

# TOWNSEND

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## MEMO

**To:** Mayor Libby Schaaf  
Council President Lynette Gibson McElhaney and Members of the City Council

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

**Date:** December 8, 2016

**Subject:** Summary of 2016 State and Federal Legislative efforts and 2017 State and Federal Legislative Agenda

### SUMMARY

Townsend Public Affairs, Inc. (TPA) has prepared this report for the City of Oakland following the end of the 2016 legislative year. This report provides a summary of our efforts to date for the advocacy objectives of the City *which includes helping secure over \$17 million in state and federal funds, creating a new state funding stream, protecting over \$53 million in state funds, and the passage of the City's top state legislative priority into law.* Attached to this report is a matrix of the specific legislation the City has taken a position, the status of the legislation, and our efforts.

TPA has participated in meetings with City leadership and, based on those meetings, prepared a recommended 2017 State and Federal Legislative agenda for adoption. This includes the framework for legislative proposals for the 2017 legislative year, with both specific City-sponsored legislative proposals and legislative and funding priorities for monitoring, as well as recommended actions.

#### **Summary of 2016 State Legislative Highlights**

TPA worked with the elected City leadership and Administration to develop, advocate and secure several major City initiatives, through various means, including: legislation, grants, and working directly with our elected leaders in Sacramento. Please note the following state legislative efforts and highlights:

#### **Affordable Housing legislation**

One of TPA's top priorities was to identify, support and advance legislative proposals supporting and encouraging affordable and workforce housing.

- Assembly Bill 2031 (Bonta) *Affordable Housing Local Government Financing* signed into law. This was one of the top priorities of the City and was a specific City of Oakland sponsored piece of legislation. Working closely with Assembly Member Bonta and the Mayor with support directly from the City Council, this ground breaking legislation was signed by the Governor.

With the dissolution of redevelopment agencies, a new funding stream was needed to support and encourage the creation and construction of affordable housing. The direct outcome of AB 2031 is to provide the City of Oakland and other cities with the authority



to issue affordable housing bonds without the need for voter approval against the "net available revenue" which is referred to as "boomerang funds" distributed by the county auditor-controller to the City from the Redevelopment Property Tax Trust Fund (RPTTF).

#### Seismic Safety

- This was another top priority for the City in 2016. Working closely with Assembly Member Nazarian, Council Member Kalb, the Office of the Mayor, and the City of Los Angeles, we created the first ever seismic safety account in the State Budget to set aside \$10 million dollars for mom and pop property owners of multi-unit buildings to make much needed seismic upgrades and ensure the safety of these units.

With recent earthquakes in California and across the world, we are reminded that an earthquake can occur at any given moment and it was imperative that we ensure our structures are suitable to withstand a catastrophic earthquake. In addition, creating this seismic safety measure will improve California's resilience against earthquakes, saving the public money that would otherwise have been required for disaster relief, and protecting the old housing stock and the tenants that live there.

#### State Budget Funding for Public Safety Efforts

- Similar to two years ago when TPA was the lead in securing funding for the City in the State Budget, TPA worked with Assembly Member Thurmond and Assembly Member Bonta to secure over \$900,000 in general fund dollars for the Cease Fire Program and Grow Your Own police cadet program.

#### Preserving Affordable Housing funds at the Brooklyn Basin development

- Working closely with the Mayor with support from the Governor's Administration and our East Bay Delegation, the City was able to come to an agreement with the Department of Finance to overturn an administrative decision to ensure former RDA funds earmarked for the Brooklyn Basin affordable housing units remained intact. In question was over \$40 million in RPTTF funds and low/mod housing bond funds. After multiple meetings and a lot of discussion, the City and the Department of Finance came to an agreement to keep the funds whole thereby ensuring the affordable housing moves forward.

#### Affordable Housing legislation

- In addition to our work on AB 2031 (Bonta), TPA also identified and advanced multiple legislative proposals supporting and encouraging affordable and workforce housing. The Assembly submitted a package of bills to provide funding for the construction of affordable housing and, on behalf of the City of Oakland, we were actively involved in helping move these bills forward, specifically:
  - AB 2200 (Thurmond) Affordable Housing/teacher housing (did not advance to the Governor).
  - AB 2319 (Gordon) California Infrastructure and Economic Development Bank (did not advance to the Governor).
  - AB 2441 (Thurmond) Housing: Workforce Housing Pilot Program (did not advance to the Governor).
  - AB 2475 (Gordon) Loan Program: California Infrastructure and Economic Development Bank (did not advance to the Governor).
  - AB 2818 (Chiu) Property taxation: Community land trust (signed by the Governor).



