

CITY OF OAKLAND  
AGENDA REPORT

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OAKLAND

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TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Vice Mayor De La Fuente & Councilmember Jean Quan  
DATE: May 26, 2009

**ORDINANCE AMENDING CHAPTER 2.34, ARTICLE 2, OF THE OAKLAND MUNICIPAL CODE AUTHORIZING A MUNICIPAL IDENTIFICATION CARD PROGRAM TO PROVIDE FOR THE ISSUANCE OF MUNICIPAL IDENTIFICATION CARDS TO RESIDENTS OF THE CITY OF OAKLAND FOR THE PURPOSES OF IMPROVING PUBLIC SAFETY, INCREASING CIVIC PARTICIPATION, AND SUPPORTING LOCAL COMMERCE**

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**SUMMARY**

The proposed ordinance establishes the Oakland Municipal Identification Card Program. Modeled after San Francisco's City ID card, the proposed ordinance establishes Oakland's Municipal ID program to be administered by the office of the City Clerk. There are several advantages to the adoption of an Oakland Municipal ID which are detailed below, including: 1) improved public safety 2) increased civic and local commerce participation; and 3) greater access to City services. As written, all Oakland residents would be eligible for an Oakland Municipal ID Card upon presenting proof of identity and proof of residency in the City of Oakland.

In addition to this Agenda Report, please see the *Oakland City ID Card Proposal*, available at <http://oaklandcityidcard.org>, for an extensive third-party report by the Oakland City ID Card Coalition—a coalition of nonprofit organizations, small businesses, and Oakland residents.

**FISCAL IMPACTS**

This ordinance may result in an increase in revenue through the fees associated with the issuance of the cards. Because several implementation options are still being explored, it is not known at this time whether additional staff resources may be needed.

Options currently being explored include:

1. Partner with San Francisco to use their card machine
2. Make capital investment for the card machine here in Oakland and recoup costs over a period of time through the fees generated by the issuance of the ID cards.
3. Make capital investment for the card machine here and partner with neighboring municipalities who are also moving forward with their own municipal ID programs.
4. Share capital investment costs for the card machine with neighboring municipalities.
5. Lease card machine equipment rather than purchasing equipment
6. Pay Per Card – cards would be issued directly through a third party vendor thus the City would not make a capital investment for the card machine

7. Use card machine equipment already owned by City departments if such equipment has the capacity to produce high quality, secure cards with the capacity to add additional functions i.e. magnetic strip for future activation.
8. Partner with a bank in order to have the cards produced by a third party vendor with the option of adding debit functionality to the card.

***Additional potential fiscal impacts include:***

Increased tax revenue from expected increase in commerce, Several local merchants have already expressed a willingness to participate in the launch and promotion of the municipal ID card by offering discounts to shoppers who present their municipal ID card. The municipal ID card can be used to promote shopping locally with the incentive of receiving discounts. In addition, if citizens are given the option to add debit functionality, the City could generate revenue via nominal fees charged for routine transactions made by these citizens.

**BACKGROUND**

In October 2005, the Connecticut based organizations Junta for Progressive Action, Unidad Latina en Acción (ULA), and Yale Law School's Community Lawyering Clinic published "A City to Model," a report that included a proposal for the City of New Haven to create a municipal identification card as a way to protect public safety and improve relationships between its immigrant communities and the city, especially the undocumented population which represents about 10-12 percent of the total population. The study pointed out that some Connecticut cities were already issuing a "City Identification Card" to their employees and that a Connecticut statute recognized the possibility that municipalities may issue their own ID cards. Further, it highlighted that some U.S. cities were already issuing different types of ID cards, including for residential parking permits, usage of municipal parks, beaches, community centers, pools, and medical marijuana.

New Haven, Connecticut became the first U.S. city to enact municipal identification legislation in June 2007 and began to issue its Elm City Resident Cards in July 2007. The New Haven program was subsequently recognized by the National League of Cities for Municipal Excellence in 2007. It was honored for successfully implementing the "Elm City Immigration Project", a chief component of which was their Elm City Resident Card program; a program that the City of Oakland is attempting to emulate with this proposal.

San Francisco followed suit and approved its legislation in November 2007, launching its City ID Card program on January 15, 2009. As of April 21, 2009, San Francisco has issued 1,941 City IDs. Oakland's proposed ordinance is modeled after the San Francisco ordinance which survived a legal challenge under the California Environmental Quality Act, after that lawsuit was dismissed by the San Francisco Superior Court.

