CITY OF OAKLAND

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PUBLIC NOTICE AND REPORT OF NON-COMPLIANCE WITH THE BROWN ACT ("OPEN MEETING LAW")

June 11, 2025

HONORABLE CITY COUNCIL
AND MEMBERS OF THE PUBLIC

Re: Councilmember's Email Correspondence to Members of the City Council Which Stated the Councilmember's Position on Matters Within the Council's Subject Matter Jurisdiction and that Represent Future City Council Agenda Items

I. BACKGROUND

On June 5, 2025, Councilmember Gallo sent an email with two pdf attachments to six members of the City Council regarding the City Councilmember's recommendations for budget priorities and directives. This Office received a copy of the email and attachments, which are attached to this report as Exhibit A. One of the documents attached to the email was later published with the agenda materials for the Biennial Budget item on the Council's June 11th Council meeting agenda.

This communication concerns matters within the Council's subject matter jurisdiction, i.e., items that may be placed on a future City Council agenda, and was addressed to six members of the Council. Pursuant to the Oakland City Charter, five members of the Council constitutes a quorum. (Article II, Section 209.) As such, the communication did not comply with the Ralph M. Brown Act ("Brown Act") requirement that Councilmembers communicate with a quorum of the Council only during a duly noticed open and public meeting or closed session. A communication to a quorum (five or more councilmembers) of the Council regarding a matter within the Council's subject matter jurisdiction is not permitted by the Brown Act. There is a limited exception that allows a councilmember to communicate with a quorum of the Council to schedule a meeting.

This notice and report will be posted on the City Attorney's website.

II. THE PURPOSE OF THE BROWN ACT "OPEN MEETING" LAW IS TO ENSURE THAT DISCUSSION, COMMUNICATIONS, AND DELIBERATIONS BY A QUORUM OF THE COUNCIL, COUNCIL COMMITTEES, CITY BOARDS AND COMMISSIONS AND OTHER LEGISLATIVE BODIES REGARDING ITEMS ON THE COUNCIL'S AGENDA AND REGARDING ITEMS THAT MAY BE PLACED ON A COUNCIL AGENDA OCCUR ONLY DURING A DULY NOTICED OPEN OR CLOSED SESSION MEETING

The Brown Act is commonly referred to as California's "open meeting" law. (Government Code section 54950 et. seq.)

The Brown Act governs meetings conducted by local legislative bodies, such as the Oakland City Council, Council Committees, and City Boards and Commissions. Councilmembers are subject to the Brown Act's requirement that a quorum of the Council or of a Council Committee may discuss, deliberate, and communicate regarding items on the Council's or Council Committee's agendas only in open and public meetings, subject to a few specifically enumerated exceptions for closed session meetings. Accordingly, the Brown Act prohibits a councilmember from communicating with a quorum of the Council outside of an open and public meeting or a duly noticed closed session authorized by the Brown Act.

The Brown Act is liberally interpreted. As the courts have declared, the purpose of the Brown Act is to facilitate public participation in decisions by local governmental bodies in order to deter misuse of the public process and facilitate public participation in decision-making. The Brown Act thus established an open meeting requirement for the City Council and other local legislative bodies. (Gov. Code section 54953(a); *Boyle v. City of Redondo Beach,* 70 Cal.App.4th 1109, 1116 (1999).)

The closed session exception to the open meeting requirement is narrowly construed and is authorized only by the specific statutory exceptions provided by the Brown Act. If the Brown Act doesn't provide a specific closed session exception, the discussion must be conducted in open session. (Gov. Code section 54962.)

To summarize, if closed session discussion of a matter is not authorized, all the deliberative processes by the Council or other legislative body, which include discussion, debate and the acquisition of information, must be conducted in open session and available to the public. (*Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.*, 263 Cal.App.2d 41 (1968).) The Brown Act applies only to multi-member bodies such as councils, boards, commissions and committees since, unlike individual decision makers, such bodies are created for the purpose of reaching collaborative decisions via public discussion and debate.

Accordingly, when a Councilmember communicates with a quorum of the Council outside of a duly noticed open or closed session meeting, and whether the Councilmember communicates with a quorum of the Council simultaneously or serially until a quorum of the Council is privy to the communication, the communications are not in compliance with the Brown Act. The Brown Act's goal is to have the formulation of positions and deliberations occur during a duly noticed public meeting so the public has knowledge of the process and can speak to the item(s). It is immaterial whether the noncompliance was intentional, unintentional, or inadvertent. The public has the right to know about non-compliant communication and the substance of the communication.

