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CITY OF OAKLAND  
CITY COUNCIL

### LEGISLATIVE ANALYST REPORT

To: Council President Ignacio De La Fuente  
and Members of the Rules Committee  
From: Lupe Schoenberger, City Council Legislative Analyst  
Date: October 16, 2008  
Re: YEAR END REPORT ON THE CITY OF OAKLAND'S 2008 STATE  
LEGISLATIVE AGENDA

#### SUMMARY

The City's state lobbyist, Townsend Public Affairs, in collaboration with the Mayor's office and the City Council Legislative Analyst, has prepared the attached report summarizing the outcome of the City's 2008 Legislative Agenda.

#### BACKGROUND

On December 4, 2007, the City Council adopted a legislative agenda for the 2008 state legislative session. The agenda contains proposed city sponsored state legislation and priorities for the lobbyist to monitor. During the 2008 State legislative session, the City sponsored legislation and advocated for or opposed state bills impacting Oakland. The City's state lobbyist has prepared a report to inform the Council of actions taken on behalf of the City's legislative agenda during the 2008 state legislative session.

#### ACTION REQUESTED

Accept the report.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lupe Schoenberger".

Lupe Schoenberger  
City Council Legislative Analyst



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## MEMORANDUM

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**To:** Mayor Dellums, Council President De La Fuente and Members of the Oakland City Council

**From:** Townsend Public Affairs, Inc.

**Date:** October 16, 2008

**Subject:** Year End Report on the City of Oakland's 2008 State Legislative Agenda

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Townsend Public Affairs, Inc. (TPA) has prepared this 2008 State Government Advocacy Summary Report for the City of Oakland following the end of the 2007-2008 state legislative session. This report includes a summary of our efforts to date and the current status of the state legislative and funding advocacy objectives of the City of Oakland.

### 2008 State Legislative and Funding Advocacy Highlights

In 2008, TPA worked with the elected City leaders and staff to develop and advocate for several major City initiatives through legislation, grants and the state budget. The following pages provide a summary of the full scope of advocacy work TPA conducted on behalf of the City. To provide a quick summary of the highlights, please note the following:

1. TPA staffed three Oakland-sponsored bills that were sent to the Governor for signature:
  - o **AB 2001 (Swanson)** Whistleblower protection for municipal employees
  - o **AB 499 (Swanson)** Commercially sexually exploited minors
  - o **AB 681 (Carter)** A pilot program for children to reduce obesity and diabetes
2. TPA advocated for and successfully secured over \$62 million for the City of Oakland including:
  - o **\$33,000,000:** Prop 1C: Transit Oriented Development (TOD) Housing Program, CA Department of Housing and Community Development
  - o **\$27,200,000:** Prop 1C: Infill Infrastructure Grant (IIG) Program, CA Department of Housing and Community Development
  - o **\$803,700:** Safe Routes to School Program, CA Department of Transportation
  - o **\$600,000:** Recreation Trails Program, CA Department of Parks and Recreation
  - o **\$400,000:** CalGRIP Program, CA Office of Emergency Services
3. TPA worked with the League of CA Cities to ensure that the local revenues of the City of Oakland, including Prop 1a and Prop 42, were not utilized to balance the state budget. Additionally, TPA worked with the League of CA Cities and law enforcement to protect the COPS and Booking Fees of which the City of Oakland receives on an annual basis.
4. TPA advocated on behalf of 44 bills of which the City of Oakland took a position of either support or oppose. Of these bills, 11 were signed by the Governor into law, 9 were vetoed by the Governor, and 24 bills were held in the legislature. In addition to the bills for which we actively advocated, TPA monitored over 109 bills, which we identified as relevant to the legislative agenda of the City of Oakland.

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### City of Oakland Sponsored Bills for 2007/2008:

1. **Services for Sexually-Exploited Minors:** AB 499 (Swanson) was originally sponsored by the City of Oakland and Alameda County. The City Council voted to take a support, if amended, position on June 5, 2007, given the constitutional issues. TPA worked with city staff, Assemblymember Swanson, the Public Safety committee staff, the American Civil Liberties Union, as well as the County, to craft language that was acceptable to the committee and other stakeholders allowing TPA to continue to advocate for an amended version of the bill in 2008.

**Update:** TPA worked with Assemblymember Swanson and his staff to re-draft the language of this bill following the issues presented in the 2007 session. The re-draft of the bill formalizes a pilot project in Alameda County for the purpose of diverting sexually exploited minors accused of prostitution offenses into supervised counseling and treatment programs. TPA worked closely with Assemblymember Swanson and the Oakland Police Department to advocate for this measure which included written letters of support from the Mayor and City Council, preparing staff to testify at committees and working with community groups to ensure the successful passage of this measure. This bill was signed by the Governor on September 28<sup>th</sup> and will become law on January 1, 2009.

2. **Increasing Access to Healthcare:** AB 516 (Swanson) was held on the suspense file in the Assembly Appropriations committee in 2007. The committee indicated that the costs associated with the measure were slightly above the suspense file threshold of \$150,000. The City and TPA engaged in further discussions with the author and re-drafted the bill to create a healthcare access pilot program for the City.