The San Francisco Public Safety Committee of the Board of Supervisors held a public hearing on the status of the implementation of their municipal ID program on May 4, 2009. By and large the results have been very positive for the City of San Francisco. Staff reported an incredible demand for the municipal ID card and noted that as of the date of the hearing, they are booked

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until September with appointments. Community members and community based organizations spoke about the positive impacts the card has had in the community. Some problems noted in the San Francisco experience include the need for additional outreach in the community and more promotion of the card, more education in the police department regarding the acceptance of the card as a valid form of ID, and a need to further diversify the population who is applying for the card. Of biggest concern was the large number of people who were turned away for lack of proper documentation. Several residents have been turned away for not having adequate proof of residency and thus SF recognizes the need to conduct more outreach and education in the community about how to obtain the card. San Francisco is now exploring ways to add additional options to the use of the card including adding a “debit component” to their card which would allow card holders to active the magnetic strip on the back of the card to be used similarly to a debit card.

Federal or state law does not bar municipalities from issuing their own ID cards to any resident, regardless of the resident’s immigration status. The federal REAL ID Act of 2005 compels state governments to require their state ID card or state driver’s license applicants to meet the “legal presence” immigration status requirement. However, the REAL ID Act does not apply to jurisdictions other than states and therefore does not apply to county or city government issued IDs. Furthermore, California law grants municipalities with broad enforcement and spending powers to adopt measures in furtherance of health, welfare and public safety of its residents.

While there have been many efforts to utilize foreign government issued consular identification cards as appropriate identification cards (known as *matricula consular* in Spanish), the experience of many Oakland residents has been that these have various burdensome limitations. First, consulate IDs are not available to all foreign nationals in the U.S., and Oakland is one of the most diverse cities in the country with immigrants from all over the world. Second, some would have to travel far, even to other states, to acquire a consulate ID. Third, there is a lack of understanding as to which agencies accept consulate IDs. Some agencies do not accept them at all while others accept them as a secondary form of identification. Fourth, a consulate ID can be used as an identifying mark to target undocumented immigrants and discriminate against them. The creation of an Oakland Municipal ID card would mitigate and even remove these burdens as it would be a widely available, local government issued card with multiple potential uses.

Assembly Bill 772 (Ammiano,) The Local Government Identification Card, is currently pending in the state legislature. AB 772 would establish the local government Identification Act and authorize counties to establish municipal ID programs, modeled on the San Francisco Municipal ID Program. Additionally, the cities of Los Angeles, Richmond and Berkeley are currently discussing the possibility of introducing their own municipal ID Programs.

### **KEY ISSUES AND IMPACTS**

Key consequences of not having a valid form of identification are negative impacts both public safety and the local economy. Many people in Oakland—including but not limited to immigrants, children and students, the homeless and indigent, the disabled and elderly, runaway

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youth and adult survivors of domestic violence—currently suffer from the lack of official identification, which restricts their access to law enforcement, financial institutions, jobs, housing, and home and workplace protections.

The table below summarizes some of the barriers faced by different populations when attempting to obtain a government issued identification card.

**Table 1: Barriers to Obtaining a California State ID or Driver’s License**

Group	Barriers
Undocumented Immigrants	<ul style="list-style-type: none"> <li>- Ineligible if no proof of U.S. legal presence</li> </ul>
Youth	<ul style="list-style-type: none"> <li>- Ineligible if no proof of U.S. legal presence</li> <li>- School might not issue a school ID card</li> <li>- May not have access to personal records/documents if runaway or otherwise separated from parents/guardians</li> <li>- May be unaware that may qualify for reduced fee state ID or may not qualify</li> </ul>
Elderly	<ul style="list-style-type: none"> <li>- Ineligible if no proof of U.S. legal presence</li> <li>- May be unaware of “no fee” age 62+ senior citizen state ID</li> <li>- May be unaware that may exchange valid driver’s license for no-fee ID card if no longer able to drive safely because of physical or mental condition</li> </ul>
Homeless	<ul style="list-style-type: none"> <li>- Ineligible if no proof of U.S. legal presence</li> <li>- May not have access to personal records/documents</li> <li>- May be unaware that may qualify for reduced fee state ID or may not qualify</li> <li>- May be unaware that can use agency or friend address to apply for state ID</li> </ul>
Transgender / Gender Variant	<ul style="list-style-type: none"> <li>- Ineligible if no proof of U.S. legal presence</li> <li>- May not have medical proof necessary to complete Medical Information Authorization form (DL 328) for name and gender change</li> <li>- May not want to engage in process of changing gender identity on California documents due to cost and time constraints</li> </ul>

