

To: Oakland City Council
Finance and Management Committee

From: Office of the City Attorney

Date: May 12, 2009

Re: A Resolution Enacting a Policy for the Receipt and Distribution of Passes and Tickets by City of Oakland Officials and Repealing Resolution Number 75052 C.M.S., Adopted June 15, 1999

SUMMARY

On February 7, 2009, new Fair Political Practices Commission (FPPC) Regulation 18944.1 regarding event tickets and passes received by public officials became effective. On March 9, 2009, this Office distributed the attached memorandum to the City Council regarding the implications of the new rule (See Attachment 1).

Before the issuance of the new regulations, applicable law provided, subject to a number of exceptions, that event tickets or passes that public officials received were "gifts;" that public officials were required to disclose information regarding gifts and that gifts could not exceed a specified annual gift limit.. One of the exceptions to the gift rules was for tickets that the City gave to a public official. The new regulation, FPPC Regulation 18944.1, maintains this exception, but only if the public official's use of the ticket furthers a specific "governmental or public purpose." The FPPC also requires that the City Council revise its current ticket policy to include a definition of the "governmental or public purposes." A new FPPC Form 802 will disclose to the public the distribution of tickets and passes to public officials, and must be posted on the City's website.

The attached resolution repeals the City's current Ticket Policy which was adopted in 1999 and enacts a new ticket policy that is consistent with the new FPPC Regulation.

FISCAL IMPACT

Responsibility for the administration of the new ticket policy is vested with the Executive Assistant to the City Council, who distributes all tickets and passes to City officials. The new policy will require that officials who receive the tickets (or who request that they be donated to a third party) complete the new FPPC Form 802 and post it on the City's website. The proposed new ticket policy is compatible with ongoing responsibilities of the Executive Assistant to the City Council and the City staff who will design, manage and complete the forms.

BACKGROUND

Oakland officials receive tickets and passes from a wide variety of venues, including the Oakland Coliseum, the Oakland Arena, the Paramount Theater, and the Fox Theater, among others. For the 2009 and 2010 calendar years, the annual gift limit is \$420 from a single source.

A ticket or pass that qualifies as a “gift” received by a City official must be disclosed on FPPC Form 700 (the Annual Statement of Economic Interests filed by each official every April). FPPC Regulation 18944.1 now requires that the City’s distribution of all tickets and passes to city officials have a governmental or public purpose, and that the distribution of those tickets and passes be posted on a new FPPC form (Form 802) and on the City’s website. If the distribution of the ticket or pass does not have a governmental or public purpose, it will be considered a “gift” to the official and it will be subject to the \$420 annual gift limit.

The FPPC also requires that the City Council revise its 1999 ticket policy to describe the “public purposes” for which tickets and passes may be distributed, among other changes.

KEY ISSUES AND IMPACTS

A. Coliseum Tickets

The vast majority of tickets distributed to Oakland officials are for events at the Oakland Coliseum, and these tickets are provided to the City pursuant to a contract between the City and the Coliseum operator. Under the new FPPC regulation, if a ticket or pass is provided to the City pursuant to the terms of a contract for use of public property, then the ticket is not considered a gift if the distribution is made pursuant to the City Council’s revised ticket policy. As is the case for all tickets distributed according to the new policy (see below), the use of the ticket must have a public purpose, and the distribution information must be posted on FPPC Form 802 on the City’s website within 30 days of the distribution.

B. Changes to the City’s Ticket Distribution Policy

The FPPC requires that the City Council amend its existing ticket policy to state the public purposes to be accomplished by the distribution of tickets . According to the new regulation, the new policy must contain the following:

- (1) A provision setting forth the “public purposes” of the City that will be accomplished by the distribution of passes or tickets;
- (2) A provision requiring that the distribution of any ticket or pass by the City to, or at the behest of, a City official accomplish a public purpose of the City; and

- (3) A provision prohibiting the transfer by any City official of any ticket or pass, distributed to such official pursuant to the City policy, to any person, other than members of the official's immediate family solely for their personal use.