**Update:** Assemblymember Swanson introduced AB 2902 which was the re-introduction of AB 516 that was held in Assembly Appropriations last year. This bill required the Office of Multicultural Health within the State Department of Public Health, to include within its duties the encouragement of the use of community-based health care works to provide better health outcomes for underserved communities through the existing public health programs. This bill successfully moved through the Assembly but unfortunately did not make it out of the Senate Rules Committee. TPA immediately found an alternative bill and worked with Assemblymember Carter to include a pilot program for the City of Oakland in her bill. That measure, AB 681, was amended to establish a 5 year pilot program in Oakland to identify and address the growing rates of diabetes as related to childhood obesity, in children ages 0 to 5 and their families. This bill was sent to the Governor by the Legislature but was vetoed by the Governor on September 28, 2008. In his veto message, the Governor stated that local communities can develop local pilot programs without the State of California.

3. **Addressing Childhood Obesity:** AB 2072 (Hayashi) was developed out of the Mayor's office and established the Excellence in Physical Education Act of 2008 and provided ongoing nonmonetary incentives for California's schools to increase the physical fitness of pupils in order to combat obesity and improve overall education performance. Assemblymember Hayashi, the Office of the Mayor, and TPA collaborated to draft this bill.

**Update:** Due to current state of the California budget, this bill did not make it out of Appropriations Committee but there was interested expressed for the concept. This bill may be introduced next year as a public/private partnership in coordination with a for-profit or non-profit organization.

4. **Reducing Nuisance Liquor Stores:** AB 960 (Hancock) was held in the Assembly Governmental Organization committee after a hearing on April 25, 2007. The committee requested, and the Department of Alcoholic Beverage Control submitted a report on problem liquor stores and revocation of liquor licenses. The committee is considering an informational hearing on this topic in Oakland.

**Update:** This measure was a two-year bill which attempted to address the issue of liquor store over-concentration and did not make it out of committee. An informational hearing on liquor stores was held in Sacramento in February 2008. City Attorney John Russo met with ABC and has actively been working with them to address nuisance liquor stores in Oakland. Additionally, to address nuisance liquor stores Assemblymember Hancock introduced AB 2893, which allows the Department of Alcoholic Beverage Control to impose restrictions on the transfer of liquor licenses for those retailers who have previously violated the Alcoholic Beverage Control Act. AB 2893 was signed by the Governor and will become operative on January 1, 2009.

5. **Municipal Whistleblower Protection (City Auditor):** The City of Oakland/City Auditor proposed a bill to provide whistleblower protections for municipal employees not currently provided under state law. The proposal by the city would replicate whistleblower protections that currently exist only for state employees and apply these same protections to municipal employees, ultimately with the objective of improving public service in Oakland.

**Update:** The City sponsored AB 2001 (Swanson) which authorizes a city or county auditor or controller to maintain a whistleblower hotline to receive calls regarding possible fraud and theft against a City or County in California. TPA worked with Assemblymember Swanson and the City Auditor on this measure. Some of the advocacy efforts included advocacy trips to Sacramento with the City Auditor to meet with legislators and their staff to ensure their support of the measure and testifying before committees. The bill was passed by the Legislature and was signed by the Governor on September 28<sup>th</sup>, 2008.

6. **Seismic Safety (Council Member Quan):** This multifaceted proposal is designed to increase the efficiency of seismic retrofitting in the City. As many as 36,000 or more single family dwellings in Oakland, one third of the City's housing, are not properly prepared for a potential earthquake along the Hayward fault. In order to increase public safety when the inevitable earthquake strikes, the City proposes sponsoring a comprehensive proposal with the Association of Bay Area Governments (ABAG), which would include the following elements: State-level certification and licensing of seismic retrofitting contractors; limited permit inspections for retrofitting; and authorization for the California Earthquake Authority to release existing funds.

**Update:** This legislative proposal from the City would require the State to establish model standards for seismic retrofitting, which could then be adopted by local governments. This Oakland sponsored bill is intended to expand existing statutes related to earthquake retrofits of residential buildings. This measure provides further code reforms needed on the state level to facilitate earthquake repair and mitigation specifically among residential homes by providing a detailed framework including funding, standards, codifying and publishing guidelines and licensure.

TPA worked closely with the Office of Councilmember Jean Quan and the Office of Senator Corbett, as well as ABAG, throughout the year on this measure including meetings with legislators, committee staff and State agency staff. This bill was ultimately held on the suspense file of the Assembly Appropriations committee due to fiscal considerations. Senator Corbett intends to re-introduce this measure in 2009.

7. **Crime Prevention via Red-light Cameras (Police Department):** The City Council adopted Resolution 80790 on July 17<sup>th</sup>, 2007 directing the State lobbyist to develop legislation that would enable law enforcement agencies to utilize photographic evidence captured on red-light

cameras for use as evidence for non-traffic related crimes. Such legislation would help the city deter and solve crimes, leading to a long-term improvement in public safety. Council Goal: Public Safety

**Update:** After further examining the issue, the Oakland Police Department and the Office of the City Attorney determined that this legislation was unnecessary and that the goals could be achieved under current law.