- SB 1069 (Wieckowski) Land use: zoning (signed by the Governor).
- By Right Housing Proposal which did not advance.

Efforts to reduce the sexual exploitation of youths

- The City has long been a leader in efforts to reduce sexual exploitation of minors. Working with Council Member Noel Gallo and Assembly Member Rocky Chavez, we introduced legislation to give the City additional enforcement tools to continue its efforts to stop the sexual exploitation of children by allowing for the impoundment of vehicles on the first offense in known hotspot areas. Whereas this legislation did not make it to the Governor, TPA and the City supported legislation that was signed into law such as AB 1276 (Santiago) which allowed minors to testify outside of court against their perpetrators.

Medicinal Cannabis Statewide Regulations

- After years of attempts, the Legislature finally approved a package of bills to create a medicinal cannabis framework at the State level. However, additional elements needed to be addressed, such as the guidelines for cities when it comes to permitting manufacturing and extraction businesses. TPA once again served as an instrumental member of a statewide coalition that supported the views of both local government and the industry.

TPA actively drafted language and advocated with legislators and staff to ensure the 'clean up' regulations would be in the best interest of the City and its approved operators. We worked on AB 21 (Wood) which supported cultivation regulations and AB 2679 (Cooley) which supported the extraction regulations.

Reducing access to firearms and ammunition

- Similar to past year's efforts of requiring additional registration of firearms, the City continued these efforts to remove illegally purchased firearms off the streets of Oakland and the state and to push for greater restrictions on firearms and ammunition. TPA, on the City's behalf, worked on the bills listed below:
  - AB 1695 (Bonta) Firearms: false reports of stolen firearms (signed by the Governor).
  - AB 2459 (McCarty) Firearm dealers (did not advance to the Governor).
  - SB 869 (Hill) Firearms: securing handguns in vehicles (signed by the Governor).
  - SB 880 (Hall and Glazer) Firearms: Assault Weapons (signed by the Governor).
  - SB 1446 (Hancock) Firearms: magazine capacity (signed by the Governor).

Senate Bill 1062 (Lara) Bullhook

- This bill is modeled after the local ordinances in Oakland and Los Angeles. This bill prohibits the use of a bullhook or related device to discipline, manage or train an elephant. SB 1062 codifies industry standards for elephant management by prohibiting the use of bullhooks, bats, and pitchforks to discipline an elephant. TPA was one of the co-leaders on this effort, working closely with the Oakland Zoo and Humane Society to get this bill through the Legislature and to the Governor's desk and signed into law.

Senate Plan on Homelessness

- Since the beginning of the year, TPA informed the City of discussions the Senate democrats were having to put forward a budget proposal to address homeless issues impacting cities throughout the state. As the discussions went on, we briefed the City



on the main points, spoke with staff members in various capacities in the Capitol to explain the need of urban, dense cities and when the proposal was finalized express the City's support. As this was part of the budget process, TPA ensured the City's support was clear throughout the budget hearings and deliberations.

#### Transportation Funding

- TPA has been active on the City's behalf surrounding a possible transportation infrastructure funding package. Over the past year there were many different transportation proposals put forward during the legislative session, but none of them were able to garner the two-thirds support needed for passage. As we have been briefing the City, At the end of session, there was discussion about a possible lame duck session to deal with transportation. While there have not been any announcements of convening the special session, Assembly Member Frazier and Senator Beall have begun talking with their colleagues to see if there is support for passing a transportation funding proposal. A funding proposal would be somewhere in between what the Assembly Democrats are looking for (\$7.4 billion a year) and the Administration (\$3.6 billion). We have been working with the Mayor, her office, the Big 10 Mayors, trade groups and others to identify and secure the needed votes to move forward on a comprehensive transportation funding package

#### Sacramento Advocacy Trips

- TPA strategically planned and facilitated multiple Sacramento Advocacy trips for the Mayor, Council President, and Council Member Kalb. TPA constructed the various itineraries that included meetings with Governor Brown, Senator Hancock, Assembly Member Bonta, Assembly Member Thurmond, Senators and Assembly Members in the Legislative Black Caucus, and others on various topics ranging from public safety, affordable housing, and transportation funding. TPA also led the follow-up action items from the meetings.

#### Summary of 2016 Federal Highlights

TPA worked with elected City leadership and the Administration to develop, advocate and secure several major City initiatives through various means including: legislation, grants, and working with the City's federal representation in Congress and Congressional leadership. Please note the following federal legislative efforts and highlights:

#### Head Start Funding award

- This was a fantastic City TPA collaboration as we started early in the process and ramped up through the 14-month effort. Partnering with the Mayor, Vice Mayor, Director of Human Services, our federal and state delegation and others, we were successful in securing over \$16 million in federal funding to provide comprehensive and full day early childhood learning experiences to 1,038 children and families throughout Oakland. This funding will be used by the City to provide high quality services for low-income children ages zero to five.

