

Oakland City Government During Covid-19

Introduction

This paper will first introduce how the Oakland government works, its structure, and how the pieces of that structure respond to the Covid-19 pandemic. After introducing the mechanics behind the Oakland government we will look at two specific policies that the Oakland government implemented, lockdown measures, and vote by mail. We will look at these measures' effectiveness and implementation as it relates to the state-local partnership that exists between Oakland and the California government.

Oakland's Governmental Structure

Oakland has operated under a “strong mayor” form of government since 1998. Generally, this means that the mayor has a significant amount of say in the policy decisions of the local government, and is more than just a figurehead. Although the Oakland mayor themselves actually does not have a significant amount of power over policy making, they do have the power to appoint the city administrator.¹ The city administrator has nearly full control over how laws are actually implemented in Oakland.² While the city council has the ability to say, for example, that Oakland should fix its streets; the city administrator is in charge of saying what streets get fixed, how, when, and by whom. This ability to appoint such a powerful position is what makes Oakland a strong mayor city.

In 1998, then-mayor Jerry Brown succeeded in doing what the three mayors before him had failed to, change Oakland to this strong mayor form of government by passing Measure X.³

¹ “City Administrator - Oakland - LocalWiki,” localwiki.org, accessed March 31, 2021, https://localwiki.org/oakland/City_Administrator.

² “Municode Library,” library.municode.com, accessed March 31, 2021, https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=THCHOA.

³ “Measure X - Oakland - LocalWiki,” localwiki.org, accessed March 31, 2021, https://localwiki.org/oakland/Measure_X.

“Measure X” changed Oakland from a council-mayor form of government into the strong mayor--with appointed city administrator--form that still persists today.⁴ The change was due to Jerry Brown’s immense popularity at the time along with the general dissatisfaction with the city council. It was the view of Oakland residents that the city council had done a poor job of running the city and Jerry Brown capitalized on that to pass Measure X.⁵

Before Measure X, the mayor was an elected part of the city council, while they were able to vote on issues in the council, they did not have a controlling say over the measures that were passed. While that is still technically true after Measure X, the city administrator now has complete control over how those measures are implemented and enforced.⁶ As we will see later, the implementation of measures by the city administrator was responsible for Oakland’s quick response to the Covid-19 pandemic in 2020. The New Yorker has praised Oakland for their mass testing and vaccination sites in an article titled “What the San Francisco Bay Area Can Teach Us About Fighting a Pandemic.”⁷ However, Oakland, and the entire Bay Area have experienced high levels of Covid-19 spread that would devastate any city. Given this, it is important to understand how Oakland’s Covid-19 procedures were implemented, along with the benefits and drawbacks of this system.

The Mayor

As previously mentioned, the only real power that the mayor of Oakland has, is the ability to appoint the city administrator. While this is a very strong power, that is essentially the

⁴ *ibid*

⁵ Rick DelVecchio Writers Debra Levi Holtz, Chronicle Staff, “Measure X Victory for Jerry Brown / Strong-Mayor Initiative OKd by Oakland Voters,” SFGATE, November 4, 1998, <https://www.sfgate.com/bayarea/article/Measure-X-Victory-for-Jerry-Brown-Strong-mayor-2981070.php>.

⁶ *ibid*

⁷ Jay Caspian Kang, “What the San Francisco Bay Area Can Teach Us about Fighting a Pandemic,” The New Yorker, January 2, 2021, <https://www.newyorker.com/news/california-chronicles/what-the-san-francisco-bay-area-can-teach-us-about-fighting-a-pandemic>.

only say that the mayor has in the politics of the city. Because of this power relationship, the mayor is more of a figurehead for Oakland. They are elected at-large and serve for four years, only being able to serve a total of two terms. The mayor does have the ability to break ties on the city council, but is not a member of it themselves, and does not have veto power as many other mayors do.