This new ticket policy includes the required language; the ticket policy is attached to the Council Resolution that will be considered by the Committee and Council. The "public purposes" listed in the new ticket policy include:

- Oversight of facilities or events that have received City funding or support;
- Oversight of facilities or events that may require City funding or support in the near future;
- Reviewing a facility's contribution to blight abatement within a Redevelopment Area;
- Reviewing the ability of a facility, its operator, or a local sports team to attract business and contribute to the local economy;
- Reviewing the ability of a facility or its operator to participate in the City's job creation goals or job training programs;
- Reviewing the contribution of a facility or an event to the City's goals for fostering arts and cultural opportunities for City residents;
- Rewarding a City of Oakland employee for his/her exemplary service to the City;
- Rewarding a community activist for his or her service to the City of Oakland;
- Rewarding a school or nonprofit organization for its contributions to the community; and
- Rewarding an Oakland student for outstanding scholastic achievement.

The new policy must also require that the City post the ticket distribution information on a new form (FPPC Form 802) on its website within 30 days after the distribution takes place. The completed form must include: the name of the person who received the ticket or pass; a description of the event; the date of the event; the face value of the ticket or pass; the number of tickets or passes provided to each person; a description of the public purpose for which the distribution was made. If the ticket is distributed to a third party, the form must also disclose the name of the official who requested that the ticket or pass be distributed to the third party.

C. Transferring or Directing Tickets or Passes to a Third Party

The new regulation restricts the ability of a City official to directly transfer event tickets to a nonprofit or other third party. A City official may directly transfer a ticket or pass only to an immediate family member for his or her personal use, and to no other person. If more than one ticket is distributed to the official, the official may use the extra ticket(s) to bring a guest (or guests) to the ticketed event, if the official is also in attendance.

However, a City official may request that a ticket be distributed by the City, to a staff member or any third party, including a nonprofit organization, so long as such distribution accomplishes one of the public purposes listed above. Such distribution must be made in accordance with the City's revised ticket policy, and posted on FPPC Form 802 on the City's website.

D. New Procedures for Distributing Tickets and Passes

To comply with the new FPPC rules, staff has devised the following new procedures for the City's distribution of tickets and passes.

- (1) When the City distributes the ticket or pass to a public official (not a City staff person or other third party):
 - (a) Upon distribution of the ticket or pass, the public official who receives the ticket or pass ("Recipient Official") will sign for the ticket or pass and acknowledge that the ticket is for his or her use, or for his or her spouse or immediate family.
 - (b) Within twenty-five (25) calendar days of receiving the ticket or pass, the Recipient Official will complete the City's online form that is modeled after to FPPC Form 802, which may be found at: <http://www.oaklandnet.com>.
 - (c) Upon completing the online form, the Recipient Official will submit it to the Executive Assistant to the City Council ("Distributing Official") for his/her approval.
 - (d) Within five (5) days of receiving the completed online form, the Distributing Official will approve the completed form and post it to the City's website.

- (2) When the ticket or pass is distributed to a City staff person or other third party on behalf of a City official:
 - (a) The City official requesting the distribution ("Requesting Official") will make a written (or emailed) request that the Distributing Official distribute the ticket to a specific third party.
 - (b) The recipient will collect the ticket or pass from the Distributing Official, and will sign for the ticket or pass.
 - (c) Within twenty-five (25) calendar days of making the written request for the distribution of a ticket or pass to a third party, the Requesting Official will complete the City's online form that is modeled after FPPC Form 802.
 - (d) Upon completing the online form, the Recipient Official will submit it to the Executive Assistant to the City Council ("Distributing Official") for his/her approval.
 - (e) Within five (5) days of receiving the completed online form, the Distributing Official will approve the completed form and post it to the City's website.

The new online form has been designed to minimize the amount of time it will take for City officials (or their staff) to complete it. Several categories have been pre-populated, and drop-down menus are available when possible. For example, when an individual selects the public purpose to be accomplished by a ticket distribution, a drop-down menu will appear, including only those purposes listed in the attached ticket policy.