8. **Financial Incentives for Seismic Retrofit (Council Member Nadel):** Provide property owners with financial incentives to retrofit seismically substandard residential buildings. The proposal would provide property owners with incentives to have their buildings retrofitted to ensure structural integrity in the event of an earthquake. Council Goal: Public Safety and Infrastructure

**Update:** Given the State's budget situation, it was decided not to move forward with this proposal in the form of legislation, but rather focus on available grant funding from the State and Federal governments.

9. **Affordable Housing (Brunner)/Fair Lending and Home Foreclosures (City Attorney):** The City of Oakland, like much of the rest of the country, has been severely and negatively affected by the downturn in the housing market. Much of this downturn is due to lenders taking advantage of those looking to become homeowners. To ensure fair lending practices, the City proposes to sponsor comprehensive legislation that includes the following components: Real protections against predatory lenders; mortgage banker reforms; the translation of lending documents into native languages; and the authority for local law enforcement to vigorously enforce all applicable laws. Council Goal: Economic Development

**Update:** In an attempt to address the serious impacts of the current housing market, the City asked Senate President Pro Tem Perata if they could co-sponsor SB 926, his measure to deal with the foreclosure crisis. The President Pro Tem agreed to let the City co-sponsor this measure which would have enacted various provisions aimed at helping those people that are currently in their homes, but are in danger of foreclosure. Unfortunately, this urgency measure did not make it off the Senate floor. After the measure failed, TPA quickly contacted the Pro Tem's office about next steps and was informed that President Pro Tem Perata planned to introduce another urgency bill dealing with this important issue.

President Pro Tem Perata introduced SB 1137 which contained most of the same provisions as SB 926. On July 8, 2008, Governor Schwarzenegger and President Pro Tem Perata hosted a press event at the Unity Council Offices and the Governor signed the measure into law. This bill requires lenders to contact homeowners and explore restructuring options before initiating the foreclosure process, will provide tenants with double the amount of time now afforded to them to move from a foreclosed property, and will prevent neighborhoods from becoming run-down by requiring owners to maintain foreclosed properties.

**Additionally:** TPA and City staff worked closely with other groups in a collaborative fashion to promote additional reforms in lending practices by supporting various bills addressing this problem. The positions adopted by the City are outlined in the "Additional Priority Issues" section of the Legislative Watch List.

## **LEGISLATIVE ISSUE "WATCH" LIST:**

It is important for the City of Oakland to take an active role in shaping all potential legislation that could affect the city and community. The following issues were identified by the Mayor, Councilmember's, and City staff as priorities. TPA monitored these issues for legislative activity during the 2007-08 session. TPA maintained an updated matrix of bills for the City of Oakland, providing additional analysis and information to inform the development of a position by the city. Information was forwarded to staff to analyze and evaluate legislation related to any of these priorities and if necessary, forward to the City Council for action. The City Council took positions on numerous measures and continued to monitor dozens of others without taking a formal position.

### **Economic Development**

**Business Incubator Development:** Monitor and support legislation that promotes public private partnerships to expand small business opportunities in the City.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**California Enterprise Zone Program:** Develop and implement a lobbying strategy for the re-designation of Oakland as an Enterprise Zone. Monitor legislative proposals related to the California Enterprise Zone Program and other tax credits. Advocate in support of measures that strengthen the Enterprise Zone program and provide economic benefit to the City's business climate and oppose measures that aim to weaken or eliminate the program.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position. However, TPA and the Mayor's office actively advocated against reductions or elimination of the EZ program proposed during state budget deliberations.

**Vocational and Workforce Training:** Monitor and support legislation that provides funding for workforce development, specifically in the fields of construction and building trades.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**Affordable Housing:** Support legislation that expands affordable housing opportunities throughout the community, including addressing smart growth principles.

- AB 1112 (Torrico): Support: This bill authorizes proceeds from a local school bond to be used for the construction of affordable housing for employees. This bill was vetoed by the Governor.
- AB 1502 (Lieu): Support: This bill supports increased financial literacy. This bill was vetoed by the Governor.

**Funding Priority for Housing Element Compliance:** Support legislation that links a jurisdiction's eligibility for state funding to compliance with housing element policies.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**Proposition 1C Implementation:** Monitor legislation that proposes to implement the provisions of Proposition 1C and support measures that maximize the ability of the City to access these funds for priority housing needs.

- AB 1252 (Caballero): Support: This bill provided additional funding to the Transit Oriented Development and Infill Infrastructure grant programs. This bill was signed by the Governor.
- AB 2513 (Caballero): Support: This bill would provide additional consideration to cities that have met a portion of their regional housing need when applying for funding from Proposition 1C. This bill was held on Assembly Appropriations Suspense File.

- SB 46 (Perata): Support if amended: This bill was introduced early in 2007 and many of the provisions contained in this bill were enacted in AB 1252 (Caballero) which was signed by the Governor.