III. CONCLUSION

This notice and report provide the Council and the public a writing memorializing the instances of noncompliance with the Brown Act on June 5, 2025, and further provides the substance of the communication and explains the open meeting requirement and its purpose.

Very truly yours,

RYAN RICHARDSON
City Attorney

cc: City Clerk Asha Reed

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EXHIBIT A

From: Gallo, Noel <NGallo@oaklandca.gov>
Sent: Thursday, June 5, 2025 5:59:05 PM
To: Johnson, Jestin <JDJohnson@oaklandca.gov>; Jenkins, Kevin <KJenkins@oaklandca.gov>; Unger, Zachary <zunger@oaklandca.gov>; Wang, Charlene <CWang@oaklandca.gov>; Fife, Carroll <CFife@oaklandca.gov>; Ramachandran, Janani <JRamachandran@oaklandca.gov>; Houston, Ken <KHouston@oaklandca.gov>; Reed, Asha <AReed@oaklandca.gov>
Cc: Valdez, Elizabeth <ELValdez@oaklandca.gov>
Subject: Noel Gallo, District 5, FY 2025-2026 Budget Priorities

Good Evening.
Please see attached memos.
I am available to discuss or provide clarification.

Thank you.

Noel Gallo

Councilmember, District 5
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CITY HALL 1 FRANK H. OGAWA PLAZA, 2nd Floor OAKLAND, CALIFORNIA 94612

Honorable Noel Gallo
Councilmember, District 5

510-238-7005
NGallo@Oaklandca.gov

DATE: June 5, 2025
TO: Mayor Barbara Lee, Oakland City Administrator Jestin Johnson, Oakland City Council, Oakland City Clerk
FROM: Noel Gallo, City Councilmember, District 5
SUBJECT: District 5 Budget Priorities for Fiscal Years 2025–2027

As we finalize the 2025–2027 fiscal budget, the City of Oakland must make strategic investments while maintaining essential services, leveraging revenue increases, and planning for projected growth. This moment presents a critical inflection point in ensuring a transparent and responsible financial plan for our community.

The City is faced with critical challenges, but across Oakland, our residents have voiced clear priorities that must guide our decisions. Their concerns reflect the most pressing needs in our community, shaping a budget agenda that will strengthen our city's resilience and prosperity. For District 5, our budget priorities focus on fostering safe, livable neighborhoods and sustaining economic growth:

- **Public Safety:** Enhancing community policing strategies, improving emergency response infrastructure, and investing in violence prevention efforts. Ensure that our police force is adequately staffed at 750 officers and investing in services to protect our neighborhoods.
- **Clean & Livable City:** Prioritize enforcement of illegal dumping, graffiti abatement, and private and public property blight. Enforce removal of abandoned autos through existing city policies. Complete street paving programs on time, prioritize cleanliness of parks, and enhance business corridor beautification and maintenance efforts.
- **Economic Development:** Strengthening business retention efforts, attracting new enterprises, and expanding workforce development programs to support job growth and economic resilience, with a focus on assisting the neediest commercial corridors.
- **City Budget Controls and Efficiencies:** Implementing cost-saving measures, optimizing resource allocation to match our identified community priorities, and improving transparent financial oversight to ensure long-term fiscal stability. We must also plan and prepare for future economic expansion, invest in infrastructure upgrades, and ensure that key City economic development projects and City real estate assets remain viable and beneficial to our City.

It is critical that we adopt a 2-year City Budget that reflects the priorities and needs of Oakland's residents. Our responsibility as elected servants are to ensure that all of Oakland's residents can thrive in a safe, clean, and equitable environment.

Therefore, given the District 5 Budget priorities outlined above, I propose that the adopted Citywide Budget for FY 2025-2026 must include the following:

- 750 sworn personnel, since the proposed 678 officers are not in compliance with Measure NN requirement of 700 and given the City's public safety issues, I strongly believe we should commit to hiring 750 officers.
- Inclusion of funding for heavy equipment and mechanics to support and expand illegal dumping capacity and support homeless encampment remediation operations.
- Ensure that appropriate funding for enforcement staff is committed for citywide enforcement of graffiti, abandoned auto removals, and illegal business activities
- Also attached is a detailed list of activities under each of these priorities that I have previously submitted and continue to be committed to. Through collaboration and transparency, we must stay focused on these key community priorities that meet the needs of our constituents.