E. New Rules: When a Ticket or Pass Is Not Considered a Gift

When a ticket is not considered a gift, the official in question does not need to report the ticket on the official's annual Form 700 Statement of Economic Interests, and the official is not limited to \$420 per source per year. Under the new rules, an event ticket would not be considered a gift to a City official under the following circumstances:

- **Ceremonial Role.** The ticket or pass will not be considered a gift if the City official is performing a ceremonial role or function at the ticketed event.

- **Ticket Provided Pursuant to a Contract.** As described in Section (A) above, if the ticket or pass is provided to the City pursuant to the terms of a contract for use of public property, then the ticket is not considered a gift if the distribution is made pursuant to the City Council's revised ticket policy, and the ticket information is posted on FPPC Form 802 on the City's website. The General Counsel of the Oakland-Alameda County Coliseum Authority informs us that all Coliseum tickets provided to the City are distributed pursuant to a contract.

- **Tickets Distributed as a Part of City Official's Compensation (Income).** The ticket will not be considered a gift if the ticket or pass is distributed as compensation (income) from the City to the City official, and the City official treats the ticket or pass as income consistent with state and federal income tax laws. The City must post the distribution information on FPPC Form 802 on its website within 30 days after it takes place.

- **Tickets to Events "Controlled" by the City.** If the City "controls" the ticketed event, then the ticket will not be considered a gift if the distribution is made pursuant to the City Council's to be revised ticket policy, and the information is posted on FPPC Form 802 on its website within 30 days after the distribution. The FPPC does not define the term "control," though it provides the example of a state or county fair as an event that would be controlled by a public agency.

- **Ticket Is Purchased by the City.** If the City purchases the ticket at fair market value before distributing it to a City official, then it is not subject to the gift rules, so long as the distribution is made pursuant to the Council's revised ticket policy, and the distribution information is posted on FPPC Form 802 on the City's website within 30 days after the distribution.

- **Other Circumstances.** If the ticket distribution does not fall within any of the circumstances described above, the ticket or pass nevertheless would not be considered a gift if all of the following conditions apply:

- (1) The ticket was given to the City, and not earmarked by the donor agency for the recipient City official;
- (2) The City determines "in its sole discretion" which official may use the ticket;
- (3) The distribution of tickets is made in accordance with the City's revised ticket policy; and

- (4) The distribution of tickets is posted on FPPC Form 802 on the City's website within 30 days after the distribution.

FPPC staff advises us that the regulation does not specify who would constitute the City of Oakland for the purposes of determining who tickets should go to. Since the Executive Assistant to the City Council is the main point of contact for the distribution of tickets and passes, she will act as the "City" for these purposes.

SUSTAINABLE OPPORTUNITIES

The new ticket policy, if approved, will not create any new sustainable opportunities. However, City staff has converted the new FPPC Form 802 to an electronic format, permitting officials who receive tickets and passes to post the form onto the City's website without completing the form on paper. Records will be created and stored in electronic format only; this will help avoid creating a new time-consuming and wasteful paper-based practice.

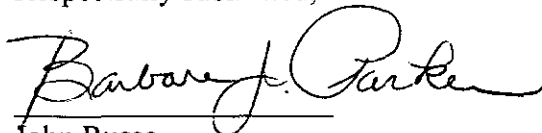
DISABILITY AND SENIOR CITIZEN ACCESS

Not applicable.

RECOMMENDATION AND ACTION REQUESTED

The Office of the City Attorney recommends that the City Council adopt the attached resolution adopting a new Policy for the Receipt and Distribution of Passes and Tickets that is consistent with the new FPPC Regulation, and repealing the 1999 Ticket Policy.