**Redevelopment and Eminent Domain:** Advocate for the City regarding proposals to modify redevelopment agency and eminent domain law. The City supports measures that provide protections to property owners while still allowing cities with flexibility to carry out needed projects.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**Residential Care Facilities:** Support legislation that would grant the City more local control over certain residential care facilities. Oakland is the site of a disproportionate share of transitional housing. Some facilities are poorly run, causing problems for the neighborhoods in which they operate. The City of Oakland has limited control over their regulation and with more control could ensure that these facilities operate safely and effectively.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**Transit Oriented Development:** Support legislation that appropriates funds and/or offsets the cost for transit village planning, implementation, and construction, particularly replacement parking at the villages in the process of development and construction.

- SB 46 (Perata): Support if amended: Many of the provisions contained in this bill were enacted in AB 1252 (Caballero) which was signed by the Governor.

**Urban Infill:** Monitor legislation that promotes the revitalization of urbanized areas through qualified urban infill projects.

- SB 46 (Perata): Support if amended: Many of the provisions contained in this bill were enacted in AB 1252 (Caballero) which was signed by the Governor.

**Oakland Army Base:** Advocate for and support legislation that creates funding opportunities for new roads, utilities, brownfields, other infrastructure, and site preparation.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**Fair Lending:** Support legislation that includes the following components: Real protections against predatory lenders; mortgage banker reforms; the translation of lending documents into native languages; and the authority for local law enforcement to vigorously enforce all applicable laws.

- AB 69 (Lieu): Support, if amended: This bill requires mortgage loan servicers to report their loan loss mitigation efforts to the Department of Corporations. This bill was signed by the Governor.
- AB 1830 (Lieu): No position: The City originally took a support if amended position on this bill that would have placed limitations on high-cost subprime and other non-conventional loans; however, the bill was amended and removed many key provisions and as a result the removed their support of the measure. This bill was vetoed by the Governor.
- AB 2359 (Jones): Support: This bill provides that applicants of a sub-prime or other non-conventional loan may not waive rights as a condition of receiving the loan. This bill was held in the Senate Banking and Finance committee.
- AB 2740 (Brownley): Support: This bill would have placed additional duties on mortgage loan servicers as well as established civil penalties for the violation of those duties. This bill was held in the Senate Banking and Finance committee.
- SB 1137 (Perata): Co-sponsor: This bill makes several changes to procedures that must be followed before the holder of a mortgage may issue a notice of default. This bill was signed by the Governor.

## **Sustainable City**

**Incentives for Green Business:** Monitor and support legislation to create incentives for green business including energy and environmental technology and recycled material product development

- AB 2640 (Huffman): Support: This bill would require a fee to be charged for alternative daily cover green waste at landfills with the collected fees being used for compostable waste diversion programs. This bill was held on Senate Appropriations Suspense File.

**Producer Liability for Universal Waste:** Monitor and advocate for legislation that provides incentives for the redesign of products to make them less toxic and shift the costs for recycling and proper disposal of products from local governments to the producers of the product.

- AB 501 (Swanson): Support: This bill requires a pharmaceutical manufacturer to supply a sharps container to the consumer upon request. This bill was vetoed by the Governor.
- AB 2347 (Ruskin): Support: This bill requires thermostat manufacturers to establish a mercury-added thermostat collection and recycling program. This bill was signed by the Governor.
- AB 2505 (Brownley): Support: This bill would ban polyvinyl chloride packaging in California. This bill was held on Senate Appropriations Suspense File.
- AB 2769 (Levine): Support: This bill would impose a nominal fee for consumers who opt to use a single-use carryout bag. This bill was amended to no longer address single-use carry out bags.
- SB 1334 (Calderon): Support: This bill requires all plumbing products to be certified by an independent third-party for compliance with lead standards. This bill was signed by the Governor.

**California Environmental Quality Act:** Monitor legislation and regulatory proposals related to climate change and impacts on local government.

- AB 2760 (Leno): Support: This bill would require the preparation of an Environmental Impact Report prior to any aerial spraying in an urban area for the eradication of the Light Brown Apple Moth. This bill was held on Senate Appropriations Suspense File.
- SB 375 (Steinberg): Support: This bill would give incentives for smart growth development including exemptions to CEQA. This bill was signed by the Governor.
- Proposition 10, the California Renewable Energy and Clean Alternative Fuels Act or "Green Bond". TPA was successful in securing an earmark of \$25 million for the City of Oakland which will be on the November ballot. Oakland is thus one of only eight cities earmarked statewide in this proposed initiative. This is a general earmark for any project or projects the City would like to fund. The only requirements are that the project(s) be approved by the California Energy Commission, must serve K- 12 public school students, and be aligned with California educational content standards.

## **Youth:**

**Joint-Use Funding:** Monitor and advocate for measures which appropriate funds, or make it easier to access funding, for joint-use projects between the City and local school districts.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**Oakland Unified School District:** Advise the Council of opportunities to support legislation that will increase funding to Oakland schools, improve the quality of public education and ensure local control.



- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

### **Healthcare:**

**Childhood Obesity:** Support legislation that aims to reduce childhood obesity through physical activity and improved nutritional choices.

- AB 681 (Carter): Sponsor: This bill establishes a 5 year pilot program in Oakland to identify and address the growing rates of diabetes as related to childhood obesity, in children ages 0 to 5 and to provide services for improving the children's health. This bill was vetoed by the Governor.
- AB 2072 (Hayashi): Sponsor: This bill establishes a statewide nonmonetary award system to encourage increased participation in K-12 physical education classes. This bill was held on Senate Appropriations Suspense File.

