AGENDA REPORT

OFFICE OF THE CITY GLERY

2011 APR 13 PM 6: 24

TO:

Office of the City Administrator

ATTN:

P. Lamont Ewell, Interim City Administrator

FROM:

Public Works Agency

DATE:

April 28, 2011

RE:

Report And Five Resolutions To Support Five California Legislative Bills Concerning Solid Waste, Recycling, And Product Labeling:

Resolution To Support California Senate Bill 515 (Corbett) Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Household Batteries They Sell In California After Their Useful Life

Resolution To Support California Senate Bill 567 (Desaulnier) Which Would Extend Existing Environmental Labeling Requirements Affecting Plastic Bags And Food And Beverage Containers To All Plastic Products

Resolution To Support California Senate Bill 568 (Lowenthal), Which Would Ban Restaurants And All Other Food Vendors From Serving Prepared Food In Polystyrene Foam Containers.

Resolution In Support Of Assembly Bill 341 (Chesbro) – "Solid Waste: Diversion" That Would Establish A Statewide Goal Of 75% Waste Diversion By The Year 2020 And Require Cities And Counties To Establish Mandatory Recycling For Businesses And Multi-Family Dwellings

Resolution In Support Of Assembly Bill 818 (Blumenfield) – Solid Waste – Multifamily Dwelling "Renters Right To Recycle Act"

SUMMARY

The five bills referenced above support recycling, waste reduction and extended producer responsibility programs that align with Oakland's waste reduction and environmental goals. Individual Bill Analyses are attached. Staff has prepared resolutions supporting each of these bills.

FISCAL IMPACT

There is no fiscal impact from supporting these five bills.

Item:
Rules And Legislation Committee
April 28 2011

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council approve the Resolutions supporting these five bills.

Respectfully submitted,

Vitaly B. Troyan, P.E.

Director, Public Works Agency

Reviewed by:

Brooke A. Levin, Assistant Director

Reviewed by:

Susan Kattchee, Environmental Services Manager

Prepared.by:

Peter Slote, Recycling Specialist Environmental Services Division

APPROVED AND FORWARDED TO THE RULES AND LEGISLATION COMMITTEE:

Office of the City Administrator

BILL ANALYSIS

Date:

April 28, 2011

Bill Number:

SB 515

Bill Author:

Senator Ellen Corbett

DEPARTMENT INFORMATION

Contact:

Mark Gagliardi

Department:

Public Works Agency, Facilities and Environment

Telephone:

238-6262

FAX # 238-7286

E-mail: mgagliardi@oaklandnet.com

RECOMMENDED POSITION: Support ADOPTED LEGISLATIVE AGENDA: YES

SUPPORTED SIMILAR BILL LAST YEAR: YES

Summary of the Bill

SB 515 would require manufacturers of household batteries to create, fund, and operate an Extended Producer Responsibility (EPR) program for proper end-of-life management of household batteries that they sell in California. It would require, by September 30, 2012, manufacturers of household batteries to submit to the Department of Resources Recycling and Recovery (CalRecycle) a plan that includes a description of how the manufacturer will provide collection, transport, recycling and or disposal services for household batteries they sell in California to meet performance goals for achieving specified recovery rates. The plan would be reviewed, approved and monitored by CalRecycle. The producer would be required to submit an aimual report describing the activities carried out to implement the plan.

Current state law classifies household batteries as Universal Waste, and bans them from disposal as solid waste. However, the statewide disposal ban does not allocate resources to provide consumers with convenient opportunities for safe and lawful disposal of household batteries.d Therefore local governments must arrange for and fund collection of household batteries through household hazardous waste collection programs. Yet these collection programs capture less than 10% of household batteries discarded statewide, and most household batteries end up disposed illegally as solid waste. SB 515 would shift costs for battery collection from local governments and ratepayers to manufacturers of household batteries, and require that specific recovery goals be achieved: 25% starting in 2015, 45% starting in 2017, and continuous and meaningful improvement beyond 2017.

