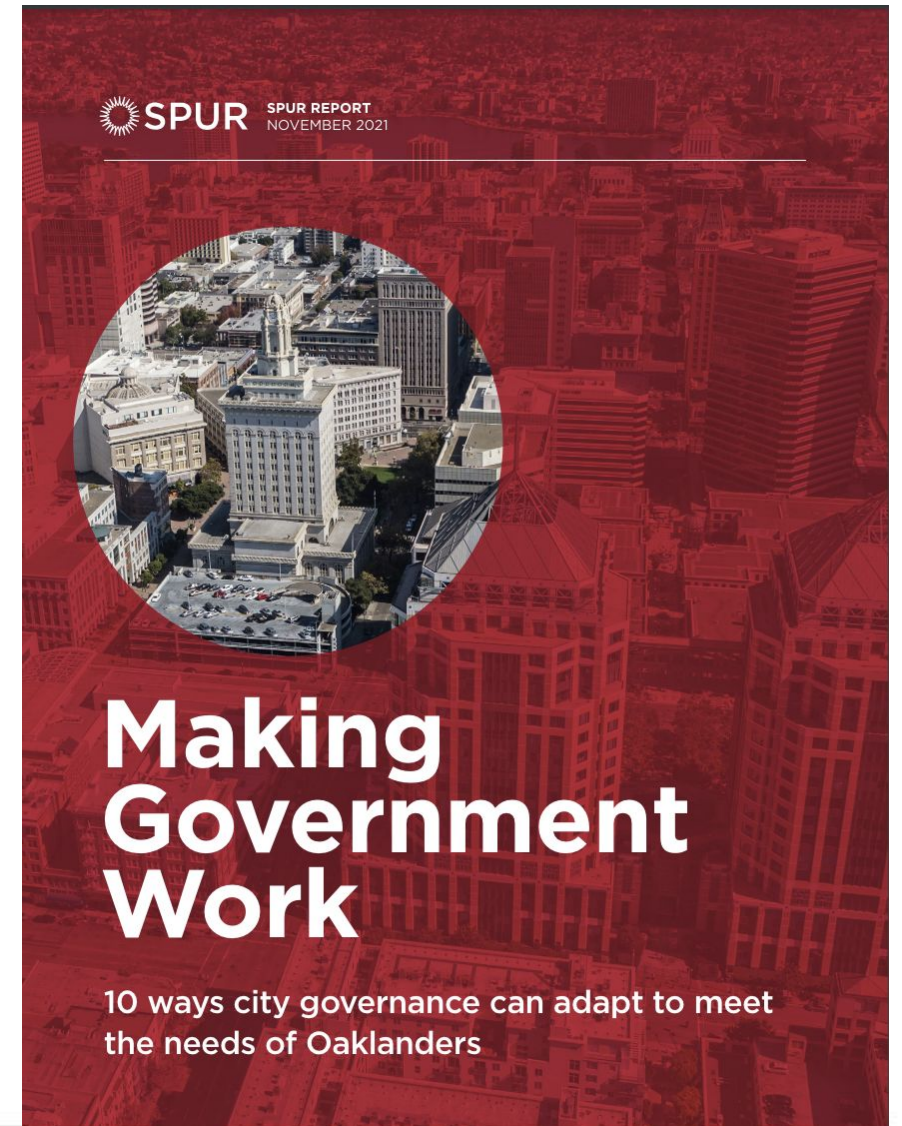


# Making Government Work: *10 ways city governance can adapt to meet the needs of Oaklanders*

Published November 2021



Ideas + Action  
for a Better City



**How does Oakland's  
government work today?**

# A Charter City

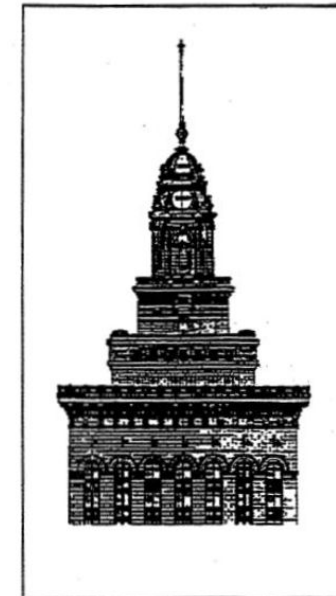
- Under California law, cities are generally organized to either follow state law (general law cities) or to be able to define their own governmental structure (charter cities)
- The authority, duties and responsibilities of the City's elected and appointed officials are established in the City Charter, which provides the legal framework for City government.
- Voters adopt a charter and can approve changes to the charter, known as amendments