Respectfully submitted,



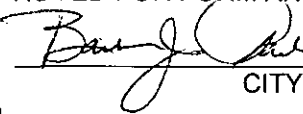
John Russo
City Attorney

Attorney Assigned:
Alix Rosenthal

FILED
OFFICE OF THE CITY CLERK
OAKLAND

09 APR 30 4:54 PM

APPROVED FOR FORM AND LEGALITY


CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION ENACTING A POLICY FOR THE RECEIPT AND DISTRIBUTION OF PASSES AND TICKETS BY CITY OF OAKLAND OFFICIALS AND REPEALING RESOLUTION NUMBER 75052 C.M.S., ADOPTED JUNE 15, 1999

WHEREAS, Resolution number 75052 C.M.S. was adopted June 15, 1999, enacting a policy to enable City of Oakland officials to receive certain passes and tickets without these passes and tickets being considered gifts pursuant to the Political Reform Act; and

WHEREAS, the Fair Political Practices Commission amended their regulation upon which the City's existing pass and ticket policy is based; and

WHEREAS, Resolution number 75052 C.M.S. should be repealed to provide for the adoption by new resolution of a revised policy for the receipt and distribution of passes and tickets by public officials that reflects the new regulation; now, therefore be it

RESOLVED: The Council of the City of Oakland hereby repeals Resolution number 75052 C.M.S., and enacts the policy attached hereto as "Attachment A" for the distribution and receipt of passes and tickets pursuant to state law (Gov. Code, 89503 and Cal. Code of Reg., Tit. 2, Div. 6 §§ 18940.2 and 18944.1); and be it

FURTHER RESOLVED: That the Policy attached hereto as Attachment A, hereby is incorporated by reference in its entirety in this Resolution as if fully set forth herein.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

AND PRESIDENT BRUNNER

NOES -

ABSENT-

ABSTENTION-

ATTEST:

ATTACHMENT A

CITY OF OAKLAND POLICY FOR RECEIPT AND DISTRIBUTION
OF PASSES AND TICKETS

I. INTRODUCTION

The purpose of this policy is to describe the “governmental purpose” to be achieved by way of the distribution of tickets or passes to City officials, and to provide the procedures for distribution of tickets to and from the City and its officials, by which those tickets or passes will not be considered gifts under the Political Reform Act.

A. Certain Passes or Tickets Not Gifts

The Fair Political Practices Commission in interpreting the Political Reform Act has established that, “‘ticket or pass’ means admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose,” and that such a ticket or pass that is provided to an agency official **is not a gift to the official whenever** they are received or distributed in compliance with Regulation 18944.1 of the Fair Political Practices Commission, Title 2, Division 6, of the California Code of Regulations.

Passes or tickets received by the City of Oakland (“City”) or City officials may be used under conditions set forth in this policy to comply with Fair Political Practices Commission Regulation 18944.1. All City agencies, offices, departments, boards and commissions affected should appoint an individual responsible for records management and for receipt and distribution of tickets or passes in order to meet the standards of this Fair Political Practices Commission regulation.

B. Political Reform Act Gift Definition

The Political Reform Act defines a gift, with certain enumerated exceptions as:

“any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.” (Gov. Code § 82028 subd. (a).)

The enumerated exceptions to the gift definition of Government Code section 82028, subdivision (a) are found in subdivision (b) and include:

- “(1) Informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed “informational material.”
- (2) Gifts which are not used and which, within 30 days after receipt, are either returned to the donor or delivered to a nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution for tax purposes.

(3) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph.

(4) Campaign contributions required to be reported under Chapter 4 of this title.

(5) Any devise or inheritance.

(6) Personalized plaques and trophies with an individual value of less than two hundred fifty dollars (\$250).”

C. Political Reform Act Gift Ceiling

The Political Reform Act places a ceiling on the value of gifts that may be received by certain local officials, including: the Mayor, City Council members, the City Attorney, and the City Auditor, and candidates for those offices; City Manager, City Treasurer, employees who manage public investments and the Planning Commission. All employees, consultants and members of boards or commissions included in the City’s Conflict of Interest Code are subject to the gift ceiling as well.

The cumulative gift ceiling per single source is four hundred twenty dollars (\$420) each calendar year for the period January 1, 2009, through December 31, 2010. The Fair Political Practices Commission effective may adjust the gift ceiling effective January 1, 2011, and annually after that.