As a result of this structure, the mayor was responsible for outreach to the public during the Covid-19 pandemic rather than influencing actual policy making. One such example was a scandal in December where California Governor Gavin Newsom, and San Francisco mayor London Breed were seen breaking the lockdown rules by eating indoor dinners at multiple restaurants around the Bay. Oakland Mayor, Libby Schaff, appeared multiple times on different news outlets to condemn their actions and attempt to gain public support.⁸ Of course, it does not look good when the very people who put these lockdown measures in place are not following the measures themselves. During the Covid pandemic in Oakland, this was the main role of the mayor. To act as an example to the public and reassure residents that these measures are going to work and need to be followed in order to reduce the spread of the virus.

The City Administrator

The city administrator is the most powerful member of the Oakland government, responsible for everything from managing where funds go in day to day operations, to drafting ordinances. They do both of these things in accordance with the policy directives that the city council sets forth.⁹ Appointed by the mayor and confirmed by the city council, it is the administrator's name that is on nearly every single piece of legislation that comes out of the

⁸ KGO, "Oakland Mayor Responds to Breach of COVID-19 Rules by Some ca Leaders," ABC7 San Francisco, December 3, 2020, <https://abc7news.com/oakland-mayor-libby-schaaf-london-breed-french-laundry-gavin-newsom/8448839/>.

⁹ "City Administrator - Oakland - LocalWiki," localwiki.org, accessed March 31, 2021, https://localwiki.org/oakland/City_Administrator.

Oakland government. The city administrator can even implement measures without the city council's directive if following orders from the county or state. For example, it was the city administrator whose job it was to put the Alameda County's lockdown measures in place in early March of 2020.

This form of government is relatively unique in the Bay Area. San Francisco also has a strong mayor form of government, but does not have a city administrator like Oakland does.¹⁰ San Francisco's method of a strong mayor through veto power and a say on the council is a much more common one than Oakland's system. San Jose, on the other hand, has a weak mayor but a strong, city-council-appointed manager, similar to Oakland's city administrator.¹¹ This form of government where a non-elected individual has significant amounts of power over policy making is common because it ensures someone qualified can hold that position. At the same time, it keeps political accountability because that person is appointed by elected officials, whether it is the mayor or the city council.

The City Council

The city council itself is made up of eight people. Seven are representatives of districts within Oakland and one is elected at large.¹² This balance of one at-large member of the city council is interesting because it allows Oakland to weight the council towards the majority opinion while not drowning out the minority. As mentioned, the city council does not have direct say into the workings of the city as that is the job of the city administrator, however, they do have the ability to direct the city administrator on what to focus on. By voting on ordinances and

¹⁰ "San Francisco City and County, California Ballot Measures," Ballotpedia, n.d., https://ballotpedia.org/San_Francisco.

¹¹ "Governance Structure | City of San Jose," www.sanjoseca.gov, n.d., <https://www.sanjoseca.gov/your-government/governance-structure#:~:text=The%20City%20of%20San%20Jos%C3%A9>.

¹² "Municode Library," library.municode.com, accessed March 31, 2021, https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=THCHOA.

resolutions, the city council can say what the administrator is and is not responsible for. Along with voting on resolutions, the council is responsible for adopting the mayor's budget, as well as confirming the mayor's appointment of city administrator.¹³

During the Covid-19 pandemic, the city council was chiefly responsible for declaring a state of emergency and letting the city administrator carry out the state and county mandated lockdowns. While the majority of the policy enacted was done through the city administrator, such as lockdown procedures, employee sick leave options, and restaurant regulations, the city council did step in for a few key pieces of legislation. For example, the City Council actually stepped in and amended the city administrator's eviction moratorium legislation. On July 21st, the City Council imposed their own eviction ban that was not simply following the Governor's executive order--as the administrator's legislation was--but was an entirely new piece of legislation that stopped evictions indefinitely.¹⁴ This was a change from the Governor's moratorium, which would have ended later that month. The idea of the city council proposing new plans of action while the city administrator simply enacts the plans of other entities, is commonplace in Oakland.