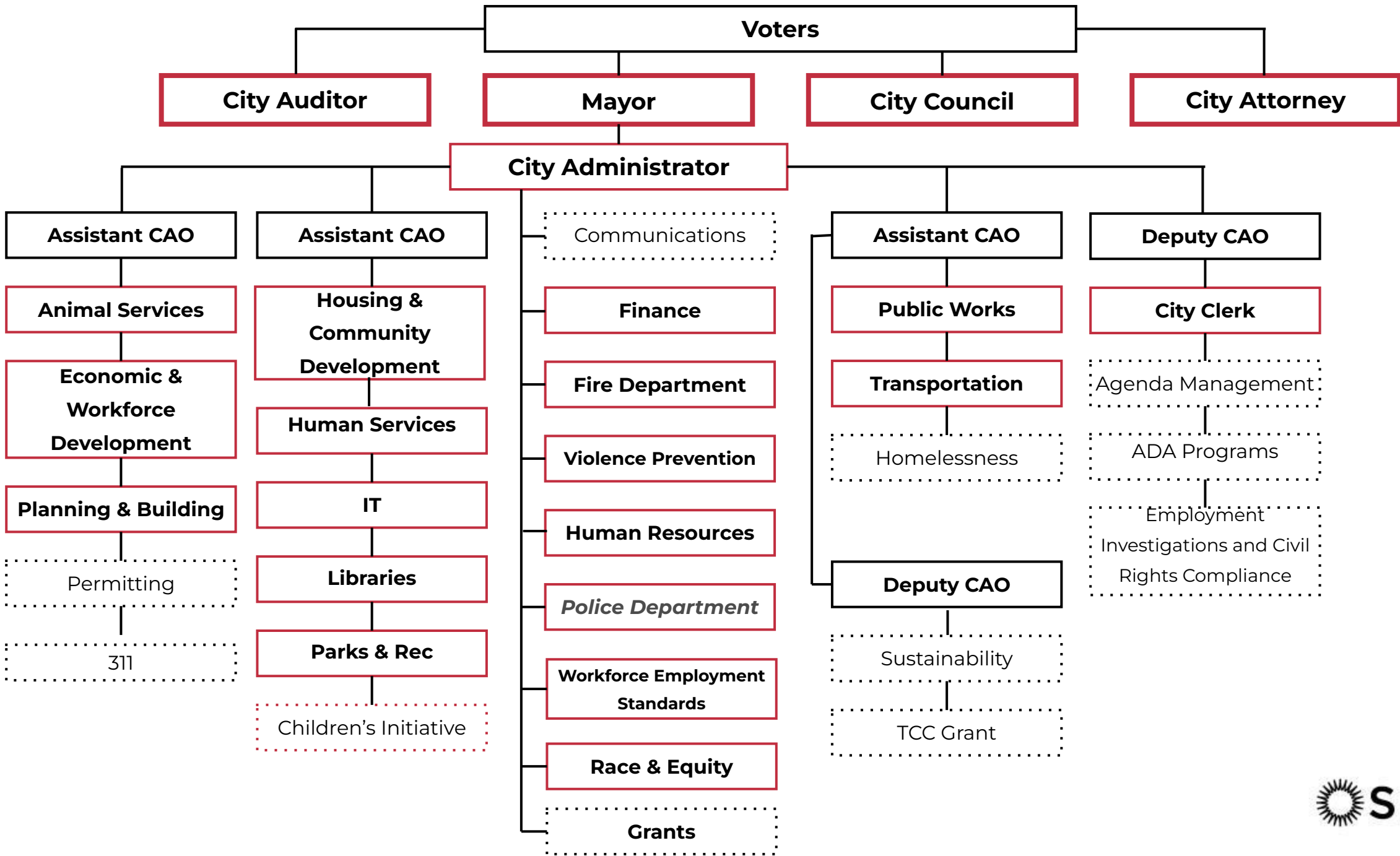
**THE CHARTER  
OF THE  
CITY OF OAKLAND**