II. EXEMPTIONS

According to the California Code of Regulations, Title 2, Division 6, Section 18944.1, tickets that are distributed under the following circumstances will not be classified as gifts:

A. Ticket or pass provided by source other than official's agency - Section 18944.1 (a)

Where a ticket or pass is provided **directly to the official by a third party**, it will not be considered a gift where the ticket or pass is provided for the official’s admission to an event at which the official performs a ceremonial role or function on behalf of the agency. In this case, the distribution of the ticket or pass is **not required** to be posted on FPPC Form 802 (See Attachment 1) on the agency's website.

B. Ticket or pass provided to official by official's agency - Section 18944.1 (b)

A ticket or pass will not be considered a gift to the official when it is provided to the official **from the City of Oakland** (i.e., not from a third party) under the following circumstances:

- (1) Where the official treats the ticket or pass as income consistent with applicable state and federal income tax laws, and the agency reports the distribution of the ticket or pass as income to the official;
- (2) Where the City obtained the ticket or pass pursuant to the terms of a contract for use of public property (such as the Oakland Coliseum);
- (3) Where the City controls the event;
- (4) Where the City purchased the ticket or pass at fair market value;
- (5) Where the City receives the ticket or pass from a third party, and the ticket or pass is not earmarked by the third party for use by a particular official, and the City determines, in its sole discretion¹, which official may use the ticket or pass.

¹ The “City” for this purpose includes the Mayor, The City Administrator, or the Council President.

In all five cases above, the distribution of the ticket or pass must be made in furtherance of a “governmental purpose” listed in Section III herein, and the City must post the ticket distribution information on an FPPC Form 802 (see Attachment 1) in a prominent fashion on the agency’s website, within 30 days after the distribution. See Section V herein for the procedures to be followed.

III. “GOVERNMENTAL PURPOSE”

In accordance with FPPC Regulation 18944.1, the distribution of any ticket or pass by the City to one of its officials, or distributed to a third party at the request of one of its officials, must accomplish a “governmental purpose” of that agency. The “governmental purposes” of the City to be accomplished by the distribution of tickets or passes include:

- Oversight of facilities or events that have received City funding or support;
- Oversight of facilities or events that may require City funding or support in the near future;
- Reviewing a facility’s contribution to blight abatement within a Redevelopment Area;
- Reviewing the ability of a facility, its operator, or a local sports team to attract business and contribute to the local economy;
- Reviewing the ability of a facility or its operator to participate in the City’s job creation goals or job training programs;
- Reviewing the contribution of a facility or an event to the City’s goals for fostering arts and culture opportunities for City residents;
- Rewarding a City of Oakland employee for his/her exemplary service to the City;
- Rewarding a community activist for his or her service to the City of Oakland;
- Rewarding a school or nonprofit organization for its contributions to the community; and
- Rewarding an Oakland student for outstanding scholastic achievement.

IV. PROHIBITED TRANSFERS

Once a ticket has been distributed by the City to one of its officials in accordance with FPPC Regulation 18944.1, that official may not transfer that ticket to any other person other than members of the official’s immediate family solely for their personal use. If more than one ticket is distributed to the official, the official may use the extra ticket(s) to bring a guest (or guests) to the ticketed event, if the official is also in attendance. Please see Section V(B) below for the procedures by which the City may transfer a ticket to a third party at the request of a City official.

