authorized by our by laws to address some of the responsibilities that we have.

I think it's hard to do that in a committee meeting. But I think if we establish a few committees, ad hoc committees, we can go out and gather that information. It's obvious that our ability to communicate in

this meeting is difficult. So I have drafted a motion to that effect, and I would like to put that on the agenda to be discussed at the next meeting.

Chairperson Blevins: All right. Anything else?

Motion to Adjourn, Member Johnson/2nd by Member Dorado. Motion passed by consensus.

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**MEASURE Y: VIOLENCE PREVENTION AND
PUBLIC SAFETY OVERSIGHT COMMITTEE**

DRAFT MINUTES: OCTOBER 19, 2009

Oversight Committee Members

Qa'id Aqeel, City Council At-Large

Peter Barnett, District 5

Joanne Brown, District 1

Michael Brown, Jr., District 3

Richard Carter, District 2

Jose Dorado, District 4

Mark Forte, District 7

Vacant, District 6

Nicole Lee, Office of the Mayor

Ron Owens, Office of the Mayor

Chairperson Donald Blevins, Office of the Mayor

City Hall

City Council Chambers

1 Frank H. Ogawa Plaza

Oakland, California 94612

Roll Call and Determination of Quorum:

Present: Barnett, M. Brown, Carter, Dorado, Forte, Lee, Owens and
Chairperson Blevins

Absent: J. Brown, M. Johnson

Item 3. Approval of Minutes, September 21, 2009

MOTION to approve minutes by Member Barnett and seconded by Member Carter.

ACTION: Motion passed by consensus. (Chairperson Blevins abstained)

**Item 4: Discussion to Continue, Curtail or Discontinue Inclusion of Public
Comments in the Official Minutes of the Measure Y Oversight
Committee**

Member Forte commented that present verbatim Minutes were "overkill" and a synopsis of comments would be sufficient. Chairperson Blevins and Owens agreed and suggested commentary be pared down. Member Barnett suggested that comments from public when submitted in writing could be answered on the web-site. Member Carter agreed.

There was one speaker on this Item:

Sanjiv Handa, East Bay News Service: Commented that Minutes of September meeting were lengthy and should be shortened considerably. Suggested Committee investigate use of the Garnicus System that catalogues video and audio of meetings cued to agenda items for public use and access through internet.

MOTION by Member Barnett to have City Administrator's Office develop strategy to provide synopsis of public comments and investigate possibilities of archiving Minutes, speaker comments and other M-Y Reports for retrieval over the Internet. Seconded by Member Forte.

ACTION: Motion passed by consensus.

Item 9. **Presentation: Measure Y Re-Entry Program Efforts, Office of the Mayor and the Department of Human Services** (Taken out of turn.)

Sara Bedford, Dan Simmons, Department of Human Services, provided the report. Approximately \$5M of programming this year; four categories of prevention programs that include (1) Reentry and Reentry Employment Services, (2) Domestic Violence & Sexually Exploited Minors, (3) Crisis Response and Street Outreach, and (4) Comprehensive Services for High Risk Youth. \$1.4M for Reentry Services in FY 09-10. Two different strategies: Intensive Case Management and Employment. Programs serve 279 individuals through Project Choice, total of 79 clients (pre and post release parolee services) /Employment assists total of 200 reentry clients. Presentations were made by reentry providers **John Fry, Director America Works, California:** Program works to find employment for 18-35 year old residents on felony probation or parole. **Gary Flores, Volunteers of American, Project Choice,** (pre-post release services for persons coming out of state system.) Classes on provided on basic life skills, provide intensive case management, (60 clients) two full time case managers, recidivism rate at 52% (national rate is 70%+). **Lahonda Jeter, Volunteers of America, Crew-Based Shelter Employment Program.** Overall objective is to reduce recidivism. Hire 8 parolees who work for 3 months w/City of Oakland, trained in landscaping, life skills training, provide uniform and on-the-job training. Partner w/Goodwill Industries and America Works to increase likelihood of continued employment. **Saleem Shakir, Leadership Excellence, READY Program** employs 20 young persons per fiscal year, 5 young persons per quarter receive two weeks of training, nine weeks of employment and one week of career development. Intensive case management is included in the program. At end of program, youth clients look to move to unsubsidized employment opportunities. **Michelle Clark, Youth Employment Partnership;** Measure Y funds 22 slots, 6 month program 50% education/50% workforce development strategy. Overall, YEP implements three strategies; summer jobs, afterschool jobs and comprehensive reentry strategy – all funded by Measure Y. **Mentoring Center, Project Choice;** intensive 26-week pre-release curriculum for 22 men (11 out/11 in) on probation and parole. **Isaac Taggart, Mayor's Reentry Specialist,** provided an overview of the Mayor's reentry accomplishments, i.e., implementation of "Ban the Box" from City of Oakland employment application, speaking engagements at the Santa Rita Jail facility and the "Men of Valor"; working with the Workforce Investment Board re employment opportunities for reentry clients; development of a comprehensive Resource Guide that contains information on housing,

food aid, education, all "wrap-around" services, as well as holding an "Expungement Fair." On the policy side, work is being conducted to develop a strong "local hire" policy that include the reentry population as well as development of federal stimulus opportunities.

Member Forte thanked the providers for their presentation and commented that it was the most informative meeting since he joined the Board. **Member Barnett** concurred and reminded the providers of the importance of metrics.

Member Dorado asked whether the Reentry Service Guide and the DHS Service Provider Guide have been provided to all problem-solving officers.

There was one speaker on this Item:

Sanjiv Handa, East Bay News Service. The Brown Act requires that all materials considered by the Board must be provided to subscribers as well.

MOTION by Member Barnett to accept the report. Seconded by Member Dorado.

ACTION: Motion passed by consensus.

Item 5: **Notice of Appeal: Sacks vs. City of Oakland, Office of the City Attorney**

There was no representation from the Office of the City Attorney to present report or answer questions.

There were two speakers on this Item:

Maya Dillard Smith: Questioned the efficacy of spending money for an appeal in an era of limited public funds and difficult economic times. She suggested the City enter into "good faith" settlement agreement with Ms. Sacks to resolve the matter. Ms. Dillard Smith asked Committee to watch lawsuit carefully and continue to ask the "hard questions."

Sanjiv Handa, East Bay News Service: Disappointed that representative from City Attorney's Office was not present. The case is being handled internally by City Attorney staff and there are no court fees.

Item 6: **Informational Report on Financial and Program Status of Measure Y
Violence Prevention and Public Safety Act of 2004 for Fiscal Years
2004-2005, 2005-2006, 2006-2007, 2007-2008, and 2008-2009,
September 15, 2009, Finance and Management Agency.**

No staff from the Finance and Management Agency was in attendance to present report and answer questions.