**Public Safety Benefits**

Our City's often marginalized immigrants, youth, homeless, indigent, and survivors of domestic violence, are often further marginalized due to the lack of a valid form of identification. Without such identification they are often afraid to report crimes to the police. In Oakland, the underreporting of crime is a significant citywide problem, as is the lack of cooperation with police during follow-up investigations. People who lack a valid form of identification are also often afraid to report labor and housing violations—such as blighted properties, slum landlords, and workplace health, safety, and wage violations—to the appropriate authorities. Staff in San Francisco and New Haven have indicated that providing residents who cannot otherwise obtain a valid form of identification with a municipal ID has resulted in an increase in crime reporting and cooperation with law enforcement in both cities.

In addition to being a means to encourage crime victims to report crime, the Municipal ID will provide police officers with another tool to identify crime victims, witnesses and suspects who would otherwise lack any form of identification. Decreased crime reporting and witness cooperation among many communities in Oakland has resulted in decreased public safety for all Oakland residents.

There is also a potential cost savings for local law enforcement because a Municipal ID offers officers the option to cite and release rather than to arrest an individual due to lack of ID. Officers have reported that often times they are forced to arrest an individual simply because they don't have a valid ID, they must then transport them to either Santa Rita or North County Jail , a process which can take up to several hours.

**Economic Benefits**

The implementation of a municipal ID program also offers benefits to the local economy. An Oakland Municipal ID Card will make it easier for all residents to participate in local and regional commerce—by opening a bank account, establishing credit, and accessing loans and the housing market. Without appropriate identification, it is difficult to open bank accounts, which often results in immigrants carrying large amounts of cash. These individuals are therefore specifically targeted for robbery and other violent crimes. Over the past year, the Oakland City ID Card Coalition has worked with several banks to assess whether they would accept an Oakland municipal ID as a valid form of ID from people when opening a bank account and several banks have expressed their willingness to do so.

A 2004 report to the City Council regarding check cashiers and check cashing businesses cited a report by the Urban Law & Public Policy Institute and Consumer Federation of America which revealed that, “check cashing facilities charge interest rates as high as 900 percent.” Also cited in that report was a study by the American Association of Retired Persons which indicated:

“Customers using check cashing businesses average 13 transactions per year, per borrower, with 21 percent reporting more than 20 transactions in a year. Nearly 28

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percent of consumers without a traditional checking account cash their checks primarily at check cashing institutions.”

Offering our residents the opportunity to obtain a Municipal ID which will in turn be accepted by local banks is the first step towards giving low income residents access to the mainstream tools for wealth creation.

#### **Protection Against Counterfeit ID Cards**

The Oakland Municipal ID will be unique to the City of Oakland and will be produced with the highest security measures built in to protect against counterfeit reproduction. In conversations with the Oakland Police Department, the police have made it clear that the proposed municipal ID needs to contain security measures to protect the ID against fraud and counterfeit reproduction. In response, research has been conducted by the Oakland City ID Card Coalition as well as the two council offices to ensure that technology is available to produce high quality and secure cards. For example, the cards issued in San Francisco contain micro text features, unique quality of laser engraving, images seen only through Ultra Violet lighting, and a biometrics feature which captures an individual’s face characteristics and will alert the clerk of any “matches” in the system when someone applies more than once for a card.

#### **Potential Uses and Partnerships**

Because a goal of the City is for the Oakland Municipal ID Card to be used by as many and as widespread an array of residents as possible, the City will work with all City departments, the County, community-based organizations, and businesses to add Card benefits, uses, and partnerships that foster this goal.

Potential added benefits and uses include, but are not limited to, using the Card as an ATM/debit card, in U.S. dollars or such local currency as may be developed, for low-cost and no-cost financial benefits, such as direct deposit of wages, ATM/debit purchases (including paying for parking and other City services), and money transfers; a library card, a bus pass, and/or a discount card at participating businesses. Potential partnerships include, but are not limited to, using the Card as student identification for the Oakland Unified School District and local colleges and universities; and working with the County of Alameda and other appropriate external agencies and local governments to promote the acceptance of the Card by such agencies and local governments. In June 2008, the Peralta Community Colleges District Board of Trustees passed a resolution in support of a Oakland Municipal ID (resolution 07/08-64.)