V. PROCEDURES AND GUIDELINES

A. When the City Distributes Tickets to a City Official.

The following procedures will be followed when the City distributes a ticket or pass to a City official:

- (1) Upon distribution of the ticket or pass on behalf of the City, the public official who receives the ticket or pass (“Recipient Official”) will sign for the ticket or pass and acknowledge that the ticket is for use by herself or himself, his or her spouse or immediate family.
- (2) Within twenty-five (25) calendar days of receiving the ticket or pass, the Recipient Official will complete the City’s online form that is similar to FPPC Form 802, which may be found at: <http://www.oaklandnet.com>. The completed online form will include all of the following information:
 - (a) the name of the official receiving the ticket or pass;
 - (b) a description of the event;

- (c) the date of the event;
 - (d) the face value of the ticket or pass;
 - (e) the number of tickets or passes provided to each person;
 - (f) a description of the public purpose under which the distribution was made, in accordance with Section III herein, or, alternatively, that the ticket or pass was distributed as income to the official.
- (3) Upon completing the online form, the Recipient Official will submit it to the Executive Assistant to the City Council (“Distributing Official”) for his/her approval.
 - (4) Within five (5) days of receiving the completed online form, the Distributing Official will approve the completed form and post it in a prominent fashion on the City’s website.

B. Distributing Tickets to a Third Party on Behalf of a City Official.

No City official may transfer a ticket or pass distributed to such official pursuant to this policy, to any other person, except to members of the official's immediate family solely for their personal use. However, a ticket or pass may be distributed to any person or organization by the City at the request of a City or Agency official if the distribution of the ticket or pass accomplishes one of the public purposes listed in Section III herein and where the following procedures are followed:

- (1) The City official requesting the distribution (“Requesting Official”) will make a written (or emailed) request that the Distributing Official distribute the ticket to a third party.
- (2) The recipient will collect the ticket or pass from the Distributing Official, and will sign for the ticket or pass.
- (3) Within twenty-five (25) calendar days of making the written request for the distribution of a ticket or pass to a third party, the Requesting Official will complete the City’s online form that is similar to FPPC Form 802, which may be found at: <http://www.oaklandnet.com>. The completed online form will include all of the following information:
 - (a) the name of the person to receive the ticket or pass, except that if the ticket or pass is distributed to an organization, the requesting official will provide the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization;
 - (b) a description of the event;
 - (c) the date of the event;
 - (d) the face value of the ticket or pass;
 - (e) the number of tickets or passes provided to each person;
 - (f) the name of the official who requested that the ticket or pass be distributed to the third party; and
 - (g) a description of the specific public purpose under which the distribution was made, in accordance with Section III herein.
- (4) Upon completing the online form, the Recipient Official will submit it to the Executive Assistant to the City Council (“Distributing Official”) for his/her approval.
- (5) Within five (5) days of receiving the completed online form, the Distributing Official will approve the completed form and post it in a prominent fashion on the City’s website.

V. TICKETS AND PASSES THAT DO NOT MEET THE STANDARDS OF SECTION 18944.1

A gift of a tickets or pass which does not meet the standards of section 18944.1 is subject to the disclosure, reporting and disqualification requirements of the Political Reform Act. Such gifts must be declared by a City Official on his or her Annual Statement of Economic Interests. The Political Reform Act limits gifts to elected local officials to a cumulative amount of \$420 from each donor per calendar year. Since 1993, the Fair Political Practices Commission adjusts the gift limitation on January 1, of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the next nearest ten dollars (\$10). (Gov. Code § 89503.) The Fair Political Practices Commission has adjusted the **annual gift limitation amount to \$420** for the period **January 1, 2009, to December 31, 2010**. (Cal. Code of Reg. Tit 2, Div. 6, §18940.2.)

VI. CAVEAT

These policies and guidelines are not a substitute for legal advice. Only the Fair Political Practices Commission can provide immunity from prosecution for the legal advice that it offers. Please consult the City Attorney's Office if you have questions about reporting, disclosure and disqualification requirements regarding tickets and passes and the City Attorney and his staff can provide advice and assist you in obtaining advice from the Fair Political Practices Commission.

2009 APR 30 PM 3:30

CITY OF OAKLAND



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May 12, 2009

**CITY COUNCIL COMMITTEE ON PUBLIC WORKS
Oakland, California**

Chairperson and Members of the Committee:

Subject: **Scheduling of Committee Meetings**

In an effort to keep Committees informed of outstanding items to be reviewed, we will provide you with a list at each meeting. We would like your direction in scheduling these items, and any others you may know of, for Council Committee review.