Chairperson Blevins and Members of the Oversight Committee expressed disappointment and frustration with the failure of city staff to appear before the Committee and provide reports and answer questions. There was consensus among the Oversight Committee that city staff has an obligation to attend M-Y Oversight Committee meetings.

There was one speaker on this Item:

Sanjiv Honda, East Bay News Service: Commented that failure of city staff to attend M-Y Oversight Committee meetings merit formal letter to City Administrator to address.

MOTION by **Member Dorado** seconded by **Member Owens** for Chairperson Blevins to send letter to City Administrator to apprise of failure of staff to attend and participate in M-Y Oversight Committee meetings and Committee's displeasure with status quo.
ACTION: Motion passed by consensus.

Item 7: **Update on M-Y Problem Solving Officer Salaries and Overtime,
Oakland Police Department**

Gilbert Garcia, Fiscal Manager, OPD, provided the report. The attached report shows spending of sworn police officers by salary, benefits and overtime through FY 2009. The FTE count does not reflect the total number of officers fully charged to Measure Y during the time period. During the ramp up an increased number Measure Y officers charged the fund as the number of officers assigned increased. Where at the end of the year the report may state 58 officers at the beginning of the year the number was lower. The numbers, therefore represent the "full-time equivalent" not "positions" charged to the Fund. The FTE is an average of the number police officers charged during any fiscal year.

**Draft Minutes, MY Oversight
Meeting of October 19, 2009
Page 5**

Member Forte noted that at no time during the life of the Fund has OPD met the Initiative mandate to "hire and maintain" 63 police officers. Neither has the Department filled all specified community policing positions enumerated in the Initiative, e.g., crime reduction team, school safety, domestic violence and child abuse. The Initiative's mandate of "hire and maintain" seems to have been interpreted by the City to mean "charge as OPD sees fit reach FTE average."

Member Barnett commented that overtime does not seem excessive at 5%. However, it seems in earlier years PSOs were paid overtime (time and one/half or double time) at almost 20% and appears to skew the FTE numbers.

Staffperson Garcia responded that in the early years, many of the police officers working on Measure Y duties were actually assigned to other areas of the police department and completed PSO work on an overtime basis that was ultimately billed to the Fund.

Chairperson Blevins asked whether the unspent OPD Measure Y funds in the early years is available presently to pay or offset officer salaries in later years? Secondly, what is current staffing level of Measure Y officers?

Staff person Garcia answered that the early salary costs were underestimated and the previous years' savings has been expended to meet actual salary costs. There are presently 63 Measure Y officers.

There was one public speaker on this item:

Sanjiv Handa:

Measure Y was literally a compromise between the Fire Department, Police Department and the City Council. The City did not factor-in the known accelerated cost of police officer salary. Shortly before the Measure Y Initiative was finalized the City of Oakland agreed to a settlement with the Oakland Police Officer's Association (OPOA) of a 34.3% pay raise in a 39 month period. The first year paid two years' retroactive; second year paid 1 year retroactive; third year paid ½ year retroactive. There were also two anticipated pay raises of 4% each. It is not costing \$200K a year for a police officer. It now costs about \$100 an hour for a police officer, notwithstanding equipment costs.

Item 8: Budget Report Regarding Revenue, Expenditures, Fund Balance and Interest Earned as of July 31, 2009 and August 31, 2009 w/ Narratives.

Jeff Baker, Staff to the Oversight Committee provided the report. The present report provides the anticipated parcel tax of \$13,618,470 and parking surcharge revenue of \$6,069,000 during this fiscal year.

There was one public speaker on this Item:

Sanjiv Handa:

Due to the current economy the project decline is about \$3M with approximately \$6M in unspent funds from the previous years. Parking at the airport and other commercial businesses has declined and reduced revenue to the Fund.

MOTION: Motion to accept report. Seconded.

ACTION: Motion passed by consensus.

(Please note that Item 9 was heard out of order by direction of the Chairperson.)

Item 10: Discussion to Develop and Make Appointments to Selected Ad Hoc M-Y Committees.

Member Barnett led the discussion. Goal is to prepare the annual report to Mayor and City Council from the Measure Y Oversight Committee through the work of ad hoc committees. The discussion evolved into the following three ad hoc committees: Ad Hoc Committee to Review Police and Fire Funding and Programs; Ad Hoc Committee to Review Funding of Programs Approved through the RFP Process; and Ad Hoc Committee to Review Programs Approved Without a RFP Process.

MOTION by Member Barnett to place the Semi-Annual Measure Y Report on the Measure Y Website and officially convene the 3 proposed ad hoc committees. Seconded by Member Dorado.

ACTION: Motion passed by consensus. Member Carter Abstained.

**Draft Minutes, MY Oversight
Meeting of October 19, 2009
Page 7**

There was one public speaker on this Item

Sanjiv Handa:

A reminder that "ad hoc" committee meetings are required to post official notice of their meeting place and time – as well as provide a copy of the Agenda to the public pursuant to the Brown Act/Sunshine Ordinance.

Item 11: Agenda Building for November 16, 2009 Oversight Committee Meeting.

Chairperson Blevins requested the Committee extend an invitation to the new Chief Police, Anthony Batts, to meet with the Oversight Committee.

There was one speaker on this Item:

Sanjiv Handa:

Mr. Handa echoed the sentiments of Chairperson Blevins of the importance of extending an invitation to the new police chief as well as initiating a dialogue defining community policing and the fate of the Neighborhood Services Coordinators.

Item 12: Adjournment. The meeting was adjourned at 8:48 p.m.

**MEASURE Y: VIOLENCE PREVENTION AND
PUBLIC SAFETY OVERSIGHT COMMITTEE**

DRAFT MINUTES: November 16, 2009

Oversight Committee Members

Qa'id Aqeel, City Council At-Large

Peter Barnett, District 5

Joanne Brown, District 1

Michael Brown, Jr., District 3

Richard Carter, District 2

Jose Dorado, District 4

Mark Forte, District 7

Vacant, District 6

Nicole Lee, Office of the Mayor

Ron Owens, Office of the Mayor

Chairperson Donald Blevins, Office of the Mayor

City Hall

City Council Chambers

1 Frank H. Ogawa Plaza

Oakland, California 94612

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Item 1: Roll Call and Determination of Quorum:

Present: Members Barnett, J. Brown, Carter, Dorado, Forte, Lee, Owens and
Chairperson Blevins

Absent: Member M. Brown

Item 2. Open Forum

There were two speakers on this Item:

Sandjiv Handa, East Bay News Service:

Mr. Handa commented on the likelihood that national news publications, e.g., Wall Street Journal, New York Times will do local stories and will probably report on Measure Y and the Port of Oakland, particularly as it relates to parking tax monies. City Council recently changed the definition of "truck storage" which may subject stored trucks and parked vehicles (rental car lots) to the parking surcharge.