**Health Care:** Support legislation that increases the level of health care coverage available to the residents of Oakland. The City will monitor and advocate on behalf of measures that increase residents' awareness of health care facilities and promote healthy lifestyles.

- AB 167 (Bass): Support: This bill repeals the limit on assets which can be owned by a CalWORKs applicant or recipient. This bill was held on Senate Appropriations Suspense File.
- AB 2902 (Swanson): Sponsor: This bill would require the Office of Multicultural Health within the State Department of Public Health, to include within its duties the encouragement of the use of community-based health care works in order to provide better health outcomes for underserved communities through the various public health programs. This bill was held in Senate Rules Committee.
- SB 840 (Kuehl): Support: This bill would enact universal health care coverage in California. This bill was vetoed by the Governor.

**HIV/AIDS Transmittal Reduction:** Monitor legislation that would reduce the transmission rate of the HIV virus and support legislation that promotes increased testing in the community.

- AB 1984 (Swanson): Support: This bill requires the Department of Corrections and Rehabilitation to test inmates, upon their request, for HIV prior to their release from prison. This bill was held in the Senate Rules committee.

**Mental Health:** Monitor legislation that provides additional resources for mental health services in the City, particularly any legislation that appropriates funding from Proposition 63.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**School Based Health Clinics:** Support legislation that would provide access to health care professionals at school sites.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

### **Infrastructure:**

**Bonds:** Monitor legislation that provides new bond funding for the City's infrastructure needs. The City supports new State bond funding proposals that efficiently utilize valuable taxpayer dollars in order to provide significant funding for the city's education, transportation, public safety, recreational and water infrastructure needs.

- SB 1672 (Steinberg): Support: This bill would have placed a \$2.25 billion bond measure on the ballot for purposes of creating infrastructure related to clean technologies and renewable energy sources. This bill was held on Assembly Appropriations Suspense File.

- SB 1xx (Perata): Support: This bill would have appropriated funding from various voter approved bond measures for Delta and urban related water projects. This bill was signed by the Governor.
- SB 2xx (Perata): Support: This bill would have placed a \$9 billion bond on the ballot for the purposes of creating new water infrastructure and urban water management programs. This bill failed on the Senate Floor.

**Flood Control and Storm Water Fees:** Support legislation that would allow local governments more flexibility to achieve reductions in storm water and urban runoff pollution

- SCA 12 (Torlakson): Support: This bill would have exempted new or increased storm water runoff fees from the State's voter approval requirements for property related fees. This bill was amended to no longer deal with storm water runoff fees.

**Proposition 84 Implementation:** Monitor legislation that proposes to implement the provisions of Proposition 84 and support measures that maximize the ability of the City to access these funds for Oakland's parks, open space and waterways.

- AB 31 (De Leon): Support: This bill directs the Department of Parks and Recreation on how to implement the \$400 million for new parks and recreational opportunities contained in Proposition 84. This bill was signed by the Governor.

**Congestion Management:** Support legislation that appropriates funds to help relieve traffic congestion on City streets and highways.

- AB 444 (Hancock): Support: This bill would for an additional \$10 fee to be imposed on car registration in specified counties for the purposes of improving air quality in Alameda and other Bay Area counties. This bill was held in Senate Revenue and Taxation committee.

**Gas Tax Increase:** Monitor State and local efforts to raise the gasoline tax and ensure that, if taxes are raised, funding is available for local street and road projects in the City, as well as public transportation.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**Proposition 1B Implementation:** Monitor legislation that proposes to implement the provisions of Proposition 1B and support measures that maximize the ability of the City to access these funds for priority transportation projects. This includes ensuring that the City would be eligible for State-Local Partnership funding via property or parcel taxes, bridge tolls, or other voter-approved fees dedicated to specific transportation improvements.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**Public Transportation:** Monitor and support legislation which promote public transportation.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

### **Public Safety:**

**At-Risk Youth Programs:** Support legislation which provides funding and programming for at-risk youth as an alternative to gangs.

- AB 499 (Swanson): Sponsor: This bill creates a pilot project in Alameda County for the purpose of diverting sexually exploited minors accused of prostitution offenses into supervised counseling and treatment programs. This bill was signed by the Governor.
- SB 1369 (Cedillo): Oppose: This bill limits the ability of nonprofits to access electronic bingo as a form of fundraising for local programs including programs for at risk youth. This bill was signed by the Governor.

**Crime and Violence Prevention:** Support legislation that appropriates funds for violence prevention programs, which includes, but is not limited to, anti-gang violence, youth empowerment and after-school program-related legislation.

- AB 1634 (Levine): Support: This bill would require that certain dogs and cats be spayed or neutered by their owners. This bill failed on the Senate Floor.
- AB 1724 (Jones): Support if amended: This bill was amended and no longer deals with vehicle impoundment. This bill was vetoed by the Governor.
- AB 2062 (De Leon): Support: This bill would have created a system to require vendors of handgun ammunition register for a license in order to sell ammunition in California. This bill was held on Senate Appropriations Suspense File.
- AB 2235 (DeSaulnier): Support: This bill would require that all handguns be "owner-authorized" or personalized in such a way that only the owner could fire a round. This bill was held on Senate Appropriations Suspense File.
- AB 2695 (Niello): Support: This bill would enhance the ability of local government to deal with illegal dumping. This bill was held on Senate Appropriations Suspense File.
- SB 1019 (Romero): Support: This bill would restore open access to hearings and meeting regarding peace officer discipline. This bill was held in Assembly Public Safety committee.