Rules & Legislation Comte
April 28, 2011

The onus of SB 515 is on manufacturers of household batteries. It would not create any unfunded mandates for the City, nor would it create any funding opportunities for revenue to the City.

Positive Factors for Oakland

SB 515 would expand the options for Oakland residents and businesses to safely and legally dispose of household batteries. It would reduce the amount of illegally disposed household batteries and the fiscal and environmental costs associated with this clean up activity. It would also relieve Alameda County Household Hazardous Waste facilities of the cost burden of managing household batteries, costs which are funded by Oakland residents and businesses through the solid waste rates. Last, by expanding the opportunities to dispose of batteries properly, the bill would reduce the incidence of contamination to the aquatic environment caused by batteries dropped in the streets and storm drains.

Currentiy, Oakland residents and businesses may dispose of household batteries at the Alameda County Household Hazardous facility, at Oakland public libraries and City office buildings, and at some large retail chains. Additionally, Oakland residents may set out batteries for recycling in a sealed plastic bag on top of their garbage carts. SB 515 would expand the scope of safe disposal options by requiring manufacturers to create and implement programs for safe and convenient collection and disposal options.

Negative Factors for Oakland

None known.

	Critical (top priority for City lobbyist, city position required ASAP)
<u>X</u>	Very important (priority for City lobbyist, city position necessary)
	Somewhat Important (City position desirable if time and resources are available)
	Minimal or None (do not review with City Council, position not required)

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

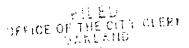
Known support:

StopWaste.Org (Sponsor)
California Product Stewardship Council
California Resource Recovery Association
California State Association of Counties
Californians Against Waste
Center for Environmental Health
Central Costa County Sanitary District
Central Contra Costa Solid Waste Authority
Clean Water Action
Napa Recycling and Waste Services
City of Sunnyvale
City of Torrance

Known Opposition:

None known.

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April 28, 2011



OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

2011 APR 14 PM 3: 12

RESOLUTION	No.	C.M.S

RESOLUTION TO SUPPORT CALIFORNIA SENATE BILL (SB) 515 (CORBETT) WHICH WILL REQUIRE MANUFACTURERS TO CREATE, FUND AND OPERATE A PROGRAM TO RECYCLE AND/OR DISPOSE OF HOUSEHOLD BATTERIES THEY SELL IN CALIFORNIA AFTER THEIR USEFUL LIFE

WHEREAS, current state law classifies household batteries as Universal Waste, and bans them from disposal as solid waste, but does not allocate resources to provide consumers with convenient opportunities for safe and lawful disposal of household batteries; and

WHEREAS, the statewide disposal ban burdens local governments including the City of Oakland with the cost of designing and implementing programs for the collection and proper disposal of household batteries; and

WHEREAS, SB 515 would require household battery manufacturers to create, fund, and operate an Extended Producer Responsibility (EPR) program for proper end-of-life management of household batteries they sell in California; and

WHEREAS, SB 515 would result in increased, convenient opportunities for Oakland residents and businesses to safely and legally dispose of household batteries; and

WHEREAS, SB 515 would shift the costs of battery collection and disposal from local government to the manufacturers of household batteries, and reduce reliance on publicly funded programs to capture and manage household batteries; and

WHEREAS, in 2007 the City Council adopted Resolution No. 80390 C.M.S. to support Extended Producer Responsibility (EPR) legislation that would hold manufacturers responsible for the management of post-consumer waste products; now, therefore be it

RESOLVED, The City of Oakland declares its support for SB 515 (Corbett) to require manufacturers of household batteries to create, fund, and operate an Extended Producer Responsibility (EPR) program for proper end-of-life management of household batteries they sell in California; and be it

FURTHER RESOLVED, That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for enacting SB 515 with the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA,	, 20
PASSED BY THE FOLLOWING VOTE:	,
A Y ES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KER REID	NIGHAN, NADEL, SCHAAF and PRESIDENT
NOES -	
ABSENT -	
ABSTENTION -	ATTEST:
	LaTonda Simmons City Clerk and Clerk of the Council of the City of Oakland, California