Jim Dexter

Expressed opinion that the M-Y Oversight Committee should actively become involved in the Sacks vs. City of Oakland litigation.

Item 3. **Approval of Minutes, October 19, 2009**

Member Barnett requested Minutes of October 19, 2009 be amended to reflect the following: Amend Item 10 to reflect request that Semi-Annual M-Y Report be placed on the Measure Y website.

Member Carter requested Minutes of October 19, 2009 be amended to reflect that under Item 7, Lt. Poirier, Oakland Police Department, was requested to present performance data on community policing efforts at following M-Y Oversight Meeting.

Member Forte requested status of efforts to place M-Y Oversight Minutes using "Garnicus System" to link video stream with Items on Agenda.

There was one speaker on this Item:

Jim Dexter:

Mr. Dexter expressed his agreement with the October decision of the M-Y Oversight Committee to continue to include summaries of public comments in the official minutes.

MOTION to accept Minutes of October 19, 2009 as amended by Member Barnett/2nd by Member Dorado.

ACTION: Motion passed by consensus (Member J. Brown abstained).

Item 4: **Budget Report Regarding Revenue, Expenditures, Fund Balance and Interest Earned as of September 30, 2009 w/Narratives**

Member J. Brown requested staff from OPD, DHS, Fire and the Budget remain for the Items regarding community policing to provide answers to questions posed by the Committee.

There were two speakers on this Item:

Jim Dexter: There is no breakdown of expenditures from OPD re community policing efforts. There is no public record of day-to-day activities of PSO or the amount of time spent in community policing beats. There needs to be a request to the Chief of Police for a detailed report regarding the expenditures from Measure Y on community policing efforts.

Sanjiv Handa, East Bay News Service: Commented that future OPD reports include project and budget fund codes to enable the M-Y Ad Hoc Committee to focus in on OPD expenditures.

Member Barnett asked whether the OPD expenditures reflected in the narrative represent the time the PSO spends in the specific area (Criminal Investigation, Patrol or

Special Operations) or whether the expenditures represent time other officers spend in these areas?

Sgt. Toribio, Area I Commander, answered that he could not respond to the question but would obtain the information.

Member Forte commented that the OPD expenditure narrative report constantly reflects there are 63 PSOs assigned despite great fluctuation in the number of actual PSOs assigned over the life of the fund and the difficulty in reconciling these facts.

MOTION: By Member J. Brown/2nd by Member Barnett to place the September Expenditure Report on the next Committee Meeting Agenda to provide context to questions posed by the Committee to staff. Friendly Amendment by Member Forte to continue the Item and request updated expenditure reports.

ACTION: Motion passed by consensus.

MOTION: By Member Carter/2nd by Member J. Brown requested OPD provide performance data on PSO at December 2009 M-Y Oversight Committee.

ACTION: Motion approved by consensus.

Item 5. Presentation: Measure Y Family Violence Intervention Strategies,
Department of Human Services

Page Tomblin, Department of Human Services, provided the report. The Family Violence Intervention Strategy total 15% of the DHS M-Y budget, approximately \$825,000 annually. Funding provides advocacy for family violence victims through the Family Violence Law Center, support for the Alameda County Family Justice Center, outreach and case management to sexually exploited minors and mental health services and assessment for children ages 0-5 exposed to violence. There were several advocacy and mental health efforts underway to stem the tide of family violence in Oakland at the inception of Measure Y – efforts funded by State and Federal entities. Measure Y funding helps to support these larger family violence intervention efforts. Several Measure Y grantees are present to provide background on their programs: **Tanisha Vawde, Senior Policy Associate, Early Childhood Initiative, Safe Passages. Safe Passages** is a partnership between Alameda County, Oakland Unified School District, the East Bay Community Foundation and a variety of community-based organizations. The Initiative researches, develops, implements and evaluates prevention and intervention strategies for children and youth exposed to violence. Safe Passages has a 13-year track record of supporting and sustaining delivery innovations in the area of early childhood, school linked services and juvenile justice. **Nadia Lockyer, Executive Director, Family Justice Center.** Alameda County was a leader in establishing a center where victims of violence could receive comprehensive services from crisis intervention to employment empowerment and counseling for a family to get to a safe and healthy home. Any dollar provided to the Family Justice Center by Measure Y is leveraged with funds from other sources and provides about 8,000 services to families. The funding helps serve Oakland better; we've analyzed "ports of entry" and how persons reach out to obtain help. We

service victims of violence in four different ways; (1) calls to law enforcement, (2) emergency room service, (3) off-site services by community partners and (4) direct call and walk in. We created programs through the FJC core staff so program partners can focus on their specialty areas and we can better deliver comprehensive services; e.g., transportation program, video relay system, cell telephone program, taxi fare/BART fare program. We are linked into five local police departments so when we receive a call for services related to sexual abuse, sexual assault, elder abuse, domestic violence, they are linked into Family Violence Law Center services. **Erin Scott, Director Legal and Crisis Intervention Programs, Family Violence Law Center.** FVLC goal is to end domestic violence in Alameda County. Our intervention unit, one of the components funded by Measure Y, has three domestic violence advocates who work with OPD to respond to every report of domestic violence except for domestic disputes (non-violent cases). There is a "mobile response team" available 24 hours a day to support OPD domestic violence advocates. **Barbara Loza-Muriera, Alameda County Interagency Children's Policy Program,** the fiscal lead for the Sexually Abused Commercially Exploited Youth (SACEY) Safe Place Alternative Program (SPA) and facilitator of the Sexually Exploited Minors Network, a body of eleven non-profit providers and six system partners that work around this important issue. We serve children that have a history of abuse and neglect and have experienced multiple traumas prior to their exploitation. These young persons display symptoms of Stockholm syndrome, post traumatic stress and traits similar to domestic violence. They are resistant to social services and bond and adhere to persons exploiting them. More than 50% are already "systems involved" – currently in the juvenile justice system or the foster care services. Our program consists of several components; along with Bay Area Women Against Rape (BAWAR) we are the first (crisis) responder and when these young persons are picked up by the police we are there as advocates on behalf of these exploited children. The second component consists of direct intervention and services; three parts front-end case management – the young person is referred, a full assessment made of their personal needs, assessment of safety needs, health issues and re-engagement with the system. The next component is a warm hand-off to case management for 8-12 months, to develop a case management plan. In the interim, there is a safe place alternative for advocacy and support. There is a street outreach component for these youth through Covenant House as well as prevention and intervention training through Measure Y partners, e.g., MISSEY and The Scotlan Center. Outcomes from MISSEY and The Scotlan Center include a 65% reduction in alcohol and drug consumption, 75% achieved stable housing; 90% reenrolled in school; 80% increased school attendance; 60% completed probation; 50% are not rearrested, 90% connected with therapeutic mental health services and 60% are not re-victimized.