*ADOPTED BY THE PEOPLE OF THE  
CITY OF OAKLAND ON NOVEMBER 5, 1968*

*RATIFIED BY THE SECRETARY OF STATE  
OF THE STATE OF CALIFORNIA AND  
IN EFFECT JANUARY 28, 1969*

*AS AMENDED THROUGH AND INCLUDING  
DECEMBER 20, 2022*





# Roles

- **Mayor:** Chief elected officer
  - ◆ *City Administrator:* Chief administrative officer
- **City Council:** Governing and legislative body
  - ◆ Composed of seven district council members and one at-large council member
- **City Attorney:** Counsel to city government
- **City Auditor:** Fiscal oversight

# Mayor's Powers

Oakland has a hybrid form of government that combines elements of a “strong mayor” system and a “council-manager” system

- Mayor is responsible for the submission of an annual budget to the Council prepared by the City Administrator
- Mayor appoints the City Administrator, subject to confirmation by the City Council, can remove the City Administrator and give direction to the City Administrator
- May cast a tie-breaking vote on any Ordinance, Resolution or Motion voted on by the Council, if the Council's vote is evenly divided

# Forms of local government

## Mayor-Council

- Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority
- Council is elected and maintains legislative powers
- Some cities appoint a professional manager who maintains limited administrative authority
- Depending on the municipal charter, the mayor could have weak or strong powers

## Council-Manager

- City council oversees the general administration, makes policy, sets budget
- Council appoints a professional city manager to carry out day-to-day administrative operations
- Often the mayor is chosen from among the council on a rotating basis

# Forms of local government

	Pros	Cons
<b>Mayor-Council</b>	<ul style="list-style-type: none"><li>• Creates clear lines of authority and accountability</li><li>• Can serve as a check on city council decisions that have negative impacts on the city's function.</li><li>• Gives the Mayor higher standing and greater voice in the city's regional affairs.</li></ul>	<ul style="list-style-type: none"><li>• Power is concentrated in one person's hands, which can lead to corruption.</li><li>• A mayor's desire to be reelected could lead to a focus on near-term outcomes rather than the long-term needs of a city.</li><li>• Qualities needed to win elections aren't always the same as those needed to run a city.</li></ul>
<b>Council-Manager</b>	<ul style="list-style-type: none"><li>• City managers can be selected for their professional competency rather than for political savvy.</li><li>• A professional manager can facilitate more effective administration of city work.</li><li>• There is less political tension between the city manager and the city council, serves at the will of the council and can be removed by them at any time.</li></ul>	<ul style="list-style-type: none"><li>• The city manager is not directly accountable to the public because they are not elected.</li><li>• Residents can be unclear as to who is in charge – they may still expect the mayor to respond to their problems, even though the mayor has no direct control over the administration.</li><li>• Professional city managers often do not come from or live in the city they work and may not have deep knowledge of the city they are managing.</li></ul>



# Strong Mayor

Under a strong mayor form of government, the mayor holds a series of powers that might otherwise be vested in a city council or a city manager.