BILL ANALYSIS

Date:

April 28, 2011

Bill Number:

SB 567

Bill Author:

Senator Mark DeSaulnier

DEPARTMENT INFORMATION

Contact:

Ferial Mosiey

Department:

Public Works Agency, Facilities and Environment

Telephone:

238-7433

FAX # 238-7286

E-mail:

fmosley@oaklandnet.com

RECOMMENDED POSITION: Support ADOPTED LEGISLATIVE AGENDA: NO

SUPPORTED SIMILAR BILL LAST YEAR: NO

Summary of the Bill

Existing law prohibits the sale of plastic bags or plastic food and beverage containers that are labeled as "biodegradable," "degradable" or "decomposable," and requires such products that are labeled as "compostable" or "marine degradable" to meet specific American Society for Testing and Materials (ASTM) standard specifications or a standard adopted by the Department of Resources Recycling and Recovery. SB 567 (DeSaulnier) would extend these labeling requirements to all plastic products.

Positive Factors for Oakland

Use of terms like "biodegradable" may mislead the public about the breakdown of plastic in the environment. This bill would help reduce consumer confusion about the environmental harm of plastic litter, and allow them to make better informed purchasing and disposal choices that reduce the incidence of plastic litter. Since the cost of litter cleanup is home by local governments, SB 567 could have a positive impact on Oakland.

Negative Factors for Oakland

None known.

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April 28, 2011

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:		
Critical (top priority for City lobbyist, city position required ASAP)		
X Very Important (priority for City lobbyist, city position necessary)		
Somewhat Important (City position desirable if time and resources are available)		
Minimal or None (do not review with City Council, position not required)		
Known support (as of March 22, 2011)		
California Against Waste		
Known Opposition: None		

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C.M.S. RESOLUTION NO.

RESOLUTION TO SUPPORT CALIFORNIA SENATE BILL (SB) 567 (DESAULNIER) WHICH WOULD EXTEND EXISTING ENVIRONMENTAL LABELING REQUIREMENTS AFFECTING PLASTIC BAGS AND FOOD AND BEVERAGE CONTAINERS TO ALL PLASTIC PRODUCTS

WHEREAS, littered plastics that enter storm drains and waterways cause significant environmental harm and burden local governments with significant environmental cleanup costs; and

WHEREAS, use of terms like "biodegradable" to label plastic products may mislead the consumer to believe that some plastic products are less harmful to the environment than others when littered; and

WHEREAS, SB 567 would extend existing labeling requirements placed on plastic bags and food and beverage containers to all plastic products; and

WHEREAS, in December 2006 through Resolution No. 80286 C.M.S. the City Council adopted a Zero Waste Strategic Plan that included advocating for manufacturer responsibility for product waste; now therefore be h

RESOLVED, the City of Oakland declares its support for SB 567 (DeSaulnier) to

FURTHER RESOLVED, that the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for enacting SB 567 with the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA,	, 20
PASSED BY THE FOLLOWING VOTE:	
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERN REID	IIGHAN, NADEL, SCHAAF and PRESIDENT
NOES -	
ABSENT -	,
ABSTENTION -	ATTEST:
	LaTonda Simmons City Clerk and Clerk of the Council

of the City of Oakland, California

BILL ANALYSIS

Date:

April 28, 2011

Bill Number:

SB 568

Bill Author:

Senator Alan Lowenthal

DEPARTMENT INFORMATION

Contact:

Wanda Redic

Department:

Public Works Agency, Facilities and Environment

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238-6808

FAX # 238-7286

E-mail:

wredic@oaklandnet.com

RECOMMENDED POSITION: SUPPORT ADOPTED LEGISLATIVE AGENDA: YES SUPPORTED SIMILAR BILL LAST YEAR: NO

Summary of the Bill

This bill would prohibit a food vendor, as defined, from dispensing prepared food to a customer in a polystyrene foam food container, on and after January 1, 2013. This ban on polystyrene foam containers includes, but is not limited to, clamshells, cups, plates, trays or other container intended for food that is consumed on the premises of a restaurant or is taken out. Cities and Counties are not prohibited from enacting other legislation that is more restrictive.

