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CITY OF OAKLAND
CITY COUNCIL

LEGISLATIVE ANALYST REPORT

To: Council President Ignacio De La Fuente
and Members of the Rules Committee
From: Lupe Schoenberger, City Council Legislative Analyst
Date: April 3, 2008
Re: **Action on the City Council's State Legislative Proposals and Agenda:
Update Presented by Townsend Public Affairs**

SUMMARY

The City's State Lobbyist, Townsend Public Affairs, will give an oral update on the City's 2008 Legislative Agenda.

BACKGROUND

On December 4, 2007, the City Council adopted the attached legislative agenda for the 2008 state legislative year. The agenda lists proposed city sponsored state legislation and priorities for the lobbyist to monitor. As city sponsored legislation or bills addressing the City's priorities are introduced, the Council will be asked to take a support or oppose positions.

ACTION REQUESTED

Receive the oral update.

Respectfully submitted,

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

Lupe Schoenberger
City Council Legislative Analyst



Supplemental

MEMORANDUM

To: City of Oakland
From: Townsend Public Affairs, Inc.
Date: December 4, 2007
Subject: Adopted 2008 State Legislative Agenda

CITY SPONSORED LEGISLATIVE PROPOSALS:

The City of Oakland considered six city-sponsored legislative proposals in 2007, of which one was passed and signed into law, one was passed and vetoed, and one was resolved locally without the need for legislation. The remaining three became two-year bills, as is common in the two-year legislative process, and are eligible to move again through the legislative process beginning in January 2008. The City can pursue these three proposals as well as introduce new, *City-sponsored legislation*, in 2008. The list below includes the 2007 proposals that are still active as well as the potential 2008 proposals.

To reiterate the overall policy priorities of the city, each of the legislative proposals below is rooted in a commitment to improve the overall quality of life for all Oakland residents while addressing public safety for all members of the Oakland community and further enhancing the economic vitality of the city. The following initiatives embody the commitment of the Mayor and City Council to lead a statewide urban agenda. The City Council is being requested to approve the proposals in concept. Once a bill number is assigned to the legislation, the City Council will have an opportunity to review the bill and determine if the final language meets the city's objective.

Two-Year Bills Originally Proposed by the City in 2007 that are still Active:

1. **Providing Services for Sexually-Exploited Minors:** AB 499 (Swanson) was referred to the Assembly Public Safety committee; however, the measure was never taken up by the committee. This measure was originally sponsored by Alameda County and the City of Oakland. The City Council voted to take a support, if amended, position on June 5, 2007, given the constitutional issues. TPA is working with city staff, Assemblyman Swanson, Public Safety committee staff, the American Civil Liberties Union, as well as the County, to craft language that is acceptable to the committee and other stakeholders.
2. **Increasing Access to Healthcare:** AB 516 (Swanson) was held on the suspense file in the Assembly Appropriations committee. The committee indicated that the costs associated with the measure were slightly above the suspense file threshold of \$150,000. The City and TPA will engage in further discussions with the author about amendments to the bill to include a healthcare access pilot program for the City.

3. **Reducing Nuisance Liquor Stores:** AB 960 (Hancock) was held in the Assembly Governmental Organization committee after a hearing on April 25, 2007. The committee requested, and the Department of Alcoholic Beverage Control submitted a report on problem liquor stores and revocation of liquor licenses. The committee is considering an informational hearing on this topic in Oakland prior to the Legislature reconvening in January 2008.