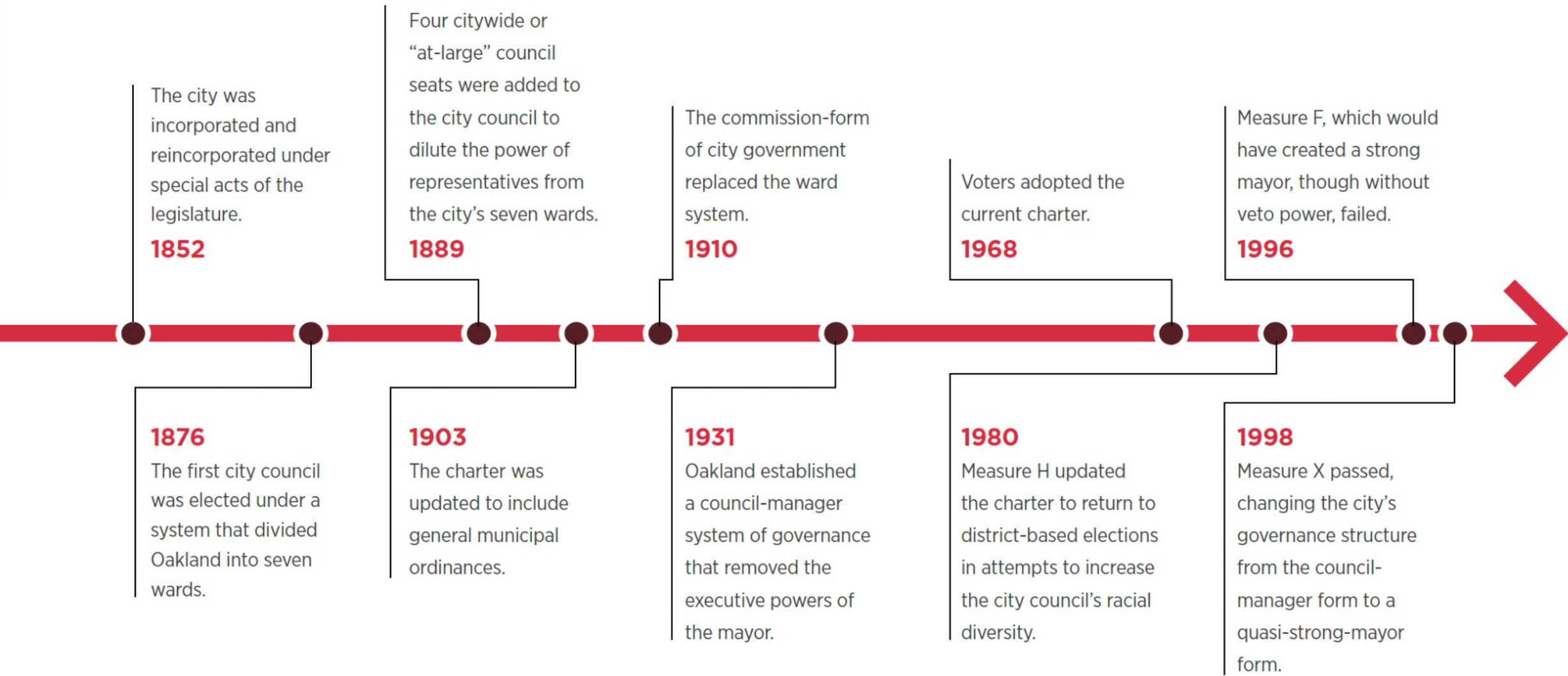
- Has the ability to veto legislation
- Serves as the “Chief Executive” for the City responsible for running the City
- Hires and firing of department heads

# Strong Mayor Powers

	<b>Strong mayor form of government</b>	<b>Oakland</b>
<b>X</b>	Has the ability to veto legislation	The mayor does not have this ability can only cast tie-breaking votes
<b>—</b>	Serves as the “Chief Executive” for the City	In Oakland it is considered the “Chief Elected Officer”
<b>—</b>	Hire and fire department heads	Only the City Administrator and the Chief of Police

<b>City</b>	<b>Population</b>	<b>Government</b>	<b>Mayoral authority</b>
Los Angeles	3,898,747	Mayor-Council	Mayor serves as the head of the executive branch with veto power
San Diego	1,386,932	Mayor-Council	Mayor serves as the head of the executive branch with veto power
San Jose	1,013,240	Council-Manager	Mayor is elected at-large to serve as presiding officer of city council
San Francisco	848,019	Mayor-Council	Mayor serves as the head of the executive branch with veto power
Fresno	737,015	Mayor-Council	Mayor serves as the head of the executive branch with veto power