Positive Factors for Oakland

A statewide ban on use of polystyrene foam food containers to serve prepared foods aligns with the City's ban on polystyrene foam adopted through Ordinance No. 12747 C.M.S., which went into effect on January 1, 2007. The bill would also align with the City's Zero Waste Strategic Plan, which calls for bans on problem materials. The legislation would not burden local governments with enforcement responsibilities, or other costs. SB 568 would support the City's goals of 75% waste diversion, and 90% reduction of waste to landfill by 2020 (Zero Waste by 2020). SB 568 would reduce the incidence of polystyrene foam litter in Oakland by reducing the amount of this product that residents and visitors might bring into Oakland from neighboring cities that do not currently ban such products.

Negative Factors for Oakland

There is no funding source created by this legislation. The bill contains no provisions for enforcement.

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

___ Critical (top priority for City lobbyist, city position required ASAP)

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April 28, 2011



OAKLAND CITY COUNCIL

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		City Attorney	

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RESOLUTION NO. C.M.S.

RESOLUTION TO SUPPORT CALIFORNIA SENATE BILL (SB) 568 (LOWENTHAL), WHICH WOULD BAN RESTAURANTS AND ALL OTHER FOOD VENDORS FROM SERVING PREPARED FOOD IN POLYSTYRENE FOAM CONTAINERS.

WHEREAS, polystyrene foam litter pollutes waterways, storm drains and marine estuaries; and

WHEREAS, styrene, a component of polystyrene, is a known hazardous substance that medical evidence and the Food and Drug Administration suggests leaches from polystyrene containers into food and drink; and

WHEREAS, styrene is now detectable in the fat tissue of every man, woman and child in the US according to EPA studies; and

WHEREAS, polystyrene foam is a common environmental pollutant as well as a non-biodegradable substance that is commonly used in food packaging; and

WHEREAS, in 2006 the City Council adopted Resolution No. 12747 C.M.S. banning the use of polystyrene foam packaging to serve prepared food in Oakland; and

WHEREAS, in 2006 the City Council passed Resolution No. 80286 C.M.S. adopting the Zero Waste Strategic Plan, which calls for bans on problem materials; now, therefore be it

WHEREAS, SB 568 (Lowenthal) would ban food vendors from dispensing prepared food in polystyrene foam packaging; and

RESOLVED, that the City of Oakland declares its support for SB 568 (Lowenthal); and be it

FURTHER RESOLVED, that the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for enacting SB 568 with the California State Legislature.

P	LaTonda Simmons
ABSTENTION -	ATTEST:
ABSENT -	
NOES -	
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KE REID	ERNIGHAN, NADEL, SCHAAF and PRESIDENT
PASSED BY THE FOLLOWING VOTE:	
IN COUNCIL, OAKLAND, CALIFORNIA,	, 20

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

BILL ANALYSIS

Date:

April 28, 2011

Bill Number:

AB 341

Bill Author:

Assembly Member Wesley Chesbro

DEPARTMENT INFORMATION

Contact:

Peter Slote

Department:

Public Works Agency, Facilities and Environment

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FAX # 238-7286

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pslote@oaklandnet.com

RECOMMENDED POSITION: SUPPORT ADOPTED LEGISLATIVE AGENDA: NO

SUPPORTED SIMILAR BILL LAST YEAR: YES

Summary of the Bill

This bill would require a city or county to adopt ordinances or policies establishing mandatory recycling, and implement recycling programs for businesses and commercial establishments, including multi-family dwellings. Progress would be reported to the California Department of Resources Recycling and Recovery (CalRecycle) through the existing annual reporting system for solid waste disposal. The bill would also require CalRecycle to establish policies, programs, and incentives to ensure 75% diversion of solid waste statewide by 2020. This bill specifically targets businesses and multi-family dwellings that generate four cubic yards or more of garbage and recycling (including compostables) each week. The bill would prohibit CalRecycle from imposing any penahies against a city or county that does not meet the diversion goal.