**Parolee Re-Entry Programs:** Monitor legislation that provides additional resources and job training for recent parolees re-entering the community.

- AB 1961 (Swanson): Support: This bill establishes conditions under which a court may dismiss certain non-violent, non-sales related drug convictions. This bill was held in Assembly Appropriations committee.
- AB 1996 (Swanson): Support: This bill would make persons convicted of drug related offenses eligible to receive food stamps once they have been released from prison. This bill was vetoed by the Governor.
- AB 2099 (Hancock): Support: This bill would establish a pilot program in which California identification cards will be issued to an inmate prior to release. This bill was vetoed by the Governor.

**Education during Incarceration:** Support legislation that prevents recidivism by providing inmates educational and training opportunities for job readiness prior to release.

- AB 2147 (Swanson): Support: This bill would have established the Green Jobs Corps Act for the purposes of providing energy efficiency and renewable energy working programs to individuals in incarceration. This bill was held on Assembly Appropriations Suspense File.

#### **Other Priority Issues for Oakland :**

**Franchise Tax:** Oppose legislation that hinders the City's ability to generate franchise taxes.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**Cable Franchise:** Monitor legislation related to cable franchise and advocate for regulations that benefit city

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**State Budget:** Monitor and advocate for the City in the state budget process, including all relevant trailer bills. The City supports maximizing State funds for local projects and programs.

- As summarized in the highlights on the first page of this report, TPA actively monitored and advocated for the interests of the City of Oakland throughout what became the longest and most contentious state budget negotiations in history.

**Utility User Taxes:** Monitor legislation that addresses utility users' taxes relative to intrastate, interstate and/or international telephone, cellular or wireless communication services.

- Throughout the 2007-2008 state legislative session, no directly applicable and viable legislation was introduced on which the City of Oakland opted to take a position.

**STATE FUNDING ADVOCACY:**

There are multiple upcoming funding opportunities of interest to the City of Oakland pertaining to Proposition 1B transportation funding, Proposition 1C housing funding, and other state grant opportunities. In addition to the funding listed below, we will keep the City informed of any potential funding opportunities throughout the year.

City staff will work with the City Council to prioritize projects submitted to the state for funding and TPA will advocate for those approved projects as appropriate. The following are upcoming opportunities.

- **Proposition 1C Transit Oriented Development (TOD) Funding:** Proposition 1C includes \$300 million in funding for the development of housing near transit sites. In the FY08 budget, \$95 million was appropriated for this program through the Department of Housing and Community Development. TPA is focused on advocating for the City's TOD developments – Coliseum, Fruitvale Phase II, MacArthur, and West Oakland – and their priority funding needs, specifically replacement parking, station area improvements, and bike/pedestrian access improvements.

**Update: \$33 million was secured for the City of Oakland from Proposition 1C Transit-Oriented Development (TOD) Housing Program through the Department of Housing and Community Development:** TPA was part of a successful advocating effort to secure funding for three City applications totaling \$33,012,592. The applications were the MacArthur Transit Village, Coliseum BART project, and the Lions Creek Crossing project. This was an extremely competitive process; the TOD fund received 58 applications totaling more than \$500 million which was more than five times the amount of the original \$95 million appropriated. The multijurisdictional collaboration of elected city leaders and staff, the state legislative delegation led by Senate President Pro Tem Perata, local developers, and the team at Townsend Public Affairs worked together to secure this funding for Oakland.

- **Proposition 1C Urban Infill Incentives:** Proposition 1C includes \$850 million in funding for incentives for urban infill development. In the FY08 Budget, \$300 million was appropriated for this program. The Department of Housing and Community Development (HCD) is holding stakeholder workshops in preparation of the grant guidelines. HCD is targeting early to mid 2008 to issue the request for proposals. TPA is working with staff to ensure that this new grant program will fund the priority projects of the City, including the TOD developments and local street and road improvements, especially around Lake Merritt.

**Update: \$27.2 was secured for the City of Oakland from Proposition 1C Infill Infrastructure Grant (IIG) Program from the Department of Housing and Community Development:** Similar to the TOD applications, TPA assisted in securing \$27,203,383 from the Infill Infrastructure Grant (IIG) program. Two applications, the MacArthur Transit Village and the Central Business District/Uptown project, received funding. This was also an extremely competitive process and funding was oversubscribed; the IIG fund received 58 applications totaling more than \$500 million, more than five times the amount of the original \$95 million appropriated. As stated above, the multijurisdictional collaboration of elected city leaders and staff, the state legislative delegation led by

**Senate President Pro Tem Perata, local developers, and the team at Townsend Public Affairs worked together to secure this funding for Oakland.**

- **Proposition 84 Funding:** There are multiple funds within this \$5.4 billion measure passed by California voters in November 2006. None of the funding has yet been appropriated, disbursed, or subjected to any implementing legislation or regulations. In addition to potential park and recreation facilities funding within this measure for priority parks projects throughout the City, there are several funds which could help close the gap on the matching funds needed for all Measure DD projects, which are therefore a top priority for pursuit of funding from this source.