The City TPA effort included, but was not limited to, arranging for the Mayor to meet directly with Head Start Director, Dr. Blanca Enriquez in Washington D.C., drafting a letter of support on behalf of the entire Oakland Congressional Delegation, securing support from the Governor, our State East Bay delegation and others, working closely with Senator Feinstein, Senator Boxer, and Congresswoman Lee to collaborate efforts



on the ground in Washington D.C., and other efforts.

### Affordable Housing

- TPA advocated for progress and passage of the Housing Accountability Act (S. 3219) with the bill sponsors and California's senators. This bill would improve the ability of Section 8 housing residents to lodge complaints with the U.S. Department of Housing and Urban Development (HUD) without fear of retaliation from housing management companies contracted to manage the affordable housing units. The bill had originally been introduced to respond to a specific problem in Florida, but TPA was able to highlight the positive effects the legislation would have in Oakland, thus laying the groundwork for broad support and increasing the bill's likelihood of passage. TPA also facilitated meetings on the Housing Accountability Act between the Council President and high-level staffers in four key senators' offices to express Oakland's support for the bill.

Additionally, TPA engaged in close communication with Senator Feinstein's staff to closely monitor and decipher a recent decision from HUD on affordable housing priorities for current and past residents. HUD rejected a plan in San Francisco to open a new complex of affordable housing and implement a priority system that favored those who had lived in the neighborhood previously, thus preventing a major shift toward gentrification. When HUD rejected the plan on the grounds that it violated the Fair Housing Act, TPA worked closely with the Council President's office and the California delegation to determine whether similar prioritization plans implemented in Oakland might also violate the Fair Housing Act, and whether the City of Oakland was therefore at risk of legal action.

Fortunately, TPA was able to determine that the City of Oakland's plan contained a key and essential difference, allowing it to avoid the same assessment by HUD. In maintaining consistent lines of communication with stakeholders, TPA was able to mitigate risk to the City of Oakland and its residents of affordable housing, while also ensuring that key figures in affordable housing discussions were aware of Oakland's important efforts in this arena.

### Analysis of Federal Legislation

- The federal legislative process differs significantly from the state, especially in terms of the lack of mandatory timelines for advancing legislation, meaning bills can be on hold longer or not move for long periods of time. Throughout the federal session, TPA sent the City briefings on many pieces of legislation such as H.R. 3384 and H.R. 396. H.R. 3384 is a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency. H.R. 3965 directs the Administrator of the Federal Aviation Administration to improve the process for establishing and revising flight paths and procedures, and other actions.

### Economic Development

- TPA facilitated a connection with the Economic Development Administration (EDA) to discuss how the City can develop the Black Arts Movement and Business District in a way that would allow the federal government to provide support to the community. A high-level official at the EDA detailed how arts districts and communities can use their unique and inherent strengths to connect and collaborate with private organizations, use



private investment, grow core community functions, and facilitate bold and innovative contributions, thereby qualifying neighborhoods for future EDA investment.

TPA also facilitated a connection between the Council President and a local Washington, D.C. business leader whose chain of restaurants involves a confluence between the food service industry, the artistic community, neighborhood spaces, and social justice and advocacy. This connection opened the doors for future collaboration between this business leader and the City of Oakland, as well as a continuing opportunity for collaboration between the two cities' business communities.

#### Federal Appropriations Overview

- TPA provided budget and appropriations analysis to prepare the City Council Finance and Management Committee for the forthcoming federal fiscal year. The memo detailed the full scope of the federal appropriations and budget process looking ahead from October 2016 through the end of Fiscal Year 2017, and included tables outlining possible allocations by subject area and a timeline of events relevant to the City's advocacy purposes. TPA also followed up with City staff to answer additional questions on the federal process. TPA will continue to update the Finance Committee and City staff as Congress determines how it will handle appropriations and budgeting once the new administration takes office.

#### Federal Funding for Seniors Employment Program

- Changes to Department of Labor's (DOL) Senior Community Service Employment Program (SCSEP) triggered a funding challenge for the City's ASSETS Senior Employment Opportunities Program, which has helped provide jobs to 2,092 seniors over the last decade. The new DOL eligibility requirements unfortunately led the City's longtime partner, Senior Service America Inc. (SSAI), to no longer seek to offer services in California. TPA engaged closely with DOL as well as with Congresswoman Barbara Lee and Senators Dianne Feinstein and Barbara Boxer. Congresswoman Lee subsequently wrote to Portia Wu, the Assistant Secretary of the Department of Labor, seeking assistance. TPA continues to work closely with Congresswoman Lee's office to seek alternatives that would allow for continued funding for the ASSETS program as a sub-grantee of another national non-profit organization awarded DOL SCSEP funding.