Positive Factors for Oakland

Oakland's commercial and muhi-family dwelling sectors generate approximately 37% of the City's solid waste sent to landfill. The estimated waste diversion rate for the commercial sector is less than 50%, and the waste diversion rate for multi-family dwellings is less than 15%. Participation in the franchised recycling program by multi-family dwelling buildings is voluntary, and does not include collection of yard trimmings and food scraps. In the commercial sector, with the exception of the Small Business Recycling service provided by City contract, recycling services are provided by private companies on the open market. These conditions contribute to low recycling rates in these sectors' in Oakland.

AB 341 would significantly benefit Oakland's efforts to increase recycling and reduce tonnage to landfill by targeting the commercial and multi-family residential sectors, which perform poorly in recycling in Oakland (and statewide). It aligns with the City's goals of 75% waste diversion by 2010, and 90% waste reduction of waste to landfill by 2020 (Zero Waste by 2020). The state



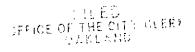
mandate would further justify program implementation and ratepayer based funding of programs in coming years to achieve the City's goals and comply with the state mandate. This bill would ensure equity for businesses throughout the region and state, and enable implementation of zero waste systems in Oakland and other leading cities.

Negative Factors for Oakland

Known Opposition:

A statewide mandate for commercial recycling may be unwelcomed by some Oakland businesses and rental property owners.

Critical (top priority for City lob	byist, city position required ASAP)	
x Very Important (priority for City	y lobbyist, city position necessary)	
Somewhat Important (City position	tion desirable if time and resources are available)	
Minimal or None (do not review with City Council, position not required)		
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Known support: Californians Against Waste California Resource Recovery Association	on	



OAKLAND CITY COUNCIL

Approved as to	Form and Legality
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2011 APR 14 PH 3: 13

RESOLUTION NO. _____C.M.S.

RESOLUTION IN SUPPORT OF ASSEMBLY BILL (AB) 341 (CHESBRO) – "SOLID WASTE: DIVERSION" THAT WOULD ESTABLISH A STATEWIDE GOAL OF 75% WASTE DIVERSION BY THE YEAR 2020 AND REQUIRE CITIES AND COUNTIES TO ESTABLISH MANDATORY RECYCLING FOR BUSINESSES AND MULTI-FAMILY DWELLINGS

WHEREAS, in March 2006 the Oakland City Council adopted Resolution No. 79774 which established a goal of "Zero Waste" by 2020, defined as a 90% reduction from 2000 tonnage to landfill; and

WHEREAS, a statewide goal for 75% waste diversion, and state wide mandatory recycling in the commercial and multi-family dwelling sectors would be an additional means to achieve waste reduction in Oakland; and

WHEREAS, AB 341 would create a level playing field statewide for businesses and multifamily dwellings to divert waste from landfills; and

WHEREAS, such a level playing field statewide would enable Oakland to implement policies and programs to help Oakland businesses and multi-family dwellings to divert a significant amount of waste from landfills and recycle more, at no disadvantage to Oakland businesses; therefore be it

RESOLVED: that the City of Oakland declares its support for AB 341 (Chesbro); and be h

FURTHER RESOLVED: that the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for enacting AB 341 with the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA,	, 20
PASSED BY THE FOLLOWING VOTE:	
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KER REID	RNIGHAN, NADEL, SCHAAF and PRESIDENT
NOES -	
ABSENT -	
ABSTENTION -	
	ATTEST:
	LaTonda Simmons

La I onda Simmons

City Clerk and Clerk of the Council

of the City of Oakland, California

BILL ANALYSIS

Date:

April 28, 2011

Bill Number:

AB 818

Bill Author:

Assembly Member Bob Blimienfield

DEPARTMENT INFORMATION

Contact:

Peter Slote

Department:

Public Works Agency, Facilities and Environment

Telephone:

238-7432

FAX # 238-7286

E-mail:

pslote@oaklandnet.com

RECOMMENDED POSITION: SUPPORT ADOPTED LEGISLATIVE AGENDA: NO

SUPPORTED SIMILAR BILL LAST YEAR: YES

Summary of the Bill

This bill would enact the Renters' Right to Recycle Act, to require an owner of a multifamily dwelling, defined as a residential facility that consists of five or more living units, to arrange for recycling services that are appropriate and available for the muhifamily dwelling, consistent with state or local laws or requirements applicable to the collection, handling, or recycling of solid waste, except as provided.

Positive Factors for Oakland

Participation in the recycling program by multifamily dwelling buildings is voluntary. AB 818 would require owners of multifamily dwellings to "arrange for recycling services that are appropriate and available", thereby requiring owners of multifamily dwellings in Oakland to actually use the recycling collection services already available to them, ensuring that these services are available to all Oakland multifamily dwelling residents. Since recycling service is fully funded through garbage collection rates, there would be no additional cost to the City. Oakland's multi-family dwelling sector generates approximately 11% of the City's solid waste sent to landfill. The Public Works Agency estimates that the waste diversion rate for the multi-family dwelling sector is less than 15%, compared to an estimated diversion rate in the single family dwelling sector of 50%. There is no additional cost to multifamily dwelling building owners for weekly recycling collection services, as the service is included cost of mandatory weekly garbage collection service. Collection of yard trimmings and food scraps is available on a limited basis for an additional fee.

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April 28, 2011



Negative Factors for Oakland

A statewide mandate for multifamily dwelling recycling may be unwelcomed by some Oakland rental property owners who would like to preserve the current option to deny recycling services. The bill contains no provisions for enforcement.

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND
Critical (top priority for City lobbyist, city position required ASAP)
x Very Important (priority for City lobbyist, city position necessary)
Somewhat Important (City position desirable if time and resources are available)
Minimal or None (do not review with City Council, position not required)
Known support:
Californians Against Waste
California Resource Recovery Association
Known Opposition:
None known

OFFICE OF THE CITY COUNCIL

Approved as to F

2011 APR 14 PM 3: 13 RESOLUTION NO. C.M.S.

> SUPPORT OF ASSEMBLY RESOLUTION IN BILL (AB) (BLUMENFIELD) - SOLID WASTE - MULTIFAMILY DWELLING "RENTERS RIGHT TO RECYCLE ACT"

WHEREAS, in March 2006 the Oakland City Council adopted Resolution No. 79774 which established a goal of "Zero Waste" by 2020, defined as a 90% reduction from 2000 tomage to landfill; and

WHEREAS, multifamily dwellings generate approximately 11% of the total solid waste that Oakland sends to landfills; and

WHEREAS, recycling collection services have been universally available to multifamily dwellings in Oakland under the City's Franchise Agreement with Waste Management of Alameda County and the Recycling Agreement with California Waste Solutions since 1993; and

WHEREAS, since 1993, Public Works Agency recycling staff have promoted multifamily dwelling participation to building owners, manager and residents through a broad variety of means, yet not all Oakland multifamily building owners choose not to arrange for this service; and

WHEREAS, AB 818 would require owners of a multifamily dwellings to "arrange for recycling services that are appropriate and available", thereby requiring owners of multifamily dwellings in Oakland to use the recycling collection services available to them, ensuring that these services are available to all Oakland renters; therefore be it

RESOLVED: that the City of Oakland declares its support for AB 818 (Blumenfield); and be it

FURTHER RESOLVED: that the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for enacting AB 818 with the California State Legislature.

	LaTanda Cimena
ABSTENTION -	ATTEST:
ABSENT -	
NOES -	
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERN REID	IGHAN, NADEL, SCHAAF and PRESIDENT
PASSED BY THE FOLLOWING VOTE:	
IN COUNCIL, OAKLAND, CALIFORNIA,	, 20