The various uses and partnerships will be further defined during the implementation of the Municipal ID program and contingent on the type of technology the City decides to use to implement the program, as well as the cooperation of potential partners. However, we do know that the technology exists to create a card with multiple capabilities.

## PROJECT DESCRIPTION

The Oakland Municipal ID program would be administered by the office of the City Clerk. To obtain a Municipal Identification Card, a Resident would be required to complete an application, under penalty of perjury, and would be required to submit proof of identity and proof of residence within the City of Oakland. Upon receipt of both the proof of identity and residency or other qualifying status, and payment of the applicable fee, the City Clerk will issue a Card to the applicant. The card will display the person's photo, address, signature, date of birth and an expiration date.

The following documents shall be required in order to obtain a Municipal ID:

1. Proof of Identity. In order to establish identity, each applicant must present either:
  - a. One of the following documents containing both the applicant's photograph and date of birth; a U.S. or foreign passport; a U.S. driver's license; a U.S. state identification card; a U.S. Permanent Resident Card (commonly known as a "Green Card"); a consular identification ("CID") card; or a photo identification card issued by another country to its citizens or nationals. Where the applicant is aged thirteen or under, he or she may in the alternative present a certified copy of a U.S. or foreign birth certificate to establish identity under this subsection; or
  - b. Two of the following documents, provided that at least one form of identification shall display the applicant's photograph and date of birth: a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military identification card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter, an identification card issued by a California educational institution, including elementary, middle, secondary, and post-secondary schools; a certified copy of a U.S. or foreign birth certificate; a court order issued by a state or federal court to verify a person's identity, or a Social Security card. Notwithstanding the above, where the applicant is aged thirteen or under, he or she may in the alternative present an official medical record and/or official school record to establish identity under this subsection, provided that at least one of the two forms of identification presented shall display the applicant's date of birth.
2. Proof of Residency.
  - a. In order to establish residency, each applicant must present one of the following items, provided that the item includes both the applicant's name and a residential address located within the City: a utility bill dated within the last thirty days; a written

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verification issued by a homeless shelter that receives City funding confirming at least fifteen days residency within the last thirty days; a written verification issued by a hospital health clinic or social services agency that receives City funding confirming at least fifteen days residency within the last thirty days; a local property tax statement or mortgage payment receipt dated within the last thirty days; a bank account statement dated within the last thirty days; proof of a minor currently enrolled in a City school; an employment pay stub dated within the last thirty days; a written ruling, order or notice from the Oakland Rent Adjustment Board dated within the last thirty days; a jury summons or court order issued by a state or federal court dated within the last thirty days; a federal or state income tax or refund statement dated within the last thirty days; or an insurance bill (homeowner's, renter's, health, life or automobile insurance) dated within the last thirty days. If a certified copy of a marriage certificate is presented at the time of application, an applicant may prove residency using documents bearing the name of his or her spouse.

#### **SUSTAINABLE OPPORTUNITIES**

Economic: An Oakland Municipal ID Card will make it easier for all residents to participate in local and regional commerce—by opening a bank account, establishing credit, and accessing loans and the housing market.

Environmental: There are no environmental opportunities from this program.

Social Equity: As written, all Oakland residents would be eligible for an Oakland Municipal ID Card upon presenting proof of identity and proof of residency in the City of Oakland.

#### **DISABILITY AND SENIOR CITIZEN ACCESS**

The Oakland Municipal ID will be made available to all residents with disabilities and to senior citizens.

#### **RECOMMENDATION AND RATIONALE**

We recommend passage of this Ordinance, as it would provide an additional tool to encourage all Oaklanders to access City services, participate in local commerce, and to cooperate with law enforcement. We recommend that the City Administrator identify a staff liaison to work on the development of implementation options to be presented to the City Council for the Oakland Municipal ID Program. These actions would be incorporated into current staffing responsibilities.