#### FEMA Fire Safety Grants

- TPA worked intensively with City staff, Congressional members and the Federal Emergency Management Agency (FEMA) to challenge the agency's decision to cancel previously awarded hazard mitigation. This included engaging Representative Barbara Lee, Senator Feinstein and Senator Boxer, who advocated on the City's behalf to urge FEMA to reconsider its position and numerous meetings and calls directly engaging the agency. TPA also provided city staff with research and analysis as well as numerous draft letters, talking points and summary materials in support of the effort. Unfortunately, FEMA was unable to proceed with the grant, but TPA will continue to work with the City to engage other FEMA grant recipients with complimentary hazardous fuel reduction projects likely to reduce the threat of wildfire in the area.

#### My Brother's Keeper (MBK)

- TPA has worked to support Oakland in the comprehensive MBK initiative, offering updates and potential opportunities stemming from the initiative. Since late September



2014, nearly 200 mayors, tribal leaders, and county executives across 43 states and the District of Columbia have accepted the MBK Community Challenge in partnership with more than 2,000 individual community-based allies. Oakland has accepted the challenge and is a part of these “MBK Communities” working with leading experts in youth and community development to design and implement cradle-to-college-and-career action plans. MBK communities commit to review local public policy, host action summits, and start implementing their locally tailored action plans to address opportunity gaps. MBK Communities are provided with technical assistance to develop, implement and track plans of action from both federal agencies and independent organizations with related expertise.

TPA has also facilitated discussions at the White House between Mayor Schaaf and MBK Initiative officials in the Obama Administration. Discussions focused on the City’s past and continued involvement in the program, highlighting Oakland as a key and significant part of MBK’s path forward after the change in administration.

#### Oakland Promise efforts

- TPA provided support for the kick off of the Oakland Promise. A sampling of our efforts included briefing the Governor’s office and then helping secure a welcome video for the event, briefing the Lieutenant Governor’s office on the initiative, helping to secure the attendance of some of the federal East Bay delegation, helping to secure the attendance of some of the state East Bay delegation, and other efforts.

Additionally, TPA identified federal funding sources for Oakland Promise through the U.S. Department of Education. These funding programs focus on innovation in education and align with Oakland Promise priorities, and in September, TPA facilitated a meeting between the Mayor and a Department of Education grant official to discuss these programs. TPA is continuing to monitor the funding cycle, expected to open in the spring of 2017, and is staying in close communication with the Department of Education to identify additional opportunities.

#### Payday Lending Restrictions

- In response to the Consumer Financial Protection Bureau’s (CFPB) proposed rulemaking establishing new requirements for payday, vehicle title and certain high-cost installment loans, TPA provided research and analysis to the Mayor’s office. While California law does provide some restrictions on payday lending, unfortunately predatory payday lenders have found ways to work around some restrictions, leading to an estimated \$750 million in payday and car title fees in the state each year. Improving upon existing state and federal regulatory framework, the new CFPB regulations offer a greater opportunity to ensure the approximately 26 branches operated by 17 payday lending institutions within the City, provide financial services that do not take advantage of vulnerable Oakland residents. TPA worked with House members engaged in the issue as well as community-based organizations, seeking to protect the public from predatory lending practices. TPA prepared written comments for the Mayor’s office to submit to the CFPB regarding the proposed rule, which is expected to be finalized later this year.

#### Preservation of Oakland History

- TPA worked with Council President McElhaney to research options for establishing a national historical monument to recognize and preserve buildings associated with the



Black Panther Party and Dr. Huey P. Newton. TPA has identified a recommended strategy for seeking state and federal protections for these historical sites which builds upon the City's existing process for granting historic designations through Landmarks Preservation Advisory Board. Additionally, TPA has identified grant funding assistance offered through the National Park Service aimed at preserving historic facilities, which the city may wish to consider pursuing to both protect Black Panther-related properties and bolster future applications designating them as federally-designated historic sites.

#### Refugee Assistance

- TPA researched and advised the Mayor's office on a request from the International Rescue Committee seeking the City's support for increased funding in FY 2017 appropriations for the Office of Refugee Resettlement (ORR). Current FY 2016 funding provided by the Department of Homeland Security through ORR to community-based organizations and local government to aid refugees to transition to their new homes is aimed at meeting the needs of an approximately 85,000 refugees. The federal government's plan for FY 2017 called for relocating an estimated 110,000 refugees, however Congressional appropriations proposals had failed to include the necessary increased funding to accommodate that number of TPA prepared letters to the House and Senate appropriators and other leadership urging them to consider increasing funding levels in the pending FY 2017 Omnibus Appropriations bill. At this point, on Omnibus Appropriations is off the table. Congressional leaders have announced that they will do another Continuing Resolution to fund the federal government possibly through March 2017.