Governor Newsom's Impact on Oakland Policy

The system of government laid out thus far helped Oakland in responding quickly to the pandemic. The city council of Oakland affirmed the administrator's declaration of a state of emergency on March 11th, 2020. Soon after, the city administrator, Edward Reiskin, started putting measures in place to help stop the spread of Covid-19.¹⁵ The city administrator was able

¹³ *ibid*

¹⁴ "OAKLAND CITY COUNCIL SB ORDINANCE NO. 13606 C.M.S. "EMERGENCY ORDINANCE AMENDING ORDINANCE NOS. 13589 C.M.S. AND 13594 C.M.S. TO EXTEND THE MORATORIUM ON RESIDENTIAL EVICTIONS DURING THE LOCAL EMERGENCY PROCLAIMED IN RESPONSE TO THE NOVEL CORONAVIRUS (COVID-19) PANDEMIC" (July 21, 2020).

¹⁵ "Orders Related to COVID-19," City of Oakland, accessed March 31, 2021, <https://www.oaklandca.gov/resources/orders-related-to-covid-19>.

to act in accordance with the state governor and the county guidelines regarding safety during the Covid-19 pandemic. In March of 2020 governor Newsom signed an executive order suspending all non-essential services and ordered citizens to stay at home.¹⁶ Shortly after, in May, another order was signed mandating that all counties send mail in ballots to all registered voters in California.

We will examine the effectiveness and ramifications of these orders in Oakland as well as explore the relationship between the local government and its state. First, we will look at Oakland's shelter in place orders, how they are specific to Oakland and their effects on the population. Second, we will examine the implementation of vote by mail in Oakland, as well as the challenges the local government faced regarding its collaboration with--and dependency on--federal and state bodies.

Oakland's Lockdown

_____ On March 4th, governor Newsom declared a state of emergency for California. Shortly after, on March 12th, the City of Oakland declared their own state of emergency. Then, on March 19th, governor Newsom issued executive order N33-20, requiring all non-essential workers to stay at home. While this order applied statewide, and did not give cities much room to amend it to their needs, there were some powers that the city governments took up after this order. For example, Oakland significantly amended parts of their charter relating to requiring the meeting of people in physical rooms for the functioning of certain governmental bodies. Oakland, and other city governments, were also chiefly responsible for how the employee-employer relationship was going to change or stay the same during the pandemic. For example, Oakland passed sweeping eviction control measures as well as decreased the requirements for employees

¹⁶ "California Governor Newsom Shelter in Place Executive Order-N33-20 | FMCSA," <https://www.fmcsa.dot.gov/emergency/california-governor-newsom-shelter-place-executive-order-n33-20>.

to take sick leave.¹⁷ This ability for the city government to specify, and deal with the ramifications of sweeping state-wide policy is common and we will examine it more when we talk about Oakland's mail in voting system.

An article published in the National Bureau of Economic Research looked at the effects of California's lockdown by comparing it to other states.¹⁸ The researchers looked at data from cell phone pings to see how often people went outside of their homes and created a hypothetical model of California if a stay at home order was not issued. By doing this, they estimated that "California's statewide SIPO [shelter in place orders] reduced COVID-19 cases by 125.5 to 219.7 per 100,000 population by April 20, one month following the order."¹⁹ And that "California's SIPO led to as many as 1,661 fewer COVID-19 deaths during this period." Of course, the impacts of a shelter in place order go much further than just those of the Covid-19 pandemic. One other such impact that deserves attention, specifically for Oakland, is that of crime.

Researchers at the European Institute on Economics and the Environment examined the effects of Oakland's lockdown measures on crime rates. They found that only two weeks after the shelter in place order was enacted, there was a 50% drop in crime, this can be seen in the graphic below.²⁰ The homicide rate fell over 40%, as well as the traffic accident rate, which fell

by nearly 45%. Oakland experienced a particularly high drop in the crime rate. The paper compared Oakland to San Francisco, and found a 10% difference in the crime

ending certain provisions of local laws, policies, [ments/exec-order-3.23.PDF](#)
 R-IN-PLACE ORDER WORK? EARLY
 3" (, n.d.).