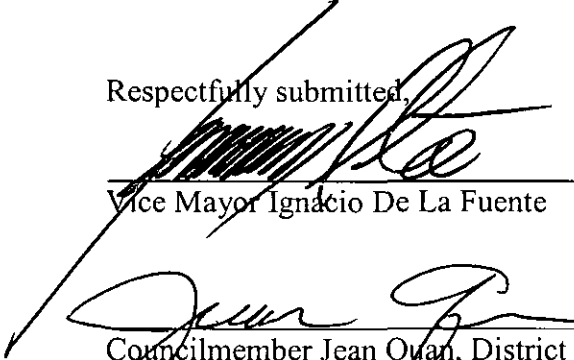
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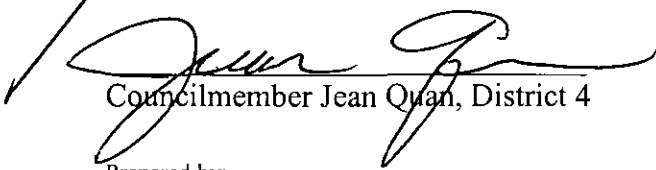
**ACTION REQUESTED OF THE CITY COUNCIL**

We request that the Council accept the proposed ordinance, and direct the City Administrator to return with an implementation plan that includes detailed information on potential courses of action for implementation of the Municipal ID program. All options shall include detailed fiscal impact information, staffing needs (if any,) equipment needs, and a proposed course of action with proposed timelines for the roll out of the Municipal ID program. All options should, to the extent possible, be cost covering. Staff is directed to come back in 8 weeks with an implementation plan for the program.

Respectfully submitted,



Vice Mayor Ignacio De La Fuente



Councilmember Jean Quan, District 4

Prepared by:  
Claudia Burgos, Policy Analyst District 5 &  
Michael Johnson, Policy Analyst District 4

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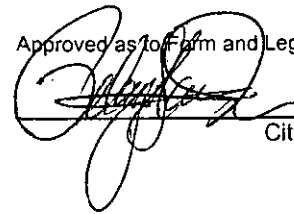
OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

INTRODUCED BY VICE-MAYOR IGNACIO DE LA FUENTE &  
COUNCILMEMBER JEAN QUAN

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Approved as to Form and Legality

  
City Attorney

**ORDINANCE AMENDING CHAPTER 2.34, TITLE 2, OF THE OAKLAND MUNICIPAL CODE AUTHORIZING A MUNICIPAL IDENTIFICATION CARD PROGRAM TO PROVIDE FOR THE ISSUANCE OF MUNICIPAL IDENTIFICATION CARDS TO RESIDENTS OF THE CITY OF OAKLAND FOR THE PURPOSES OF IMPROVING PUBLIC SAFETY, INCREASING CIVIC PARTICIPATION, AND SUPPORTING LOCAL COMMERCE**

**WHEREAS**, many Oakland residents—including but not limited to immigrants, children and students, the homeless, transgender, the indigent, the disabled and elderly, runaway youth and adult survivors of domestic violence, and others—currently suffer from the lack of official identification, which restricts their access to law enforcement, financial institutions, jobs, housing, and home and workplace protections; and

**WHEREAS**, many marginalized communities lack a valid form of identification and without identification are afraid to report crimes to the police; and

**WHEREAS**, those who lack a valid form of identification are also often afraid to report labor and housing violations—such as blighted properties, slum landlords, and workplace health, safety, and wage violations—to the appropriate authorities; and

**WHEREAS**, without appropriate identification, it is difficult to open bank accounts, and immigrants carrying large amounts of cash are therefore specifically targeted for robbery and other violent crimes; and

**WHEREAS**, lack of a valid form of identification translates into limited access to financial institutions and fear of police and other city officials, thus resulting in decreased participation in the formal city economy and other civic matters; and

**WHEREAS**, an Oakland Municipal ID Card will make it easier for all residents to participate in local and regional commerce—by opening a bank account, establishing credit, and accessing loans and the housing market; and

**WHEREAS**, the Oakland Municipal ID Card will fill a void by providing an official form of personal identification for the many Oakland residents who currently lack one; and

**WHEREAS**, the Municipal ID card will unify the Oakland community, make it safer and more secure, benefit the local economy, and facilitate participation in public and private City activities; and

**WHEREAS**, the Cities of New Haven, Connecticut and San Francisco, California have implemented such municipal ID programs and have reported an increase in reporting of crimes in those cities; and

**WHEREAS**, the Oakland Municipal ID Card will be unique to the City of Oakland and will be produced with the highest privacy and security measures built in to protect the public safety and against counterfeit reproduction; and

**WHEREAS**, the City wishes to take appropriate measures—including but not limited to implementing meaningful benefits and uses for the Oakland Municipal ID Card and developing substantial partnerships for its dissemination—to ensure that the card is widely used and thereby of the greatest benefit to its residents and the aforementioned marginalized populations; and

**WHEREAS**, the City wishes to create a reliable form of identification for all of its residents; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

**Section 2** That the following provisions are hereby added to Chapter 2.34 of Title 2 -- Administration and Personnel, of the Oakland Municipal Code, to read as follows:

**2.34.020. Municipal Identification Cards - Definitions**

For purposes of Sections 2.34.020 through 2.34.090, the following definitions shall apply.