Public Works Committee – 2nd and 4th Tuesday, 12:30-2:00 p.m.: Hearing Room 1
**Chair: Nadel; Committee Members: Brooks, Kaplan, Kernighan; Staff: William Uber,
Raul Godinez II**

May 26, 2009

1. Standing Item - Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package") (Rules Comte 04-02-09)
2. Informational Report For Performance Measures Of The Public Works Agency (09-0169 Rules Comte 03-10-09; PWC 04-07-09 Rescheduled item from 04-28-09)
3. Report From The Office Of The City Auditor On The Performance Audit Of The Public Works Agency (PWC 01-13-09, Item 2; 09-0230 Rules Comte 03-19-09; 04-23-09 Rules Comte Rescheduled From PWC 04-28-09)
4. Resolution From The Community And Economic Development Agency Accepting The Dedication Of A Public Sidewalk Easement Along Embarcadero Without Cost From The Port Of Oakland For A New Building At 65 Harrison Street Being Constructed By Jack London Square Investors II (09-0336 Rules Comte 04-23-09)

Item 2
Public Works Committee
05-12-09

5. Resolution From The Community And Economic Development Agency Authorizing The City Administrator, Or His Designee, To Award A Construction Contract To AJW Construction For The Citywide On-Call Curb Ramp Project (Project No. C316310) For The Amount Of \$510,125.00 (09-0337 Rules Comte 04-23-09)
6. Resolution From The Community And Economic Development Agency Authorizing Installation Of Class II Bicycle Lanes On MacArthur Boulevard By Reducing Travel Lanes From Three (3) Through Lanes To Two (2) Through Lanes Between Canon Avenue And Fruitvale Avenue And On East 33rd Street By Reducing Travel Lanes On This One-Way Street From Two (2) Through Lanes To One (1) Through Lane Between Beaumont Avenue And 14th Avenue (09-0338 Rules Comte 04-23-09)
7. Resolution From The Community And Economic Development Agency Authorizing The City Administrator, Or His Designee, To Award A Construction Contract To Rosas Brothers Construction For The Citywide Sidewalk Repairs Project (Project No. C317510) For The Amount Of \$1,376,667.00 (09-0339 Rules Comte 04-23-09)
8. Resolution From The Community And Economic Development Agency Authorizing The City Administrator, Or His Designee, To Apply For, Accept, And Appropriate \$2,000,000.00 In Grant Funding Form The State Resources Agency Under The California River Parkways Grant Program For The Lake Merritt Channel Improvements At 10th Street Project (09-0389 Rules Comte 04-30-09)

June 9, 2009

1. Standing Item - Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package") (Rules Comte 04-02-09)
2. Resolution From Council Member Larry Reid Renaming That Portion Of 105th Avenue Commencing East Of International Boulevard And Ending At The Street's Eastern Terminus As Bishop Walter Hawkins Way (09-0174 Rules Comte 03-05-09)
3. Ordinance From the Public Works Agency Amending Chapter 15.35 Of The Oakland Municipal Code (OMC), Green Building Requirements For City Building Projects, To Add Bay-Friendly Landscaping Guidelines For All City Of Oakland, Redevelopment Agency And Public/Private Partnership Capital Improvement Projects Which Include Landscaping (09-0352 Rules Comte 04-23-09)

June 23, 2009

No Items Scheduled

Pending/No Specific Date

1. Report And Recommendation From The Finance And Management Director On Recruiting, Hiring And Training West Oakland Residents As City Staff To Maintain The Mandela Parkway Landscaped Area (00-2144-2 PWC 09-13-05; PWC 10-11-05)
2. Informational Report From The Community And Economic Development Agency On Criteria For Selecting Locations For Traffic Signals (07-0591 Council 10-02-07)
3. Informational Report From The Public Works Agency On A Discussion To Develop New Criteria For Future Utility Undergrounding Projects And Projects On The List Whether Based