Respectfully submitted,

Noel Gallo

City Councilmember, District 5

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Honorable Noel Gallo
Councilmember, District 5

510-238-7005
NGallo@Oaklandca.gov

TO: Honorable Mayor, City Administrator and Members of the City Council

SUBJECT: District 5 Fiscal Year 2025-27 Budget Priorities and Policy Directives Memorandum

During the 2025-2027 fiscal budget process, the City of Oakland must prioritize investments in key areas, ensure the maintenance of essential services, strategically leverage revenue increases, and plan for projected plateaus in revenue growth. I have given great thought and consideration to the current fiscal year's budget, as well as the budget for the next two fiscal years. As we work diligently to present a responsible and transparent financial plan to the citizens of Oakland, we have reached a critical inflection point.

Our District 5 budget priorities for the upcoming fiscal year focus on fostering safe, livable neighborhoods while sustaining a resilient and economically prosperous city. These priorities fall into the following overarching categories: housing and homelessness, public safety, infrastructure and neighborhood services, and environmental protection.

I believe it is essential for us to establish an actionable agenda to address the pressing issues facing our city. It is paramount that we work collaboratively to tackle the financial crisis at hand. As civil servants, we have a responsibility to ensure that the residents of Oakland can prosper in a safe, clean, and livable city.

With that in mind, I have the following summary of my recommendations for budget priorities. Additionally, I have also developed the attached outline that serves as a guide throughout this intricate budget process.

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Outline of Budget Questions to be Addressed

1. Comprehensive Review of City Real Estate Transactions.

a. **Oakland Coliseum Agreement – AASEG**
   - Conduct a full review of AASEG's real estate transactions with the City, including:
     - Verification of all transactional documents
     - Detailed assessment of payment schedules and obligations
     - Compliance evaluation with previously agreed-upon terms

b. **Housing Development Agreements Currently Pending**
   - Conduct a status review of key development projects to assess financial impact and ensure alignment with city housing goals:
     - Brooklyn Basin – Evaluate financial commitments and timeline progress
     - Oak Knoll – Review obligations and potential revenue generation

c. **City-Owned Real Estate with Financial Obligations**
   - Identify any properties where the city is contractually or legally obligated to provide financial contributions, including maintenance and operational costs.

d. **Legal Contracts with Non-Profit Organizations**
   - Assess financial commitments in agreements with non-profit partners, including
     - Fruitvale Library, Senior Center, and Head Start – Review funding structure and long-term sustainability.

e. **Federally or State-Funded Contracts with Financial Commitments**
   - Catalog all contracts where the city is required to continue funding as a condition of federal or state funding.

f. **Federal or State Contracts Requiring Matching City Funds**
   - Identify grants and programs requiring city matching funds to determine financial feasibility and potential renegotiation opportunities.

2. Evaluation of City Asset Sales and Revenue Opportunities

a. **Potential Sale of City Assets**
   - Explore the sale of underutilized or non-essential assets to generate revenue, including:
     - City Hall Parking Garage – Conduct valuation analysis and feasibility study for potential sale or lease agreements.

b. **Joint Venture Opportunities for Economic Development**
   - Evaluate public-private partnerships to leverage city assets for revenue generation and community benefits:
     - Union Point Park / Veterans Housing Project – Assess potential partnerships to develop veteran housing and support services.

- Additional Real Estate and Development Opportunities – Task the Office of Real Estate and Economic Development with identifying properties that could be repositioned for revenue-generating projects.

3. Budget Controls and Operational Efficiencies

a. **Immediate Hiring Freeze for Leadership Offices**
   - Implement a hiring freeze for new positions within:
     - Mayor's Office
     - City Council Offices
     - City Administrator's Office
   - Conduct an efficiency assessment to identify areas where existing staff can absorb responsibilities instead of creating new positions.

b. **Legal Financial Obligations Assessment**
   - Identify and prioritize budget items that are legally mandated under the City Charter, including:
     - Essential public safety services
     - Debt obligations
     - Federally and state-mandated programs

c. **Comprehensive Contract Review**
   - Develop a centralized database of all active contracts with expiration timelines, with a focus on:
     - Multi-Year Contracts – Identify long-term commitments and assess financial viability.
     - Union Contracts – Review labor agreements, upcoming negotiations, and potential budget impacts.