6 Figures and Tables

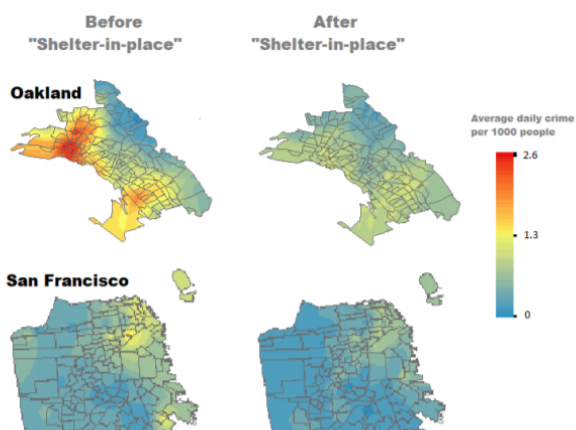


Figure 1: Daily crime rates reduced sharply in both Oakland and San Francisco following the "shelter-in-place" order of March 16th, 2020

rate drop in San Francisco as compared to Oakland. All of the evidence seems to point to the idea that the lockdown that was initiated by governor Newsom and carried out by the Oakland City government not only helped curb the spread of Covid-19, but also reduced the crime rate significantly.

This is an example of how state-wide policy can influence--or in this case dictate--the local policy. As we saw, the state government generally gives an order to municipalities, but the exact way in which that order is executed is up to the discretion of the local government. This structure can be seen all the way up the chain of command. The federal government can influence states by directing funding and making guidelines, but very rarely--as is enshrined in the constitution--does the federal government step in and dictate exactly what a state needs to do. This is very similar to what happened in November of 2020 with California's vote by mail mandate.

Vote by Mail

As with the shelter in place order, vote by mail was first mandated by governor Newsom in an executive order, and then carried out by the city and local governments across the state. The governor's order simply mandated that all counties in California send out ballots to all registered voters, but left the mechanics of that up to the individual county. This left a burden on the counties who had to rapidly retask their personnel and machinery to create and process more mail in ballots than ever before. It also left the counties to heavily rely on the USPS, a federal agency of which they had no control over. The question then, is did Oakland and Alameda County--of which Oakland makes up 40%--implement vote by mail successfully? To answer this, we will first examine if vote by mail influenced vote turnout, and then we will talk about Alameda County's implementation of it specifically.

In the 2020 Alameda County election, 81% of registered voters cast ballots.²¹ This is a staggering figure, even when compared to past elections in Alameda County. In 2016, voter turnout was only 63 percent of registered voters.²² National voter turnout also increased ~6% from 2016 to 2020²³ but Alameda County voter turnout increased 17%. A study published in the Proceedings of the National Academy of Sciences found that when accounting for a general trend of increasing voter turnout, counties that implemented universal vote by mail saw a 3% increase in voter turnout.²⁴ This seems to indicate that Oakland did a fantastic job of implementing vote by mail and getting people out to the polls--as their turnout increased by 17%--, however the answer is more complicated than that. The city experienced problems with both their vote by mail systems, as well as their in-person systems.

Prior to the election, the United States Postal Service removed nearly all collection boxes in downtown Oakland. Barbara Lee, Oakland's congressional representative, said that "The removal of essentially all sidewalk collection boxes in our city center less than three months before a national election is alarming to say the least."²⁵ Rightfully, this move by the Postal Service angered many Oakland residents and prompted a response from the mayor. The mayor of Oakland, Libby Schaff noted that the move was likely partisan, especially given that the cited reason was for fear that the boxes were going to be destroyed in the upcoming BLM protests.

²¹ "Election 2020 Alameda County Election Results," KQED, n.d., <https://www.kqed.org/elections/results/alameda>.

²² Jessie Qian | Staff, "Primary Election Sees Higher Number of Ballots Cast, Lower Voter Turnout," The Daily Californian, June 9, 2016, <https://www.dailycal.org/2016/06/08/primary-election-sees-higher-number-of-ballots-cast-lower-voter-turnout/>.