On Commercial Corridor, Safety, Escape Routes, Streetscapes, Etc., And A Way To Alternate Between The Two (07-1177-1 PWC 04-22-08, Item 3-2; 07-1177-2 PWC 01-13-09)

4. Report From The Department Of Contracting And Purchasing On Policy Regarding The SLBE Requirements For Non-Profit Organizations. (07-1395 From PWC 06-10-08, Item 9)
5. Follow-Up Report From The Public Works Agency On The Litter Enforcement Program (07-1549 PWC 07-22-08)
6. Follow Up Report From The Public Works Agency On The Mechanism To Assess An Administrative Penalty For Violators Of The Polystyrene Foam Food Service Ware Ordinance And A Review Of The Waste Water Stream Analysis (PWC 10-14-08, Item 3)
7. Follow Up Report From The Public Works Agency On The Contract Award For The Professional Services Agreement To Implement Energy Savings Measures At The City's Five Swimming Pools Project No. C256516 (07-1632 PWC 10-14-08, Item 4)
8. Action On An Informational Report From Council Member Nadel Analyzing How Oakland And The Oakland Community Would Reduce Oil Consumption By 3% Annually If The Oil Depletion Protocol Were To Be Adopted As Recommended By The Oil Independent Oakland By 2020 Task Force (07-1769 Rules Comte 10-16-08)
9. Resolution From The Department Of Contracting And Purchasing Amending: A) Resolution No. 69687 CMS, Passed February 2, 1993, Authorizing The Local Employment Program, And B) Resolution No. 74762 CMS, Passed January 29, 1999, Authorizing A Pilot Apprenticeship Program, Both Of Which Require Contractors To Hire Oakland Residents To Implement Program Revisions (07-1831, Item 10-1); And
Ordinance Amending Ordinance No. 12388 CMS, Adopted December 18, 2001, To Authorize Revision Of The Local Employment And Apprenticeship Programs By Resolution (07-1831-1, Item 10-2 Cont'd From PWC 01-13-09)

For Tracking Purposes

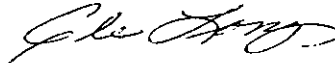
1. Report From The Community And Economic Development Agency On The Concentration Of Utility Boxes From Different Companies In A Single Location (06-1141 PWC 02-27-07)
2. Report From The Community And Economic Development Agency On The Explanation Of Low Number Of Bids Received And Suggestions For Developing Techniques To Administratively Improve Local Business Participation (From 07-0661 PWC 10-24-07, Item 7)
3. Resolution From The Community And Economic Development Agency Granting Kaiser Foundation Hospitals Revocable And Conditional Permits For A New Building At 3701 Broadway To Allow Direction Signs To Encroach On The Public Sidewalk Along Broadway Encroachment (07-0548 Rules Comte 09-20-07 – Item Withdrawn From 09-25-07 PWC; Rules Comte 11-01-07; 11-15-07)
4. Progress Report From The Community And Economic Development Agency On The East Oakland Sports Center Project (Cont'd From 07-1887, PWC 01-27-09, Item 5)
5. Discussion From The Community And Economic Development Agency On Transportation Demands Management Plan (PWC 01-27-09, Item 2)

6. Follow-up Report From The Community And Economic Development Agency On The Final Outcomes Of The Negotiations For The Peralta Hacienda Historical Park – Phase 3B Project (From 09-0273 PWC 04-29-09)
7. Follow-Up Report From The Public Works Agency On PG&E's Comprehensive Tree Pruning Program Wherever High Voltage Power Lines Are Located Above Street Trees (From 09-0155 PWC 04-29-09)

Annual Reports

1. **Annual** - Report From The Community And Economic Development Agency On The Sidewalk Repair Revolving Fund (From 07-1025 PWC 03-11-08, Item 6)
2. **Annual** - Report From The Public Works Agency Director On The Public Works Agency's Performance Measures
3. **Annual** - Progress Report From The Public Works Agency On Caltrans Maintenance Activities In The City Of Oakland (07-1830 PWC 12-16-08, Item 7)

Respectfully submitted,



For / Dan Lindheim
City Administrator