d. **Employee Return-to-Work Timeline**
   - Maintain the established timeline for all city employees to transition back to in-person work, ensuring adherence to operational needs and budget constraints.
   - Implement clear protocols and oversight measures to monitor compliance, track progress, address challenges, and ensure a smooth transition within the established deadlines.
   - Effective February 18, all non-union department heads, assistant and deputy directors, managers, and supervisors must return to in-person work. By April 7, all remaining employees are required to return.

e. **Prioritization of Oakland-Based Firms in Contracting**
   - Strengthen local business support by ensuring that Oakland-based firms are prioritized in city contracts before considering external contractors.
   - Review procurement policies to establish clear guidelines for local hiring and contracting preferences.

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Budget Priorities Summary FY 2025-2027

1. Public Safety

- Maintain a minimum staffing level of 750 sworn police officers annually to ensure adequate public safety coverage.
- Conduct three police academy training sessions per year to address workforce attrition, considering that 125 officers are eligible for retirement and an average of 89 officers are on leave daily.
- Sustain two dedicated police motorcycle squads (16 officers total) to enhance traffic enforcement and provide a visible safety presence in business corridors and around schools.

2. Clean & Livable City

- Enforce the Homeless Encampment Management Policy to promote compliance, improve sanitation, and enhance public spaces.
- Deploy daily clean-up crews to clear encampments and address blight in impacted areas.
- Invest in the city's vehicle fleet by hiring 10 additional mechanics to ensure timely maintenance and purchasing new service vehicles to improve operational efficiency.

3. Youth & Senior Services

- Maintain Head Start programs and public libraries open at least five days per week to provide essential educational and literacy services.
- Ensure senior centers remain open daily, offering meal services, health programs, and community engagement opportunities.
- Expand access to parks and recreation facilities with daily operations, including weekends, to foster safe, accessible spaces for youth and families.
- Allocate resources for crossing guards at elementary and middle schools to enhance pedestrian safety and protect students traveling to and from school

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Budget Priorities and Policy Directives for FY 2025-2027

1. Homelessness and Housing

a. **Maximizing Housing Utilization**
   - Ensure full utilization of available housing resources, including homeless shelters, affordable housing, and senior housing.
   - Expand homelessness outreach efforts to connect individuals with critical services.
   - Provide rental assistance programs to support housing stability.
   - Increase funding for affordable housing initiatives.
   - Strengthen eviction prevention services to reduce displacement.

b. **Housing Development**
   - Prioritize the development of new housing units to meet the growing demand.
   - Allocate budget funding to support the construction of affordable housing specifically designed for individuals experiencing homelessness, seniors, and low-to-moderate-income households.
   - Implement strategies to accelerate housing development and ensure long-term affordability.
   - Explore opportunities to utilize surplus land for housing development.
   - Finalize adjustments to in-lieu fees to incentivize affordable housing production.
   - Accelerate efforts to develop diverse housing options throughout the City of Oakland.
   - Streamline and expedite the permit approval process, particularly for housing developments in East Oakland neighborhoods.
   - Increase funding for the Preservation Affordability Fund and expand transitional-aged youth housing initiatives.
   - Strengthen investments in eviction defense programs and legal protections for renters to promote housing stability.

c. Expanding Funding for Coordinated Street Outreach Teams
   - Increase and sustain funding for holistic, street-based outreach programs that ensure continuous engagement with unhoused individuals.
   - Support service workers in providing long-term, person-centered outreach to connect individuals with essential resources and pathways to stable housing.

d. Safe Villages Pilot Program
   - Collaborate with Alameda County Health and Human Services to identify available county land for a designated safe camping site.
   - Establish a low-barrier, non-congregate shelter alternative for individuals hesitant to engage with traditional services.
   - Ensure access to sanitation, meals, and supportive services in a safer environment than street homelessness.
   - Integrate on-site health services to connect individuals with broader care systems, including behavioral health, primary care, and long-term housing solutions.

e. Safe Parking Program
- Maintain and expand the Safe Parking Program to provide a secure location for individuals who live in their vehicles.
- Ensure continued funding for site operations, offering stability and a pathway to permanent housing for participants.

f. Maintaining Oakland's Youth Shelters
- Increase funding to enhance capacity and improve services for unhoused minors, ensuring safe and supportive environments for vulnerable youth.

g. Homeless Outreach Teams
- Provide ongoing and expanded funding to sustain and strengthen homeless outreach teams, ensuring effective engagement and service delivery to individuals experiencing homelessness.