Member Lee asked whether there are interventions that involve men?

Erin Scott replied the program does serve men clients but as a rule, the Legal Crisis Intervention System does not serve male abusers.

Member Owens expressed an interest in touring the Family Justice Law Center.

Member Barnett emphasized the role of the Oversight Committee to provide recommendations to the City Council – thus the need for measures and outcomes to evaluate the performance of the program.

Member Carter inquired as to the type of psychotherapy used for children aged 0-5?

Unnamed Program Grantee: For children under 5, the main attachment figure and the child are both viewed as “clients.” We utilize the home visit model, once a week, using play-based therapy as an entry way to identify needs of the child.

There was one speaker on this Item:

Sandjiv Handa, East Bay News Services:

Mr. Handa provided background information regarding the Safe Passages programs and noted that the agency consistently failed to comply with Brown Act requirements or public records requests.

MOTION: Member J. Brown made Motion to accept report/2nd by Member Owens.

ACTION: Motion passed by consensus.

Item 6: Outcome Evaluation Report, FY 2008-2009, Measure Y Community Policing Program, Resource Development Associates.

Dr. Patricia Bennett, CEO, Resource Development Associates, introduced Paul Gibson, Gibson & Associates, who collected data for the evaluation of the community policing program to present the RDA findings to the Oversight Committee.

RDA asked six basic evaluation questions:

- (1) Is Oakland effectively implementing a mode of community policing that adheres to the principles of Measure Y?
- (2) Is the implementation of community policing in Oakland consistent with best practices?
- (3) Did problem-solving officers effectively solve problems in their beats?
- (4) Did relationships between police and residents improve as a result of community policing activities?
- (5) Did resident's perception of neighborhood safety improve?
- (6) Did community policing reduce or prevent crime and violence in Oakland?

Key Findings:

1. Full implementation of Measure Y staffing levels has been achieved; all beats in the City are served by a problem solving officer (PSO).

2. New changes in the OPD organizational structures that create more geographic accountability have strengthened the Department's commitment to community policing.
3. Problem solving officers are collaborating effectively with residents, Neighborhood Crime Prevention Councils (NCPCs), Neighborhood Services Coordinators, offices of City Council members, other City Agencies and community stakeholders to solve problems of concern in their beats.
4. A new data system for entering PSO problem solving activity will allow the Department to analyze the different kinds of problems being addressed by PSOs and the kinds of investigative and collaborative actions that contribute to solving them.

Areas for Improvement:

1. OPD's information systems limit the Department's capacity to capture data on the nature of its expenditures, operations and Measure Y activities.
2. Turnover among PSOs is a barrier to successful implementation. Personnel practices, such as recruitment, assignment and promotion do not adequately consider the interests of community policing and should be revised to reduce turnover and interruptions in service.
3. A shared vision and clearly articulated approach to Community Policing was not evident throughout the Department. The Department should define performance measures aligned to the duties of PSOs to achieve more even implementation of the Initiative across the City.

Member Forte questioned how the evaluation findings include that OPD staffing levels "were met" wherein the evaluation text states that "monthly rosters [for PSOs] were not provided... Without monthly data we could not determine whether or not consistent assignment was sustained throughout the fiscal year." How do we reconcile these two inconsistent statements?

Paul Gibson responded that the 63 PSOs identified include Measure Y and non-Measure Y officers. The premise of the statement and Table is to identify the lack of continuity and stability of assignment. RDA worked from various sources of data which provided different projections as to the number of PSOs funded throughout Measure Y.

Member Forte pointed out the reference (page 9, Section 1) to the difficulty the Oversight Committee has experienced in retrieving data from OPD regarding "PSO time on beat" is consistent with the RDA's independent findings that data is difficult to obtain from OPD.

Dr. Bennett noted her hope that installation of an enhanced "Phase II" data collection system will provide richer data on contacts made in community by PSOs as well as the type of projects PSOs are working on and the amount of time spent in their respective beats.

Member Carter asked whether RDA has received a commitment from OPD to proceed with Phase II?

Dr. Bennett responded that RDA has provided OPD with the design, costs of implementation and length of time to install and is waiting for a "green light" to go forward.

Member Barnett asked whether this would normally be something OPD would put together themselves rather than relying on an evaluator to do it?

Dr. Bennett responded that implementation of the system would serve the need of the evaluation, thus RDA is performing the design work quickly and cheaply to get it done.

Member J. Brown asked for clarity as to whether the evaluation contract allows RDA to provide technical management information systems (data base system) expertise to OPD in order to evaluate how OPD is the using problem-solving officers?

Dr. Bennett responded that upon entering into the evaluation contract there was an assumption there would be data to evaluate problem-solving officer. We soon realized there was no data. We then sat down with the Police Department, designed and constructed a web-base data system that is deployed in all PSO vehicle units. The system is based on the SARA model and is on-line. OPD can now log and track every step taken by a PSO in problem solving.

Member J. Brown asked whether prior to RDA's development of the data collection system there was data usable for problem-solving evaluation?

Dr. Bennett responded that some officers were using the remnants of an old system that was not used department-wide or applicable for evaluation purposes.

Member J. Brown asked whether the earlier RAND community policing evaluation point out the necessity of a PSO data collection system?

Dr. Bennett responded that notwithstanding her memory, the RAND Evaluation referenced the need for a data collection system.

Member J. Brown noted at least nine separate instances mentioned in the evaluation document where data or information essential to the RDA evaluation was not provided OPD, e.g., monthly PSO rosters, quantitative analysis of PSO time and nature of work on beats, OPD resisted requests for data on amount of time PSO spent on beats, no PSO data on number of officers sharing cars; no data regarding PSO salaries and actual number of PSO and lastly, the amount of Measure Y funds spent on PSO training. Given the scenario, what did you do and who did you contact in the City when you encountered these problems?