#### Smithsonian National Museum of African American History and Culture Connection

- TPA obtained access to the Smithsonian National Museum of African American History and Culture on the week of its opening to allow Mayor Schaaf to meet and connect with significant historians, curators, and scholars of African American history and culture. In doing so, she underscored Oakland's longstanding place and active participation in the conversations of the national African American community and built relationships with historians, film makers and subject matter experts who study and document the historical and cultural experience of African Americans, highlighting both Oakland's storied past and its ongoing work to address disparities that still exist in our community..

#### Transportation

- TPA facilitated and organized the involvement of Mayor Schaaf in the U.S. Department of Transportation's National Summit on Transportation & Opportunity, held in September 2016. Mayor Schaaf attended the event and spoke on a panel, for which TPA drafted briefing and background materials.

TPA also drafted briefing materials and facilitated a meeting between Secretary of Transportation Anthony Foxx, Federal Highway Administrator Greg Nadeau, Deputy Federal Highway Administrator David Kim, Associate Federal Highway Administrator David Howard, and Mayor Schaaf to discuss the I-980 freeway project and the best way to repurpose or remove the freeway with the help and support of the federal government. Because of this in-person meeting, Secretary Foxx pledged to support Oakland's efforts by designating a regional staff member to serve as a resource for Oakland's efforts moving forward. TPA has been working with Department of Transportation staff to designate this person and develop next steps.





### Washington DC advocacy trips

- In conjunction with the U.S. Conference of Mayors and other city related trips, TPA strategically planned and facilitated Washington D.C. Advocacy trips for Mayor Schaaf and Council President McElhanney. TPA provided support by setting up comprehensive meetings, drafting background materials, driving follow up, and other matters. A sampling of some of the meetings included the Department of Education to discuss support for the Oakland Promise, the U.S. Department of Housing and Urban Development (HUD), specifically the Deputy Assistant Secretary for Economic Development who oversees the Promise Zones program, DOJ COPS Director Ron Davis to discuss the COPS Hiring program, Head Start Director Blanca Enriquez and former Head Start Director Ann Linehan to discuss the Head Start program, and staff in the White House to discuss the Smart Cities Initiative and the My Brother's Keeper program. In addition, TPA arranged for meetings between the City of Oakland and Oakland's Congressional delegation, made up of Senator Dianne Feinstein, Senator Barbara Boxer, and Congresswoman Barbara Lee. TPA also drafted thank you letters and drove follow-up action items from every meeting to keep the momentum moving. These trips had a direct correlation with future funding awards.

### City of Oakland Legislative Priorities for 2017

At the time that we are drafting this report, much of what we anticipated in 2017 has been called into question. The First 100-Day Plan of the President-elect's administration raises threats of funding cuts to cities across the nation, including Oakland. The actions of the new administration could likely cause the State of California and our cities to mobilize and respond in a variety of ways to protect our most vulnerable residents. Changes could impact existing and planned infrastructure projects, public safety grants, funding for housing and homelessness. This reports reflects the City of Oakland's legislative agenda for 2017, but it will be necessary to remain nimble and responsive as we move through the 2017 legislative year. We will be working closely with our legislative delegations at the federal and state levels, as well as with the Governor's Office, as we move forward.

In this report, TPA has included input from the Office of the Mayor, City Council, and City Administration. This report is compiled into three sections:

1. City Sponsored State Legislative Proposals;
2. Federal and State Legislative Priorities for Monitoring and Recommended Action;  
and,
3. Funding Opportunities and Requests.

#### **1. City Sponsored Legislative Proposals**

If the City Council is supportive of the proposals listed below, TPA will continue to research what can be accomplished through legislation, regulations, or direct advocacy with State/Federal agencies and other organizations.

- **Protect affordable housing units.** With Bay Area rents soaring, residential hotels are considered a unique and important source of affordable housing in Oakland and the region. When a residential hotel owner invokes the Ellis Act, it is not just two or three units that are being removed from the housing market. This bill proposal would create an exception to the Ellis Act for cities related to guestrooms and efficiency units within a residential hotel.
- **Support efforts in preventing and addressing homelessness.** Oakland, like many



communities in the state, has seen an increase in the homeless population. Support is needed for the construction and rehabilitation of permanent supportive housing for homeless individuals and to provide support to individuals with mental illness. Resources are needed to provide safe, secure housing that creates an environment that allows for wrap-around services, such as mental health treatment, to take hold. Studies show homelessness aggravates mental illness, making it more difficult to reach and house those with the greatest need of shelter and treatment.