**Update: In the 2008 session, funding from Proposition 84 was not made available for grants although legislation was authored for the \$400 million for parks which was signed by the Governor.**

- **CalGRIP Gang Funding:** The 2007-08 state budget included \$13.5 million for cities and community based organizations for gang prevention, intervention and suppression activities. The Office of Emergency Services has issued a Request for Proposal for these funds and anticipates issuing grants in January 2008. The City is working, in coordination with community partners, to submit grant requests for this funding.

**Update: \$400,000 was secured for the City of Oakland through the CalGRIP Program: With the Governor, TPA and the Office of the Mayor collaborated with the other "Big Ten" cities impacted by gang problems to create a funding program to address gang problems. TPA was able to secure \$400,000, one of the largest grants, to assist the City in addressing gang related activities. This is a significant achievement, given the fiscal challenges confronting the state right now and the focus of improving public safety in Oakland.**

- **Proposition 1B Trade Corridors Improvement Funding (TCIF):** Proposition 1B includes \$2 billion for infrastructure improvements along federally designated "Trade Corridors of National Significance" and along other corridors within this state that have a high volume of freight movement. TPA will work with the City to ensure that the I-880 29<sup>th</sup>/23<sup>rd</sup> Avenue Improvement Project is given full consideration for funding from TCIF. This project is already included on the Metropolitan Transportation Commission's Tier 1 project list for Trade Corridor funding.

**Update: \$254.7 million was secured for the City of Oakland through Proposition 1B: TPA worked with the CTC and City Staff to help secure funding for two essential transportation and goods movement projects; \$73,000,000 for the I-880 29<sup>th</sup>/23<sup>rd</sup> Avenue Improvement Project and \$175,000,000 for the 7<sup>th</sup> Street Grade Separation Project. Both of these projects will help improve the transportation infrastructure in the city. TPA also worked with City Staff to ensure that the proper steps were taken to access \$6, 700,000 million dollars in Proposition 1B Local Street and Road funding that was available for projects to reduce congestion, increase traffic safety, or rehabilitate and maintain local roads.**

- **Recreational Trail Program:** The City of Oakland recently submitted a grant application to the Department of Parks and Recreation for the Cryer Site Waterfront Trail through the Recreational Trails Program (RTP) which provides funding for the development of trails and trail-related projects. TPA will engage with the Department to ensure the City's application receives full consideration.

**Update: \$600,000 was secured for the City of Oakland from the Recreational Trails Program through the CA Department of Parks and Recreation: TPA worked closely with Senate President Pro Tem Perata, Ms. Ruth Coleman, the Department of Parks and Recreation Director, President De La Fuente, and city staff to help secure \$600,000 for the Historic Cryer Boathouse Bay Trail Gap Closure application. The much needed funding will go towards the construction of a multi use trail, landscaping, and an**

**interpretive exhibit. Most importantly, the funding will go to improve open space in a community negatively impacted by a lack of recreational opportunities.**

- **Safe Routes to School (SR2S):** The City of Oakland developed a grant application for the Safe Routes to School program and TPA was actively engaged in the submission of the application and advocacy with the key decision makers in Sacramento to ensure the City's application was successful.

**Update: \$803,700 was secured for the City of Oakland from the Safe Routes to Schools Program through CalTrans:** TPA and City staff worked closely together to secure \$803,700 from CalTrans and the Safe Routes to Schools Program for infrastructure improvements and traffic safety enhancements at two critical locations in Oakland; **Broadway at 40<sup>th</sup> Street and MacArthur Boulevard from 82<sup>nd</sup> Avenue to 90<sup>th</sup> Avenue. This funding will help address quality of life concerns of the impacted neighborhoods while at the same time ensuring the safety of youth as they travel to school.**