Dr. Bennett responded that generally the requests went to D.C. Kozicki, OPD and when there was no response or an inadequate response, RDA contacted Jeff Baker for assistance. Moreover, the focus of the RDA evaluation was never on OPD financials – however, when no information was forthcoming regarding rosters, PSO time on beat or PSO projects, RDA went to available financial data to construct PSO data.

Member J. Brown commented how difficult it is to reconcile the noted deficiencies in data collection efforts with OPD and the evaluation finding that OPD problem solving was effective. At best, the degree of problem solving effectiveness would be fifty-fifty.

Paul Gibson responded that the basis of effective problem-solving finding was observed visually at various NCPC meetings where PSO addressed criminal activities and quality of life issues. What RDA could not do was analyze the degree to which the model is effective on a city-wide basis. The problem-solving model can work when implemented effectively; we saw evidence of problem-solving between the PSO, NSC, the Housing Authority and City Council staff when they worked collaboratively to solve problems on an individual basis.

Chairperson Blevins asked whether the community policing effort is worth the investment from Measure Y? Where the evaluation finding is based upon anecdotal information or the scope of the analysis is limited, I'm concerned whether in a few years from now we will be faced with the same situation where the data is unobtainable and we can't draw the conclusion whether the problem-solving effort contributes to the reduction of crime or violence. How do we get the necessary data and have it analyzed as soon as possible? If we, as the Oversight Committee, are not getting the OPD data we request and you, as the evaluator are not getting the data, what can we do as a body to ensure receipt of the data necessary to ascertain whether the problem-solving model is working?

Dr. Bennett responded the RDA starts with the premise that community policing is an effective model to reduce crime and violence. The problem that comes into play is implementation. The degree to which a best practice model is implemented and evaluated depends on data collection. Up until this year, there has been nothing in place to collect and analyze the problem-solving data.

Member Barnett stated that "problem solving officers" and "community policing officers" are not the same thing. How confident are you that system you plan to devise can measure the activity of the Measure Y PSOs and will somehow convince the citizenry that the Measure Y program is of value in reducing crime and violence?

Dr. Bennett responded that every Measure Y PSO is using the SARA problem-solving system. As designed, installed and utilized as planned, the system will produce the data necessary to evaluate the effectiveness of the problem-solving program.

MOTION: Member Forte made a motion/2nd by Dorado to extend the meeting to 9:30 pm.

ACTION: Motion passed by consensus.

Member Dorado stated that from the Evaluation document itself, it is apparent the PSO program is not effective. The trust component between residents and the City is essential to the Measure Y investment. Can you provide one example where the NCPC priority provided to the problem-solving officer made it through the SARA process, step-by-step and was ultimately reported back to the NCPC for closure?

Paul Gibson responded that the NCPCs (Neighborhood Crime Prevention Councils) visited by the RDA Evaluation team were not successive meetings – thus the use of the SARA model “step-by-step” by PSOs would not be readily apparent to evaluation staff.

There were three speakers on this Item:

Jim Dexter:

Based on what was presented tonight by RDA and Gibson & Associates, hinted at in the RDA Quarterly Reports and what I have been saying for over a year; there is no knowledge or accounting of what the PSOs are doing for Measure Y – from the Sergeants to the Crime Reduction Team Members to the PSOs themselves. This isn't the fault of D.C. Kozicki or Chief Batts. This is the result of a police department so understaffed they don't have the ability to support Measure Y. This report should be rejected and not be allowed to go forward. The methodology of the report is incomplete. The report data is thoroughly suspect. The report should be returned to the consultants. There is no schema for the software used to track PSO activity. There is no representation of survey data. There is no identification of persons interviewed. There is no evaluation criteria provided in the report itself. Appendix G, H, and I are missing from the report and are key to understanding the report.

Marleen Sacks

Everyone in this room should share the same goal; which is oversight of Measure Y and insurance of the implementation of Measure Y. Were that goal shared this report would have been more honest and included more data. There are numerous aspects of Measure Y that have not been implemented to this day. Measure Y specifically requires 6 Crime Reduction Team officers. Those officers have never been put into place. There is nothing about that in the report. Measure Y requires appropriation for 739 officers. We do not currently have 739 police officers funded by the general fund – we have 791 officers and dropping

because of there was inappropriate funding for academies this year. There's no mention of this in the report. There's no mention of any of the requirements for the Fire Department such as the expansion of paramedic services or establishment of a mentorship program at every Fire Station. There's no mention of those deficiencies in this report. I say that one of the reasons none of those things are mentioned in the report is because RDA got paid hundreds of thousands of dollars to create this report and they were working directly with Jeff Baker. In the acknowledgments she specifically thanks Jeff Baker for his "unwavering dedication to Measure Y." I think that is a patently misleading statement. Jeff Baker is one of the main reasons that we have had so many problems with Measure Y. He is one of the main reasons RDA had so many difficulties in gathering the necessary data. I've had the same problems myself and I share RDA's frustration and their inability to get the information – but I'm sorry, that is part of his job. So for her not to specifically identify some of the people in the City of Oakland, and I'm not saying its' just Jeff, there are lots of people responsible for the fact the Measure Y has been a unmitigated disaster. This report needed to be blunt, needed to be honest, needed to truly identify the problems with Measure Y. And it didn't do that...it was not critical enough. Measure Y has been a disaster. It's time we really look at the situation and admit it is what it is. The officers were not hired, we have no data tracking system. We don't know what they're doing. There's no accountability. This report is biased. This Committee can show that they're truly interested in actual oversight by passing a motion rejecting this report and asking RDA to explicitly include discussion of those items I think are missing.

MOTION: Member J. Brown made a motion that Appendix G (sample evaluation tools) be provided to this Committee. In addition, please identify who was interviewed and the copies of the survey instruments. Motion 2nd by Member Dorado.

ACTION: Motion passed by consensus.

Item 7: Discussion to Develop and Make Appointment to Selected Ad Hoc M-Y Committees.

The following Ad Hoc Committees were formed and members assigned as indicated below:

1. Ad Hoc Committee to Review Police and Fire Funding and Programs: Members Barnett, Carter and Chairperson Blevins – Lead Member Barnett
2. Ad Hoc Committee to Review Funding of Programs Approved through the RFP Process: Members Owens, Member Dorado and Member J. Brown, Lead Member J. Brown.
3. Ad Hoc Committee to Review Programs Approved Without a RFP Process: Member Forte, Member Lee, Member M. Brown and Member Aqeel, Lead Member Forte

There was one speaker on this Item:

Sandjiv Handa, East Bay News Service

Mr. Handa reminded the Oversight Committee of the Brown Act/Sunshine Ordinance requirement to Notice Ad Hoc Committee meetings and post agendas within the strictures of applicable statutes.