- **Reduce the sexual exploitation of youths by impounding vehicles.** The City has long been a leader in efforts to reduce sexual exploitation of minors. The focus of this proposal is to reintroduce our effort to give the City additional enforcement tools by allowing for the impoundment of vehicles on the first offense in known hotspot areas. By building a larger coalition and working with groups such as the District Attorneys and service providers we can address some of the hurdles from last year.
- **Additional tools to reduce “sideshow related activities”.** As Oakland and other east bay cities are negatively impacted by “sideshows”, additional tools are needed to support public safety efforts of reducing these illegal and extremely dangerous gatherings. The goal of this legislation would be to provide more tools for law enforcement to better use technology and video evidence to impound the vehicles of the perpetrators.
- **Incentives to transform abandoned property for affordable housing.** Unfortunately, the County process to transform tax delinquent properties (usually vacant or abandoned) back into productive use is challenging at best. At the same time increasing opportunities for new affordable units is also challenging in dense, infill cities such as Oakland. The legislative intent of this proposal is to revise the way counties sell tax delinquent properties and give cities more authority. Ideally cities could be provided with the first right of refusal for the tax delinquent land, and then make the parcels available for development of infill affordable housing.
- **Medicinal Cannabis Statewide Regulations and Proposition 64 Implementation.** The City has been a statewide example of the benefit of comprehensive, thorough medicinal cannabis regulations. Over the years TPA on the City’s behalf has actively drafted language and advocated with legislators and staff to ensure statewide regulations would be in the best interest of the City and its approved operators. In light of the passage of Proposition 64 here will be a significant legislative effort required to codify the new framework and to make it compatible with the statewide framework already in place for medical use, to reflect the needs of local government, law enforcement and the industry. Oakland has been a leader in medicinal cannabis and there is interest in carrying the principles of Oakland’s existing work on this issue forward to the state level.
- **Mandatory testing for lead level exposure in children.** Lead poisoning is especially detrimental to children age six and under and exposure to lead can cause significant health effects in young children, including behavior and learning problems, lower IQ, hyperactivity, slowed physical growth, hearing problems and anemia Blood lead testing is the only way to definitively determine whether a child has been exposed to lead. Lead poisoning is 100% preventable, but significant exposure can go unnoticed without blood lead level testing in children.
- **Support efforts for increased local revenues via property ownership.** The current law with regard to change of ownership for properties that are owned in a complex manner has many loopholes allowing properties to change hands without reassessment despite current law which would require reassessment upon change in ownership. The



current system provides property owners with several ways to structure "change in ownership" transactions to avoid paying higher property taxes and allows purchasers to avoid reassessment even if 100% of a company changes hands. This negatively impacts cities and counties as these potential funds are not recuperated.

## **2. Federal and State Legislative Priorities for Monitoring and Recommended Action**

The following legislative themes have been identified by the Mayor, Councilmembers, and City staff as priorities. However, given the fact that federal initiatives and priorities of the new administration have yet to take any definite form, we suspect that our actions in 2017 will remain fluid in response. If legislation is introduced that impacts any of the priorities, staff will be asked to analyze and evaluate the need for City Council action.

The Mayor and City Council may choose to take a position on a measure, continue to monitor without a position, or determine if any further response or reaction is needed. TPA maintains a constantly updated matrix of state bills for the City of Oakland, providing additional analysis and information to inform the development of a position by the City. TPA will monitor legislative activity in the following areas:

- Public Safety
  - Measures relating to mental health services, street outreach to help the homeless, support for victims of sex trafficking, , reduce gun and ammunition access, support for re-entry and rehabilitation programs, policies for body camera usage, data storage, and additional items as they arise.
- Economic Development
  - Measures providing for new tax increment financing opportunities, efforts to encourage vocational training for local manufacturing, light industrial and bioscience opportunities, increase support for worker's cooperatives, support for financial empowerment programs, including financial education and credit repair, and additional items as they arise.
  - Measures to protect current sources of City funding such as Sustainable Communities grants offered through the State of California, which Oakland currently benefits from.
  - Measures relating to the prescribed use of developmental impact fees, ensuring that revenue from such fees could be put towards deferred maintenance as opposed to strictly new capital improvements.
- Infrastructure
  - Measures relating to the creation and passage of a comprehensive statewide transportation infrastructure financing bond that would provide formulaic and competitive funding to the City.
  - Measures affecting funding for roads, transit, the creation of affordable housing, transit oriented developments, storm drains, last mile funding opportunities, freight funding opportunities, and additional items as they arise.
- Planning, Housing and Land Use
  - Measures relating to fighting displacement of tenants and residents, support efforts to enhance the Ellis Act, the modernization of Costa Hawkins, transitional housing opportunities, efforts to create more



housing to help job growth and support the City's workforce, ensure the Cap and Trade funding guidelines meet the City's needs and goals, updates of the building code, tighter authority over pre-fabricated houses, support efforts to create a state-run, housing subsidy program similar to the federal Section 8 program, and additional items as they arise.