**"City"** shall mean the City of Oakland, or any department, board, commission or agency thereof.

**"Municipal Identification Card"** shall mean an identification card issued by the City of Oakland that shall display, including but not limited to, the cardholder's name, photograph, address, date of birth, and an expiration date.

**"Program Administrator"** shall mean the City Clerk or such other City Department or Agency that the City Administrator may designate.

"**Resident**" shall mean a person who can demonstrate that he or she has been present in the City of Oakland for at least fifteen continuous days and who presents "proof of residency" as specified in Section 2.34.040(A)(2).

**2.34.030 Issuance and Purpose of Municipal Identification Cards**

A. Upon request, the Program Administrator shall issue a Municipal Identification Card to any Resident who meets the application requirements set forth below in Section 2.34.040 and pays the applicable fee. The Card shall bear the seal of the City, and the Program Administrator shall cause the Card to be produced in a form intended to thwart replication or counterfeiting. Cards shall be valid for a maximum of two years from the date of issuance as long as residence in the City is maintained during that time. Card holders shall surrender their Municipal Identification Card upon moving residence out of the City of Oakland.

B. It is the City's intent that Municipal Identification Cards will provide residents with a means of proving their residency in the City of Oakland, for the purpose of accessing City programs, services and activities, and providing identification to law enforcement.

**2.34.040 Applications**

A. To obtain a Municipal Identification Card, a Resident shall complete an application, under penalty of perjury, requiring proof of identity and proof of residence within the City. Upon receipt of both the proof of identity and residency that this Section specifies, and the applicable fee, the Program Administrator shall issue a Card to the applicant.

1. Proof of Identity. In order to establish identity, each applicant must present either:

a. One of the following documents containing both the applicant's photograph and date of birth: a U.S. or foreign passport; a U.S. driver's license; a U.S. state identification card; a U.S. Permanent Resident Card (commonly known as a "Green Card"); a consular identification ("CID") card; or a photo identification card issued by another country to its citizens or nationals that meets the requirements of Section 2.34.010(A). Notwithstanding the above, if the applicant is thirteen years of age or younger, he or she, as an alternative, may present a certified copy of a U.S. or foreign birth certificate to establish identity under this subsection; or

b. Two of the following documents, provided that at least one form of identification shall display the applicant's photograph and date of birth: a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military

identification card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an identification card issued by a California educational institution, including elementary, middle, secondary, and post-secondary schools; a certified copy of a U.S. or foreign birth certificate; a court order issued by a state or federal court to verify a person's identity; or a Social Security card. Notwithstanding the above, where the applicant is aged thirteen or under, he or she may in the alternative present an official medical record and/or official school record to establish identity under this subsection, provided that at least one of the two forms of identification presented shall display the applicant's date of birth.

2. Proof of Residency.

a. In order to establish residency, each applicant must present one of the following items, provided that the item includes both the applicant's name and a residential address located within the City: a utility bill dated within the last thirty days; a written verification issued by a homeless shelter that receives City funding confirming at least fifteen days residency within the last thirty days; written verification issued by a hospital health clinic, or social services agency that receives City funding, confirming at least fifteen days residency within the last thirty days; a local property tax statement or mortgage payment receipt dated within the last thirty days; a bank account statement dated within the last thirty days; proof of a minor currently enrolled in a City school; an employment pay stub dated within the last thirty days; a written ruling, order or notice from the Oakland Rent Adjustment Board dated within the last thirty days; a jury summons or court order issued by a state or federal court dated within the last thirty days; a federal or state income tax or refund statement dated within the last thirty days; or an insurance bill (homeowner's, renter's, health, life or automobile insurance) dated within the last thirty days. If a certified copy of a marriage certificate is presented at the time of application, an applicant may prove residency using documents bearing the name of his or her spouse.

b. The Program Administrator may by regulation provide that if an applicant is thirteen years of age or younger, cannot produce any of the items set forth in this Subsection (A)(2) to prove residency, a parent or legal guardian may verify the applicant's residency, provided that the parent or guardian himself or herself would be eligible for a Municipal Identification Card.