Item 8: Agenda Building for December 14, 2009 "Special Meeting."

Member Lee requested status report on Sacks vs. City of Oakland appeal.

Member Forte requested status report on Coliseum Parking Revenue litigation.

Member Barnett requested OPD Information Systems to provide information on PSO data collection system.

There were two speakers on this Item:

Sandjiv Handa, East Bay News Service:

The next meeting may provide an opportunity for the City Attorney and City Clerk to coordinate "expiration of terms" issue raised earlier this year.

Jim Dexter:

Mr. Dexter expressed concern that the RDA Evaluation report will proceed to the Public Safety Committee without a recommendation from the Measure Y Oversight Committee.

Item 9: Adjournment

Motion to adjourn Moved/2nd and approved by consensus.

**MEASURE Y: VIOLENCE PREVENTION AND
PUBLIC SAFETY OVERSIGHT COMMITTEE**

DRAFT MINUTES: "Special Meeting," December 14, 2009, 7:00 p.m.

Oversight Committee Members

Qa'id Aqeel, City Council At-Large

Peter Barnett, District 5

Joanne Brown, District 1

Michael Brown, Jr., District 3

Richard Carter, District 2

Jose Dorado, District 4

Mark Forte, District 7

Vacant, District 6

Nicole Lee, Office of the Mayor

Ron Owens, Office of the Mayor

Chairperson Donald Blevins, Office of the Mayor

City Hall

City Council Chambers

1 Frank H. Ogawa Plaza

Oakland, California 94612

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Item 1: Roll Call and Determination of Quorum:

Present: Members Aqeel, Barnett, Dorado, Forte, Owens and
 Chairperson Blevins

Absent: Member M. Brown, J. Brown, R. Carter, N. Lee

Quorum achieved.

Item 2. Open Forum

There was one speaker on this Item:

Sandjiv Handa, East Bay News Service:

Mr. Handa commented on three items. (1) New Police Chief Batts has pledged to meet with several community meetings and forums with his entire command staff which demonstrates a degree of openness – a positive thing. (2) The City Council will meet on December 17th to look at next round of budget to find \$20 million dollars in cuts. (3) We will not know until March or April 2010 the depth of the recession and its impact on Oakland.

Item 3. **Approval of Minutes, November 16, 2009**

Member Barnett requested Minutes of November 16, 2009 be changed to reflect amendments in published Minutes as well as the Measure Y website. Member Barnett will send corrections to staff for amendments to published record and website. Member Lee had proposed amendment also.

There were no speakers on this Item.

Motion: **Member Forte** made Motion to hold the Item over until the next meeting pending corrections to November Minutes. Seconded by **Member Dorado**.

Action: Motion approved by consensus.

Item 4: **Status Report: Sacks v. City of Oakland, Office of the City Attorney**

Deputy City Attorney Morodomi provided the oral report. The litigation between Ms. Sacks and the City of Oakland are on appeal. As a result, all issues in litigation are unresolved. The Superior Court ruled that the City can use Measure Y monies to train and recruit new officers; the City does not have to pay the Plaintiff a refund in taxes; the City does not have to reimburse all taxpayers; the City may continue to collect Measure Y taxes; the City can collect the taxes as long as it appropriates money for the 739 officers. The Court ruled against the City by stating that officers recruited and trained with Measure Y funds those officers must be placed in measure Y positions and that the City did not perform sufficient audits.

Member Owens asked whether there are issues the City is willing to concede during mediation?

DC Attorney Morodomi responded that those type of issues are for the City Council to decide.

Member Forte asked whether the audit report submitted to the Oversight Committee was the same as submitted to the Court and did the Court deem it acceptable?

DC Attorney Morodomi responded that the audit report presented to the Oversight Committee has yet to be submitted to the Superior Court. Further, since there is an appeal, all rulings by the Superior Court are placed on hold pending a ruling by the Appellate Court.

There were no speakers on this Item.

Item 5: **Litigation Concerning Parking Tax Collection at the Oakland Coliseum, Office of the City Attorney**

DC Attorney Morodomi provided the report. The City and the County of Alameda are involved in a lawsuit regarding the collection of the parking tax from the parking lot operators at the Oakland Coliseum. There is not much to add outside of the written report in the Agenda packet. The parties are in intense negotiation to resolve the lawsuit. Both parties are acting in good faith to try to settle the litigation. The main point is whether or not the City may collect the tax.

Member Forte asked whether the litigation extends back to the inception of Measure Y or is limited to the date of filing of the litigation and onward?

DC Attorney Morodomi stated he did not know the answer to the question.

Chairperson Blevins asked who are members of the Coliseum JPA [joint powers agreement] referenced in the report and is Oakland in essence collecting taxes from itself?

DC Attorney Morodomi answered that the City of Oakland and the County of Alameda are the members of the Coliseum Joint Powers Agreement, however the parking lot tax is imposed on the parking lot "operators" at the Coliseum, various private companies and may include the Oakland A's, Warriors and the Oakland Raiders.

Member Forte asked whether the amount included in the monthly Revenue and Expenditure and Interest Report includes anticipated revenue from the Coliseum?

Staff person Baker stated he would inquire as to whether the Revenue and Expenditure Report includes parking surcharge from the Coliseum.

There were no speakers on this Item.

Item 6: **Budget Report Regarding Revenue, Expenditures, Fund Balance and Interest Earned as of September 30, 2009 w/Narratives**

Budget Director, OPD, Gilbert Garcia, Program Manager Mark Henderson, DHS and Jeff Baker, Office of the City Administrator were present to answer budgetary inquiries of the Committee.

Chairperson Blevins asked the following:

- (1) In the Revenue and Expenditure Narrative, under Mayor's Re-Entry Program, there is an expenditure of \$8,982 for personnel costs. Can you tell us the number of persons served by this staff person?
- (2) Same report, under Police Services Agency, Special Operations. The Department lists \$97,963 for school resource officers. How many personnel occupy this position and where are they assigned?

Mark Henderson, Program Manager, DHS responded that he would obtain the service delivery information and forward it to the Committee by its next meeting.

Gilbert Garcia, Budget Manager, OPD, responded that the officers are assigned to the Youth and Family Services Division on an overtime basis, thus these are not fixed number of police officer positions. The charges do not represent FTEs. The charges to this specific Measure Y activity are billed to overtime.

Member Barnett noted there is some confusion in the language of the Measure Y Initiative regarding the category of police officers charged to Measure Y. The school and truancy officers should fall under the regular duties of PSOs thus we should not pay extra money to fund positions set out in the Initiative.