- Environment, Energy and Sustainability
  - Measures pertaining to clean energy efforts, graffiti abatement, reducing waste, and other environmental impacts of local agencies, support for Caltrans clean-up efforts and work for accountability from Caltrans related to on/off ramps and blighted property issues, and additional items as they arise.
- Youth
  - Measures providing support for unaccompanied minors/immigration concerns, education or employment opportunities for youth, including workforce development and entrepreneurship programs, , reduction of truancy, absenteeism and school drop-out rates, support for after-school funding, support for the Oakland Promise, support for quality universal Pre-K and Preschool, help enhance Head Start programs, safe houses for sexually exploited youth, trauma intervention and trauma-informed care, holistic strategies that support vulnerable children and families with economic security, health care and wrap-around services, and additional items as they arise.
- Technology and Innovation
  - Measures regarding jurisdiction over ride sharing and sharing economy business models throughout the state.
- Constitutional Modifications
  - Measures which would impact local governments, such as lowering the voter threshold to 55% for various bond issuances and local taxes.
- Stake Holder Priorities
  - Measures that are of importance to our regional partners and lend opportunities to partner and work together. Regional partners include, but are not limited to, the Oakland Unified School District, Port of Oakland, Alameda County, Oakland's large employers and key sectors.
- Miscellaneous
  - Any other measure or budget action which could potential impact the operations of, or services provided by, the City, and support to make local government whole from past budget actions. In addition, track legislation that seeks to limit abuses involved with handicapped parking placards.
- Non-governmental Organizations
  - Measures that support the goal of universal representation in immigration proceedings and uphold the commitments made by Sanctuary Cities. As the Obama administration ends, the My Brother's Keeper Initiative will live on exclusively as the network of My Brother's Keeper Communities that have been established over the last two years. The Communities will be given resources to continue



to communicate with other members, and will maintain a loose organizational structure going forward. TPA will continue to monitor the national organization and facilitate any communication needed between Oakland's My Brother's Keeper program and other programs.

Looking ahead, a key task in 2017 will be to establish relationships with new Congressional members and staff, determine how the policies of the new administration may impact the City of Oakland and build/strengthen coalitions with state and regional leaders who share the City's priorities.

President-elect Trump will make more than 4,000 political appointments to fill out the executive branch. The Trump transition team is chaired by Vice President-elect Mike Pence, with Rick Dearborn (Chief of Staff to Senator Jeff Sessions) serving as executive director. In the days and weeks ahead, the incoming administration will begin releasing the names of individuals Trump will nominate to lead federal departments and key agencies, with the most important leadership positions to be decided (pending Senate confirmation) by January 20, when President-elect Trump will be sworn in. On November 13, President-elect Trump named GOP Chairman Reince Priebus as his Chief of Staff and campaign CEO and Breitbart news leader Steve Bannon as his chief strategist. It remains to be seen how the two will divide responsibilities, though Priebus is likely to lead efforts focused on Capitol Hill. As time goes on we will see the staff change in the regional offices of federal agencies. Some regional administrators may step down before Jan. 20, so we may also see interim regional administrators in place until appointments can be made by the new administration.

President-elect Trump pledged many actions during the campaign, but Washington, D.C. is still determining exactly what will be prioritized, how Trump will go about these efforts, and whether Congress will cooperate. For example, one of President-elect Trump's stated efforts includes defunding sanctuary cities. However, given that the vast majority of federal funding flowing to cities is awarded through either formula funding or competitive grants governed by federal statute, such defunding would require in many cases require Congressional legislation and could face a Democratic filibuster in the Senate. Additionally, he has not detailed which federal funding would be withheld. Any major effort to restrict funding to sanctuary cities or their residents through programs like Medicare, Medicaid, and SNAP would certainly face Democratic and likely some Republican opposition as well. A more likely and administratively feasible scenario would be for the new administration to impose additional eligibility requirements or annual funding priorities for certain Department of Justice and Department of Homeland Security grants which would disqualify or disadvantage sanctuary cities.