²³ 1615 L. St NW, Suite 800 Washington, Media Inquiries, "Turnout Soared in 2020 as Nearly Two-Thirds of Eligible U.S. Voters Cast Ballots for President," Pew Research Center, January 28, 2021, <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>.

²⁴ Daniel M. Thompson et al., "Universal Vote-By-Mail Has No Impact on Partisan Turnout or Vote Share," Proceedings of the National Academy of Sciences, June 9, 2020, <https://doi.org/10.1073/pnas.2007249117>.

²⁵ "Voting by Mail in Oakland in 2020: Is the System Secure?," The Oaklandside, September 16, 2020, <https://oaklandside.org/2020/09/16/how-secure-is-voting-by-mail-in-oakland/>.

Mayor Schaff said that “Trump’s regime will stoop to any level to interfere with a free election. Their cowardly attempt to suddenly remove mailboxes from downtown Oakland won’t silence our voice or stop our vote.”²⁶ These boxes were removed in largely black neighborhoods, all in downtown Oakland. This lack of federal and local cooperation put an even greater burden on the county of Alameda and the City of Oakland to help citizens effectively vote by mail.

However, the problems with the Oakland 2020 election were not limited to the mail side of the election. On November 3rd, 150 people were told that their paper ballots were actually their receipt and that they could go home with it, leading to their ballots not being counted. Because of the vote by mail initiative, the county had to shift many of its staff who were previously working in the polls to working in offices. Many cite this as the problem for 150 citizens’ ballots being discarded at a polling station in Oakland.²⁷ While this problem was fixed relatively quickly, it does exemplify the issues created when a county must re-tool so much of its infrastructure so quickly without assistance from or cooperation with larger governmental bodies. Sometimes, the city can thrive under these conditions, as we saw in the reduction in Covid-19 cases and crime with Oakland’s lockdown. And sometimes, the city will struggle when larger governmental bodies attempt to impart their politics on the city level.

Conclusion

Through lockdown measures and implementing universal vote by mail, Oakland slowed the spread of Covid-19 substantially. These policies were mandated by the California state government and governor Newsom specifically, but implemented by the Oakland government. This paradigm of policy being mandated by the state but implemented by the municipality can be

²⁶ *ibid*

²⁷ “Oakland Ballots Not Counted after Voters Wrongly Told They Were Receipts, Civil Rights Groups Say,” Los Angeles Times, November 14, 2020, <https://www.latimes.com/california/story/2020-11-13/oakland-voters-wrongly-told-ballot-receipt-2020-election>.

both powerful and dangerous. As we saw with Oakland's lockdown, it was incredibly beneficial. By requiring all residents of California to lockdown, the death toll of Covid-19, and crime in Oakland were both reduced. This is certainly an example of state-wide and municipality implemented policy doing what it is supposed to.

Without the need for the city council to meet to discuss the specifics of each mask mandate, restaurant closures, or the like, the city administrator was able to put all of these measures in place. Having the ability to act quickly in a state of emergency is imperative to the quality of a local government. Because of the structure of the Oakland government, the city council did not have to worry about drafting and passing a piece of legislation with the exact implementation of the measures that were passed, this job was handed down to the city administrator. All the council was faced with was to recognize there was a problem and hold a vote to enter into a state of emergency. At the same time, the council still has the ability to set policy directives and implement that policy if they see fit, as we saw with the eviction moratorium. This ability to be flexible and act quickly, while still maintaining a level of accountability and checks and balances, is what made the Oakland government effective in implementing their lockdown measures.

Vote by mail, on the other hand, had its ups and downs. While universal vote by mail certainly reduced the spread of Covid-19 and increased voter turnout, it was not without its hiccups. As we saw, when a local government is left to fend for itself having to significantly change its infrastructure without help from its state, things can, and do go wrong--especially when the municipality relies on other entities whose goals do not align with their own. These two examples help to illustrate that state-wide policy can do amazing things when it is used to unify cities around a common goal. On the other hand, we must not forget that cities have limited

resources and are not always able to accomplish everything that the state government might put on its shoulders.