Member Ageel asked for a description of a "school resource office," and what happens to a truant youth who lives outside the City of Oakland.

Assistant Chief Jordan responded that "school resource officers" are officers assigned to specific middle and high schools and the duties are shared with the OUSD Police Department. OPD does not have dedicated "truant officers" so, consistent with an opinion from the City Attorney's Office, OPD has staffed the truancy positions with overtime officers who go out 5 days a week and return the truants to the school site, the Truancy Center or the truant's home. OPD also refers habitual truants to the Department's OK Mentoring Program and takes referrals directly from OUSD for the program. As a rule, OPD does not have a problem in taking youth home who live in bordering cities, e.g., San Leandro, Berkeley, etc.

Member Forte noted the past difficulty and frustration in obtaining "measurables" from OPD, e.g., consistent with the findings in the RDA evaluation of OPD community policing efforts. For example, under truancy, it is difficult to ascertain how many students are picked up, where are they delivered, what services are received, etc. There have been several unfulfilled requests for statistics regarding SARA projects funded

through Measure Y. Member Forte encouraged Committee Members utilize the Assistant Chief's position and influence to obtain information long-requested from OPD and to forward the list of information to staff.

Member Dorado added that "frustration" is an understatement. There is great difficulty in obtaining information from OPD. Specifically, there is little information regarding the time PSOs spend on their beats, the process of PSOs taking NCPC priorities and reporting back to the NCPCs on their progress. In my ten years as a NCPC Chairperson I have never seen the process in action from beginning to end. Further, if possible, we are interested in receiving a filtered report on the PSO database in order review PSO progress.

Assistant Chief Jordan responded that he was aware of the frustration associated with OPD information sharing and has met with staff and Chief Batts to begin to address the shortcomings. Tracking PSO time on beats is a challenge but is something the Department is working toward getting a handle on.

There were no speakers on this Item.

Item 7: Outcome Evaluation Report, FY 2008-09, Measure Y Community Policing Program, Resource Development Associates

(This report was provided to the Oversight Committee at its November 16, 2009 Meeting.) Dr. Patricia Bennett, CEO, Resource Development Associates, provided an overview:

There were four overarching principles utilized in the community policing evaluation approach: (1) the evaluation process must be continuous and engage stakeholders in the process; (2) we draw from and rely heavily on evidence-based practices on community policing cited from the U.S. Department of Justice; (3) we are committed to providing information to stakeholders sooner rather than later. I direct your attention to Sections 3 and 4 of the Evaluation. Sections 3 is a crime trend analysis which provides a city-wide analysis of crime in Oakland including definitions of crime indexes and data by police command areas and the nine community policing districts. This information is intended to serve as a benchmark for all future reports and provide information to community members and PSOs for problem solving. Section 4 contains information on all community policing beats, including crime trends and analysis, community attitudes and community conditions correlated to violence prevention and public safety – intended to serve as a benchmark for future reports. (4) The final principle is that you cannot change what you cannot measure. To the extent that PSOs are successfully solving problems we must measure their activities and their outcomes. When we began this years' evaluation

effort, we learned that a system was not in place to collect the information necessary to measure community policing in Oakland. We have begun to collect PSO data on 2008-09 efforts with an eye toward being able to provide more information regarding community policing effectiveness with recommendations for continuous improvement.

Paul Gibson, Gibson and Associates, provided the methodology and findings of RDA in evaluating Oakland's community policing efforts. The evaluation of community was comprised of a number of activities including (1) a literature review on community policing; (2) the degree to which OPD's approach to community policing meshed with the national practices; (3) we reviewed OPD's training manuals, performance review tools, assignment rosters, recruitment materials and their financial reporting information – with the purpose of determining whether the practices and procedures are aligned with the best practices of community policing. We conducted a wide-range of interviews and focus groups with key-informant interviews with the Chief of Police, Deputy Chief of Field Operations, three Captains, three Lieutenants, six Sergeants, six problem solving officers and 8 non-problem solving officers (a total of 46 key informant interviews) – with the goal to ascertain the degree of shared understanding of community policing. Interviews were also conducted with Neighborhood Services Coordinators, City Council Member Aides, Neighborhood Crime Prevention Council Chairpersons and Members. A random survey was conducted on 500 Oakland residents and an analysis of an NCPC survey on its members to get a sense of what the public felt about Measure Y, community policing, their PSO, overall public safety, public safety in neighborhoods, public safety downtown, is their a feeling that things are getting better. The Crime Trend Analysis compares Oakland to similar jurisdictions in California. This information is something Oakland has not had before and is a valuable barometer that enables the City to measure how well we are doing. We conducted an in-depth case study of six community policing beats. Early on we recognized that we would not receive quantitative data from OPD as to what a PSO does not a daily basis. One way to paint a clear picture of PSO activity is to observe PSO/NCPC dialogue, do ride-alongs with PSOs, to interview PSOs and NCPC members in very specific beats that reflect a board cross section of Oakland. The selected NCPCs represented highly effective and marginal groups.

Our findings include that (1) OPD information systems are not sufficient. We could not get monthly beat assignment rosters, consistent police budget information or consistent information on community policing efforts. In subsequent meetings with Deputy Chief Kozicki we have reached an agreement regarding monthly rosters and assignments. (2) There was not consistent implementation of the SARA approach to problem-solving. During interviews with PSOs there were different interpretations of what it meant to solve problems with the SARA approach. (3) The types of problems identified by NCPCs varied significantly and was idiosyncratic to the relatively small number of

persons attending the NCPC meeting. Thus, you have situations where a few members of the NCPC may be focused in speeding while another group a few blocks away are focused on prostitution, gang violence and break-ins. One of the outcomes hoped for with the installation of the Phase II data collection system is the ability to analyze police activities in a quantified manner, i.e., what are the problems being addressed by PSOs, which problems are solved/unsolved, which problems cannot be solved by PSOs and NCPCs partnership; is there a relationship between the crimes committed and PSO activities. (4) We found there is insufficient training for PSOs. The 40 hour PSO training provided by OPD is offered once a year, thus you have situations where a PSO is assigned to a community policing beat and have little, if any problem-solving training, is unclear of the purpose of role of problem-solving officer. As a result of the findings, OPD has changed its policy and provides a new PSOs a one-day orientation of problem-solving goals, roles and use of the SARA problem-solving model. In addition, the 40 hour training is offered twice a year.