#### **Additional Advocacy Activities:**

- **Monitored and Provided Updated on Various Budget Proposals:** TPA provided the Mayor and City staff with continuous updates on the latest budget developments and discussions. We worked with the Mayor's Office to draft letters to the Governor requesting he does not use local funds or redevelopment funds to bridge the budget deficit. The City worked to oppose initial proposals to use Proposition 42 funds, which are used for transportation operations like street paving and streetscape work, and Proposition 1A funds, which is the property tax that cities receive, to close the budget deficit.
- **Ensured Continuation of the CA Enterprise Zone Designation in Oakland:** On Thursday, January 31, 2008, the State of California re-designated an Enterprise Zone in the City of Oakland. TPA worked with the Governor, Assemblymembers Swanson, Hancock and Hayashi, the Mayor, the Council President, the Port of Oakland, the Oakland Chamber and Oakland City staff to ensure the successful re-designation.
- **Organized Mortgage Event with the Governor's Office:** Team TPA, through our vast network of contacts, arranged for the Governor's Office to conduct a significant town hall event with Oakland residents on the matter of mortgages, homeownership and other pertinent information.
- **Conducted a Briefing Session with the Governor's Office on Performance Based Infrastructure:** Team TPA and the Mayor's Deputy Director of Intergovernmental Affairs attended a meeting in San Francisco at the Regional Office of the Governor to discuss the need for Performance Based Infrastructure (formerly known as public private partnerships). The meeting was well attended by cities throughout the Bay Area. Next steps include tracking the legislation and identifying a project in Oakland.
- **Organized Advocacy Effort for Proposition 84 Local & Regional Parks Funding:** Team TPA met with City Council Legislative Analyst staff, the City Administrator's Office, Parks and Rec. Department, and CEDA to discuss the status of Proposition 84 and the legislation that will dictate the release of funds. As a follow up from the meeting, TPA went up to Sacramento to meet with staff to Assembly Member De Leon, the author of AB 31, the Park Development and Community Revitalization Act of 2007, which is the implementing legislation for the \$400 million for Local & Regional Parks from Proposition 84. AB 31 legislation requires the Department of Parks and Recreation to establish a local assistance program to offer grants, on a competitive basis, to various local entities and nonprofit organizations, in heavily urbanized counties. This bill is beneficial to Oakland, specifically the language that describes heavily urbanized areas with high rates of unemployment and crime. **This bill was signed into law on September 30, 2008.**

- **Prepared for Big 10 Mayor's Water Bond Summit:** Team TPA prepared a background memo and briefing for Mayor Dellums in preparation for the Big Ten Mayors Water Bond Summit. These points were developed by the water policy experts from Team TPA and were based on what are widely considered to be key elements of a comprehensive solution to the water crisis in California. We continue to closely track this issue and while this was ultimately not placed on the November 2008 ballot it is likely to remain a key priority of the Governor and legislative Republicans.
- **Conducted Multiple Briefing Sessions with State Officials on Urban Renewal Initiative for Oakland:** Team TPA has been and will continue to provide a high level of staffing and support for this priority focus of Mayor Dellums. We are working with the Office of Mayor Dellums and Secretary Dale Bonner in support of the Renewal Initiative. In support of this effort, TPA has help draft the MOU, researched past practices for the San Joaquin Valley Collaborative, created a briefing document on the potential partnerships with the Business, Transportation and Housing Agency and assisted City staff to ensure this program runs smoothly.
- **Hosted Model City Day in Sacramento:** TPA arranged for a full day of briefings on June 11, 2008, for the Mayor and his staff to provide an update to legislative leaders in Sacramento on the Model City Vision and how to better coordinate Oakland's efforts. The Mayor had individual meetings with Senator Steinberg, Senator Lowenthal, and Mr. Arney Powell, Policy Director to Speaker Bass. The Mayor also met with Governor Schwarzenegger to discuss health care initiatives that could serve as a pilot in Alameda County. After the full day of meetings, there was the Model City Reception with the Port of Oakland.
- **Conducted a Briefing Session with League of California Cities Advocate Bill Higgins regarding SB 375:** TPA set up a conference call briefing between League of California Cities advocate Bill Higgins who specializes in housing legislation and City of Oakland staff to discuss SB 375 (Steinberg) and ensure that the City of Oakland staff and LOCC staff are on the same page regarding this legislation. The League recently came out in support of this bill after many proposed amendments were accepted by the author.
- **Briefed Councilmember Quan on Proposition 10: Renewable Energy and Clean Alternative Fuel Initiative (RECAF):** TPA briefed Councilmember Quan, member of the LOCC Board, on the RECAF initiative before the LOCC's Board meeting. This initiative, Proposition 10, includes a \$25 million earmark for Oakland. TPA spoke with Councilmember Quan prior to the meeting to ensure that she had all the background information.
- **Conducted a Briefing Session with Sedrick Mitchell, Deputy Director of CA Parks and Rec. Department:** TPA set up a meeting in Sacramento with Mr. Sedrick Mitchell, Deputy Director of the Department of Parks and Recreation and Vice Mayor Larry Reid and Oakland Parks and Recreation Director Audree Jones-Taylor. The focus of the meeting was to discuss and identify funding opportunities for the East Oakland Sports Complex.
- **Advocated Against Spraying for the Light Brown Apple Moth:** TPA attended a meeting on March 18, 2008, convened by the City Attorney to provide a status update on the five pieces of legislation that aims to limit the impact of aerial spraying of pesticides to eradicate the Light Brown Apple Moth. Additionally, TPA set up a meeting with City Attorney Russo and Assembly Member Nicole Parra, chair of the Agriculture Committee regarding the Light Brown Apple Moth Legislation that was heard in the Assembly Agriculture committee on April 16, 2008. Ms. VaShone Huff in the Office of Mayor Dellums and Team TPA both conveyed the City's concerns about the spraying directly to the Office of the Governor. On Thursday, April 24, 2008, Gov. Arnold Schwarzenegger announced spraying for the Light Brown Apple Moth would be suspended all over the state. Through the advocacy efforts of the Mayor, the City Council, the City Attorney, TPA and other organizations, the California Department of Food and Agriculture announced there will be no more spraying in urban areas for the Light Brown Apple Moth.