At the time that we are drafting this report, one week after the election, it is difficult to ascertain which of the proposed policy and legislative proposals discussed by candidate-Trump will actually be pursued by the Trump administration, or if or how they may be modified. Veteran Democratic and Republican Congressional staffers have cautioned that they expect a high degree of uncertainty to persist well into 2017. The release of the President's 2018 budget proposal, which is likely to be delayed until approximately April, will provide greater clarity in terms of the new administration's funding priorities and policy initiatives. Subsequent Congressional testimony from agency heads in the months following the budget proposal will offer further clarification of the administration's position's as well as an opportunity to gauge Congress' willingness to advance President Trump's agenda. TPA will continue to monitor and report on developments within the new administration and on Capitol Hill in order to provide



insights and advice to advance the City's legislative priorities.

### **3. Funding Opportunities and Requests**

TPA will continue our proactive efforts to immediately notify the City once various funding opportunities are announced. In addition to the specific funding opportunities listed below, we will keep the City informed of any potential funding opportunities throughout the year. City staff will work with the Mayor and City Council to prioritize projects submitted to the state for funding and TPA will advocate for those approved projects as appropriate. As new funding opportunities arise, TPA will make sure to inform the city and consult in the development of the optimal strategy to maximize funding for the City.

Public safety related funding for projects such as:

- Re-Entry and anti-recidivism programs to support rehabilitation of ex-offenders (e.g., education, substance abuse rehabilitation, and counseling);
- Efforts to address childhood trauma from violence and other adverse impacts;
- Support for the Fire Assessment District and other urban forestry efforts;
- Social services such as homelessness and mental health support
- Ongoing support for the Cease Fire program;
- School safety officers/crossing guards;
- Supporting the City's CSEC efforts;
- Expansion of the crime lab and other needed public safety facilities (e.g., new police station, driving training facility);
- Additional police officers;
- The West Oakland Health Center;
- Public safety radio equipment and 911 dispatch support; and,
- Additional resources for fire safety

Economic Development related funding for projects such as:

- Façade improvement, business assistance, and other funding to help support businesses negatively affected by BRT construction
- Small business support, including wage subsidy programs
- City parks;
- Howard Terminal;
- Coliseum City;
- Vocational training in fields such as warehousing and light industrial;
- Transit oriented projects for both residential and commercial areas; and,
- Job training funding.

Transportation and infrastructure projects such as:

- Changes to the State gas tax formula;
- City's adopted Capital Improvement Projects
- Transportation projects included in the Alameda County Transportation Plan
- Safe Routes to School funding for locations throughout the City;
- Traffic safety; including Vision Zero policy and legislation;
- Autonomous Vehicle regulation and policy;
- Caltrans and Oakland management of freeway underpass ROW leases;
- Funding for local street and bridge repair and maintenance;



- Support for Complete Streets;
- Transit projects, including the Broadway Shuttle and projects from the Alameda Countywide Transit Plan;
- Redesignation and reconfiguration of a segment of Interstate 980;
- Streetscape improvements, including sidewalks, lighting, and street trees;
- ADA disabled accessibility capital funds;
- LAAMPS project; and
- Storm water management improvements, including storm drains upgrades.

Planning, Housing and Land Use projects such as:

- Support for affordable housing; including transit- oriented affordable housing (TOAH);
- Residential septic system upgrades;
- Additional beds for the Henry Robinson and other such facilities;
- Continuum of Care (specifically capital funding);
- Support for anti-displacement measures; and,
- Support for efforts to keep the historic elements of Chinatown intact.

Environment, Energy and Sustainability for projects such as:

- Urban greening
- Ongoing source of funds to help address littering and graffiti;
- Addressing illegal dumping/graffiti abatement; and,
- Clean energy funding;
- EDA brownfields cleanup for sites.

Youth such as:

- Youth workforce and entrepreneurship programs, e.g., Classroom2Careers
- Support for children of incarcerated parents
- Support for additional STEM education funding for initiatives such as those underway in East and West Oakland
- Trauma-informed care services
- More support for college completion:
- Literacy support programs;
- The cradle to career strategy of the Oakland Promise, and,
- State funding for urban schools
- Universal pre-school and T-K

Parks, Recreation and Cultural Arts such as:

- Completion of second phase of the East Oakland Sports Complex;
- Creation of a Black Arts District designation;
- Funding for the African American Museum and Library in Oakland; and
- Gap funding for completing renovation of Rainbow Recreation Center.

### **Process for Reporting**

In addition to weekly legislative updates to City staff, Finance Committee reports, and other communications we send the City, TPA suggests verbal reports to the Rules Committee and then City Council when the State Legislature is on recess. For example, we would report out in April while they are on Spring Recess and during July while they are on Summer Recess.