All findings were not negative. We found that all 57 community policing beats were assigned problem solving officers. In addition, there were changes in the OPD organizational structure that resulted in geographical accountability. There was considerable evidence of effective collaboration between the PSOs, the Neighborhood Services Coordinator, the Housing Authority, City Attorney and City Council Aides. The PSOs are using the data collection system extensively. The overall purpose of the evaluation is to gauge the extent to which things are changing. Overtime we can develop confidence in our understanding as to what is going on. In order to access the degree to which we are making progress we need to have the aforementioned benchmarks.

Chairperson Blevins agreed there was a great need for good data. Regarding PSO training, the report states (see page 15) that PSOs reported that training was "inadequate." Furthermore, the report cites that PSOs are not staying with the assignment which may be related to the lack of training. However, what really stands out to me is the \$500K annual training and equipment budget that is overspent significantly – in one case 25% over the total Measure Y funding for the period. There seems to be a disconnect between the funds expended for training and equipment and the actual training provided. Do we know how the training monies were spent?

Brightstar Olson, Gibson & Associates, responded that OPD did not provide a detailed breakdown of the expenditures – just a single training line item.

Chairperson Blevins requested that in future reports there must be significant detail provided in the evaluation, particularly where the activity is over budget. As an oversight committee, this type of detailed information will assist in formulating recommendations to the City Council.

The data contained in Section 3 is particularly informative and provides a good baseline. When there is a decrease/increase in crime is there a correlation between the movement and Measure Y programming. Is there a correlation between low crime and the peak staffing of PSOs?

Kayce Garcia, Resource Development Associates, responded that RDA presently has the crime trends and the crime trends in beats; what we don't have is the number of hours PSOs spend in beats, the amount of time spent, the number of staff spent and the type of PSO activities have undertaken in each beat. Together, this information would allow RDA to complete an analysis as to whether a correlation exists between reductions in crime and the PSO activity.

Member Barnett expressed interest in the contrast provided between the two different NCPC meetings – one with substance, the other with less. Is the difference because of the PSO, the nature of the neighborhood, the ability of the NCPC leaders, etc?

Brightstar Olson responded that an evaluation of the NCPCs was outside the scope of the Measure Y evaluation, however, each of those items, though anecdotal, impact the function of the NCPC. High homeownership levels tended to correlate more with higher NCPC participation. In neighborhoods where English is a second language there was much lower levels of participation.

Member Owens asked that future references to Beat Numbers include geographic street markers so those not familiar with the Beat numbers know the areas referenced. Further, Member Owens asked whether there was cooperation between PSOs and Parole and Probation Agents. Additionally, did RDA conduct interviews with persons being policed – [involved in criminal activity] as to their feelings regarding community policing and PSO officers?

Patricia Bennett responded that the upcoming evaluation presentation on the Violence Prevention Programming component contains findings from parole and probation interviews.

Member Forte commented that it's good to hear the OPD has already initiated some corrective actions to the RDA findings. Has there been "push-back" from OPD regarding the findings.

Patricia Bennett responded that the feedback from OPD has been rather supportive and positive.

Member Aqeel added that it is imperative that the PSOs, NSCs, leaders of the NCPC groups all come together for training in the problem-solving model so that all stakeholders possess the small skill and expectations.

There was one speaker on this Item:

Sandjiv Handa: East Bay News Services: If you took every single member of every Crime Prevention Council, everyone on the yahoo list serve group from the six OPD groups, you come up with less than 600 persons – clearly not representative of Oakland's population; demographically, age-wise or a number of other factors. As City Council members have pointed out the overwhelming number of NCPC members are older, more affluent and homeowners – generally renters are unrepresented. In my neighborhood, Beat 9X, bounded by Piedmont, West MacArthur Boulevard, Oakland Avenue and Pleasant Valley Road, approximately 5,000 households, the NCPC is thirty minutes of a meeting held 9-10 times a year. If you attended every meeting all year you would not hear 90% of the issues that arise in that neighborhood as it relates to the OPD because the average age of attendees is 75 and the median age is age 62. The difficulty is that many of them are not out after 8-9:00 p.m. at night and are unaware of what's going on the street, e.g., speeding, issues with problem businesses or attractive nuisances. A few years ago I asked OPD for a list that on any given day, identifies where all police cars are assigned. The Lieutenant in charge of the detail e-mailed back that there is no such list. If OPD does not know where the patrol cars are on any given day, does not know where the unmarked cars and who has them, that creates a problem. That leads to my second point that this City does not allocate the money to do the basic recordkeeping that is necessary. OPD has had to react to create records. The last point is that as you look at all the meetings on community policing that have taken place going back to 1993, when the first community policing task force met, in that time there have been six different definitions of community policing. Nobody really knows what it is. Part of your mission is to look further and define what is community policing and what it should be.

Chairperson Blevins made the following Motion:

We recommend the Public Safety Committee/Oakland City Council adopt the Evaluation Report on Measure Y Community Policing, 2008-2009, Section 2, 3, 4, and the Conclusions as outlined in Section 2, page 27, with the following changes:

Conclusion #1 (page 27)

"Full implementation of Measure Y staffing levels has been achieved: all beats in the City are served by a PSO." Change to read, "Full implementation of staffing needs to be a focus of future reports."

Areas of Improvement (page 27)

Item #1. (add)

The Department should move forward on the enhancement of data collection system to provide accurate PSO assignment, deployment, activity and project information.

Item #3 (add)

The Department (in collaboration with community partners) should define performance measures aligned to the duties of PSOs to achieve more even implementation of the Initiative across the City.

Item #4 (add)

The Department shall provide adequate budget information especially around training and equipment allocations.

Item #5 (add)

To encourage more diversity among Neighborhood Crime Prevention Councils, the Department should perform more outreach activities.

There were no speakers on this Item.

Motion by Chairperson Blevins/Seconded by Member Dorado. Approved by consensus of the Measure Y Oversight Committee.

Item 8: **Agenda Building for January 18, 2010**

Sandjiv Handa, East Bay News Service:

You may want to request a report from the Budget Office on the impact of projected budget cuts next year on the Measure Y Fund, with a particular focus on parking surcharge.

Member Forte requested the M-Y Oversight Meeting of January 18, 2010 be cancelled due to the M.L. King, Jr., Holiday and a Special Meeting be held on January 11, 2010.

Member Barnett requested a calendar of City Council and Council Committee meetings and report deadline dates in order to apprise M-Y Oversight Committee Members of upcoming deadlines.

Member Owens suggested the Committee discuss and prepare an editorial regarding the progress of Measure Y for submittal to local newspapers.

Member Forte requested the appropriate City Council Members be contacted regarding current vacancies on the Measure Y Oversight Committee.

Item 9: **Adjournment**

Motion to adjourn by Member Forte/2nd by Member Dorado, approved by consensus.