3. The Program Administrator may by regulation provide for acceptance of additional forms of proof of identity and/or proof of residency, provided that the Program Administrator determines that such forms of proof are:
  - a. issued by a governmental entity, or
  - b. issued by an entity that takes reasonable steps to verify the identity and/or residency of the individual to whom the item is issued, or
  - c. of a type that is normally accepted as proof of identity and/or proof of residency in the ordinary course of business.
- B. An application submitted on behalf of a minor must be completed by such minor's parent or legal guardian.
- C. The City shall keep confidential to the maximum extent permitted by applicable laws, the name and other identifying information of persons applying for and receiving Municipal Identification Cards. The City shall cause the applications to be produced in a form that allows applicants to state their privacy preferences. The City shall not retain records of applicants' residential addresses.

**2.34.050 Implementation**

The Program Administrator is authorized to adopt rules and regulations not inconsistent with this Section, subject to approval as to form and legality by the City Attorney, in order to implement and administer the issuance of Municipal Identification Cards. The City shall require applicants to declare the information provided in their applications under penalty of perjury.

**2.34.060 Fees**

The City shall charge a fee for each application submitted.. Such fees shall not exceed the administrative costs reasonably associated with the production of the Cards. The Program Administrator shall, by regulation, provide for reduced application fees, up to and including complete waiver of the fee, for low-income applicants who present proof of income status in a form to be determined by the Program Administrator. The Fee will be set and published in the Master Fee Schedule.

**2.34.070 Acceptance by City Departments**

A. When requiring members of the public to provide identification or proof of residency in the City, each City department shall accept a *Municipal Identification Card* as valid identification and as valid proof of residency in the City, unless such City department has reasonable grounds for determining that the card is counterfeit, altered, or improperly issued to the card holder, or that the individual presenting the card is not the individual to whom it was issued.

B. Other than requiring the City to accept the Card as proof of identification and City residency, this Section is not intended to replace any other existing requirements for issuance of other forms of *identification in connection with the administration of City benefits and services*. The requirements of this Section do not apply under circumstances where (1) a Federal or State statute, administrative regulation or directive, or court decision requires the City to obtain different identification or proof of residence, (2) a Federal or State statute or administrative regulation or directive preempts local regulation of identification or residency requirements, or (3) the City would be unable to comply with a condition imposed by a funding source, which would cause the City to lose funds from that source.

**2.34.080 City Undertaking Limited to Promotion of General Welfare**

In undertaking the adoption and enforcement of this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

**2.34.090 Counterfeit and Fraudulent Cards**

It is a misdemeanor violation of this Code, as specified in Chapter 1.28, for any person or entity to do any of the following acts:

- A. To knowingly present false information to the City in the course of applying for a Municipal Identification Card.
- B. To alter, copy, or replicate a Municipal Identification Card without the authority of the City.
- C. To Use the Municipal Identification Card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued.

**Section 3. Non-Severability**

The City Council intends that all the provisions of this ordinance function as an interdependent whole. If a court of competent jurisdiction rules that the City may not implement or enforce any provision of this ordinance, then all City officers and employees shall henceforth cease implementing and enforcing all provisions of this ordinance.

**Section 4.** This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes on final adoption as provided by Section 216 of the City Charter; otherwise it shall become effective upon the seventh day after final adoption

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 200\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,  
AND PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_



**ORDINANCE AMENDING CHAPTER 2.34.020, TITLE 2, OF THE  
OAKLAND MUNICIPAL CODE AUTHORIZING A MUNICIPAL  
IDENTIFICATION CARD PROGRAM TO PROVIDE FOR THE  
ISSUANCE OF MUNICIPAL IDENTIFICATION CARDS TO RESIDENTS  
OF THE CITY OF OAKLAND FOR THE PURPOSES OF IMPROVING  
PUBLIC SAFETY, INCREASING CIVIC PARTICIPATION, AND  
SUPPORTING LOCAL COMMERCE**

**NOTICE AND DIGEST**

This Ordinance amends Oakland Municipal Code Chapter 2.34, Title 2, and establishes a Municipal Identification Card, issued by the City of Oakland to City residents