2. Access to Housing

a. **Transition of Properties from Commercial Use**
- Conduct a study to incentivize and remove barriers for converting commercial properties into residential units in compliance with AB 2011.

b. **Housing Commission Support**
- Continue funding key Housing Commission programs that have successfully prevented evictions and provided rental and utility relief, including:
  - Housing First
  - Housing Stability Fund
  - Housing Instability Prevention Program

c. **Increase Funding for the Housing Stability Fund**
- Expand financial support to proactively prevent homelessness among families.

d. **Increase Funding for the Housing Instability Prevention Program**
- Strengthen assistance for seniors to ensure long-term housing stability.

e. **Create a Rapid Rehousing Project**
- Establish a program focused on supporting youth with rental assistance and specialized services.

3. Public Safety

a. **Enhancing Public Safety & Modernizing Policing**
- Establish a dedicated police unit for sideshows to address reckless driving and street takeovers.
- Implement the MACRO system and integrate it with OPD 911 dispatchers.
- Create a motorcycle traffic enforcement unit to improve road safety.
- Strengthen recruitment and retention efforts for police officers and firefighters.

b. **Community-Oriented Policing**
- Restore neighborhood walking officers to build relationships and enhance safety.

- Deploy business district walking officers to deter crime and improve community engagement.
- Install security cameras in business districts and at illegal dumping sites.
- Strengthen commercial and residential code enforcement, prioritizing the hiring of building and fire code inspectors.

c. **Coordination with Other Law Enforcement Agencies**
   - Enhance collaboration with:
     - Alameda County Sheriff's Office
     - California Highway Patrol
     - Violence Prevention Programs
     - Street Ambassadors

d. **Oakland Police & Fire Department Recruitment Strategy**
   - Develop a college/university recruitment initiative aimed at hiring diverse graduates with associate or bachelor's degrees by FY26.

4. Clean, Safe, and Livable Neighborhoods

a. **Street and Environmental Cleanliness**
   - Increase funding for:
     - Litter and illegal dumping removal
     - Waste management services
     - Code enforcement
     - Graffiti abatement
     - Neighborhood beautification (e.g., street and commercial district improvements)
     - Tree and plant care
     - Sidewalk and streetlight enhancements

b. **Pedestrian & Bicycle Safety**
   - Invest in:
     - Traffic calming measures
     - Traffic signals and street signs

c. **Road & Infrastructure Improvements**
   - Increase funding for:
     - Street and sidewalk maintenance
     - Public works projects
     - Parks and recreation facilities

d. **Stormwater & Security Infrastructure**
   - Strengthen stormwater management and implement security-related infrastructure improvements.

5. Youth and Senior Services

a. **Head Start Program**
   - Sustain funding for city-run Head Start programs, including:

- Staff recruitment and retention
- Professional development for childcare workers
- Maintaining program capacity for families in need

b. **Youth Programming & Workforce Development**
   - Expand city-wide youth enrichment programs and restore the summer youth jobs program to provide career opportunities.

c. **Preserve City Libraries, Parks & Recreation**
   - Maintain and preserve public libraries, with a focus on the César Chávez Library, to ensure access to resources and services for the community.
   - Improve parks and recreation centers to enhance quality of life, including:
     - Curt Flood Field
     - César Chávez Park
     - Josie De La Cruz Park
     - Brookdale Park
     - Union Point Park

d. **School Safety & Crossing Guards**
   - Ensure funding for crossing guards to improve student safety near schools.

6. Economic Development & Workforce Growth

a. **Strengthening Oakland's Business Environment**
   - Develop policies to attract and retain businesses in Oakland.
   - Improve efficiency in planning, building permits, and inspections to foster economic growth.
   - Evaluate the retail landscape and adjust policies to meet changing market demands.

b. **Employment & Training Programs**
   - Expand the Strong Workforce Project, which provides:
     - Job placement assistance
     - Employment-related workshops
     - Access to education and social services referrals
   - Extend workforce development services to youth (16-21 years old) and adults (21+ years old) to ensure inclusive economic opportunities.

c. **Attracting & Retaining a Competitive Workforce**
   - Improve and streamline the hiring process to fill essential vacancies.

Yours in Service,

Noel Gallo
Councilmember District 5