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August 3, 2020

Asha Reed, Interim City Clerk  
1 Frank H. Ogawa Plaza 2<sup>nd</sup> Floor  
Oakland, CA 94612

**RE: FINANCIAL ANALYSIS OF BALLOT MEASURE "AMENDING THE POWERS OF THE POLICE COMMISSION"**

Dear Interim City Clerk Reed:

I am pleased to submit an impartial fiscal analysis of the measure, which would amend City Charter section 604 to strengthen the powers of the Police Commission.

The Office of the City Auditor prepared this analysis in accordance with Municipal Code Section 3.08.210, which requires the Office to prepare an impartial financial analysis of each measure qualifying for ballot placement.

If you have any questions, please contact Mike Edmonds, Assistant City Auditor at 925-487-6332.

Sincerely,

A handwritten signature in black ink, appearing to read "Courtney A. Ruby". The signature is fluid and cursive, with a large, sweeping flourish at the end.

COURTNEY A. RUBY, CPA, CFE  
City Auditor

Amending The Powers Of The Police Commission  
Ballot Measure Nov 2020  
Impartial Financial Analysis  
Office Of The City Auditor

## **Summary**

This Measure, if passed by more than 50 percent of the voters, amends Section 604 of the City Charter, which established the Police Commission (Commission) and the Community Police Review Agency (Agency). The Measure will strengthen the independence of the Commission by modifying the powers, duties, and staffing of the Commission and the Agency. The Measure also amends the Charter to establish the Office of the Inspector General (OIG), which will be overseen by the Commission.

## **Fiscal Impact**

The Measure requires the City to budget two attorneys and one administrative position for the Agency. It adds the OIG to the Charter and authorizes the Commission to hire legal counsel. The Measure also requires an audit of the Commission and the Agency, every three years.

Many of these costs are currently budgeted by the City as Exhibit 1 below shows, and some additional costs will be incurred.

One Agency attorney position has been budgeted at \$216,000 annually. We estimate a second attorney position will cost an additional \$216,000 annually. The City Council may suspend the budget for one attorney position in a fiscal year or a two-year budget cycle, in the event of a fiscal emergency.

The Measure also requires one administrative position to support the Commission. This position is currently budgeted at \$176,000 annually. Although the job description for this position has not been developed, we estimate the cost to remain consistent with the current budget.

The enabling ordinance, enacted in 2018, requires staffing the OIG with an Inspector General, an auditor, and a policy analyst. The City has budgeted \$927,000 for these positions, but the Inspector General and auditor positions have remained vacant since the enabling ordinance was passed.

The Measure authorizes the Commission to hire or contract for legal counsel. Although these costs are not budgeted, we estimate the Commission will incur \$50,000 to \$100,000 annually in legal costs.

The Measure requires an audit of the Commission and the Agency every three years, at an estimated cost of \$100,000 to \$150,000.

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Exhibit 1 identifies the cost items, the estimated annual cost of each item, the budgeted costs, the additional annual costs associated with the Measure, and cost of the triennial audit.

**Exhibit 1**

Cost Item	Total Annual Cost	Current Budgeted Cost	Fiscal Impact of the Measure	
			Additional Annual Costs	Other Costs
Agency Attorney	\$432,000	\$216,000	\$216,000	
Commission Attorney	\$50,000 - \$100,000	-0-	\$50,000 - \$100,000	
OIG	\$927,000	\$927,000	-0-	
Agency Administrative Staff	\$176,000	\$176,000	-0-	
Audit (triennial)	-	-	-	\$100,000 - \$150,000
<b>Total</b>	<b>\$1,585,000 - \$1,635,000</b>	<b>\$1,319,000</b>	<b>\$266,000 - \$316,000</b>	<b>\$100,000 - \$150,000</b>

We estimate the Measure will add \$266,000 to \$316,000 in annual costs and an additional \$100,000 to \$150,000 every three years.

The OIG will require office space, but we are unable to estimate this cost because it is project-specific.

Future personnel costs may increase due to cost of living adjustments and future union negotiations.

Our analysis is based on the information available at the time our analysis was developed.