Sacramento	524,943	Council-Manager	Mayor is elected at-large to serve as presiding officer of city council
Long Beach	449,468	Council-Manager	Mayor is elected at-large to serve as presiding officer of city council
<b>Oakland</b>	<b>440,646</b>	<b>Mayor-Council</b>	<b>Mayor is elected at-large to serve as the “chief elected official,” but has no budget or legislative veto power and does not serve on the city council</b>
Bakersfield	413,381	Council-Manager	Mayor is elected at-large to serve as presiding officer of city council
Anaheim	340,512	Council-Manager	Mayor is elected at-large to serve as presiding officer of city council
Stockton	319,543	Council-Manager	Mayor is elected at-large to serve as presiding officer of city council



# Measure X (1998)

- Removed the mayor as a member of the City Council and eliminated the need for the mayor to attend City Council meetings
- Established term limits for the mayor (two terms of four years each)
- Granted the mayor the authority to hire, fire and manage the city administrator, with confirmation of the appointment and salary by the City Council (this authority was formerly with the City Council)
- Removed a prohibition on the mayor directing subordinates of the city administrator (while retaining that prohibition for City Council members)
- Established the city attorney as an elected position

**How can we make  
Oakland work better?**

# Findings

- While voters assume **the mayor** has the power to make change, the mayor's power is limited without veto power over ordinances, resolutions or the budget
- Oakland's **City Council** is unique in that it includes an even number of councilmembers
- The **city administrator** is set up to serve as a gatekeeper between the Council and staff – direction is divided between Mayor and Council
- The City Council can pass a budget (or legislation) predicated on revenue projections that differ from those provided by the **Finance Department**
- The **city attorney's** political role can blur the line between who the city attorney represents — i.e., the city and its officers or the people of Oakland
- The **city auditor** shines a light on city operations and finances through audits and reports but lacks authority to stop spending



# Recommendations

- **Recommendation #1:** Give the mayor veto power over legislation
- **Recommendation #2:** Give the mayor line-item veto power over the budget
- **Recommendation #3:** Create term limits for councilmembers of three four-year terms, with the ability to return after sitting out a term
- **Recommendation #4:** Raise the pay of councilmembers
- **Recommendation #6:** Establish a new independent Office of the City Controller
- **Recommendation #7:** Clarify when the city attorney represents the people of Oakland and when the city attorney represents the City of Oakland as an entity
- **Recommendation #8:** Clarify the process of how and when the city attorney hires outside counsel
- **Recommendation #9:** Establish a budget set-aside to fund the city auditor
- **Recommendation #10:** Create a comprehensive priority-setting process to establish an annual work plan that will be followed by the City Council and mayor and will help the city administrator focus resources

# Measure X (2022)

- Established council-member term limits
- Closed the mayoral tie-breaker loophole
- Public Ethics Commission given the responsibility of reviewing the salaries of councilmembers biannually
- Defines City Auditor's Office scope and sets minimum staffing

# Measure X did not

- Strengthen the role of the mayor
- Create an Office of Controller

# What SPUR didn't research

- Administrative Organization
  - Role of the commissions
- Personnel Administration
- Franchises, Licenses, Permits, Leases and Sales
- Elections

# Opinion: Broken Oakland needs more than a new mayor — what’s wrong and how to fix it

Insider’s perspective: No matter who is elected, the mayor will be weak, councilmembers frustrated, city administrator torn and city attorney conflicted



An advertisement for Wilshire Law Firm. At the top, it says "WILSHIRE LAW FIRM" with a logo. Below that, in large orange and white text, it reads "FIRED FOR BEING PREGNANT?". Underneath is a photograph of a pregnant woman in a green shirt, looking down with her hand on her forehead. To the right of the photo, it says "GET HELP NOW!". At the bottom, in white text on a dark background, is the phone number "800-608-6366".

What surprised you about Oakland's structure or SPUR's recommendations?

What other structures need to be improved to make Oakland's government work better?