Additional Proposals for Potential City-Sponsored Legislation for 2008:

1. **Crime Prevention via Red-light Cameras (Police Department):** [Attachment One] The City Council adopted Resolution 80790 on July 17th, 2007 directing the State lobbyist to develop legislation that would enable law enforcement agencies to utilize photographic evidence captured on red-light cameras for use as evidence for non-traffic related crimes. Such legislation would help the city deter and solve crimes, leading to a long-term improvement in public safety. *Council Goal: Public Safety*
2. **Municipal Whistleblower Protection (City Auditor):** [Attachment Two] The City of Oakland would like to provide whistleblower protections for municipal employees not currently provided under state law. The proposal by the city would replicate whistleblower protections that currently exist only for state employees and apply these same protections to municipal employees, ultimately with the objective of improving public service in Oakland. *Council Goal: Efficiency and Responsiveness to Residents*
3. **Seismic Safety (Council Member Quan):** [Attachment Three] This multifaceted proposal is designed to increase the efficiency of seismic retrofitting in the City. As many as 36,000 or more single family dwellings in Oakland, one third of the City's housing, are not properly prepared for a potential earthquake along the Hayward fault. In order to increase public safety when the inevitable earthquake strikes, the City proposes sponsoring a comprehensive proposal with the Association of Bay Area Governments (ABAG), which would include the following elements: State-level certification and licensing of seismic retrofitting contractors; limited permit inspections for retrofitting; and authorization for the California Earthquake Authority to release existing funds. *Council Goal: Public Safety and Infrastructure*
4. **Financial Incentives for Seismic Retrofit (Council Member Nadel):** [Attachment Four] Provide property owners with financial incentives to retrofit seismically substandard residential buildings. The proposal would provide property owners with incentives to have their buildings retrofitted to ensure structural integrity in the event of an earthquake. *Council Goal: Public Safety and Infrastructure*
5. **Fair Lending (City Attorney):** [Attachment 5] Oakland, like much of the rest of the country, has been severely and negatively affected by the downturn in the housing market. Much of this downturn is due to lenders taking advantage of those looking to become homeowners. In order to ensure fair lending practices, the City proposes sponsoring the following comprehensive legislation that includes the following components: Real protections against predatory lenders; mortgage banker reforms; the translation of lending documents into native languages; and the authority for local law enforcement to vigorously enforce all applicable laws. *Council Goal: Economic Development*

6. **Affordable Housing (Council Member Brunner):** This issue is closely related to the housing crisis and intertwined with the issues of fair lending. The City is exploring various potential affordable housing initiatives through regulatory and funding processes, and also will pursue legislation that would, extend the time for notices of default from 90 days to 150 days, and extend time for notice of Trustee sale from 30 to 60 days to allow more time for borrowers to get counseling and work with lenders on possible restructuring of home loans.

LEGISLATIVE ISSUE "WATCH" LIST:

It is important for the City of Oakland to take an active role in shaping all potential legislation that could affect the city and community. The following issues have been identified by the Mayor, Councilmember's, and City staff as priorities. "Watch" means TPA will monitor for legislative activity related to these issues. TPA maintains a constantly updated matrix of bills for the City of Oakland, providing additional analysis and information to inform the development of a position by the city. 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 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.

Attached is a matrix [Attachment 6] which outlines the active bills that were introduced in 2007 that fall into at least one of the priority categories below. As additional measures are introduced in 2008 they will be added to the attached matrix.

Economic Development

- **Business Incubator Development:** Monitor and support legislation that promotes public private partnerships to expand small business opportunities in the City.
- **California Enterprise Zone Program:** Develop and implement a lobbying strategy for the re-designation of Oakland as an Enterprise Zone. Monitor legislative proposals related to the California Enterprise Zone Program and other tax credits. Advocate in support of measures that strengthen the Enterprise Zone program and provide economic benefit to the City's business climate and oppose measures that aim to weaken or eliminate the program.
- **Vocational and Workforce Training:** Monitor and support legislation that provides funding for workforce development, specifically in the fields of construction and building trades.
- **Affordable Housing:** Support legislation that expands affordable housing opportunities throughout the community, including addressing smart growth principles.
- Support efforts to establish a permanent source of financing for affordable housing.
- **Funding Priority for Housing Element Compliance:** Support legislation that links a jurisdiction's eligibility for state funding to compliance with housing element policies.
- **Proposition 1C Implementation:** Monitor legislation that proposes to implement the provisions of Proposition 1C and support measures that maximize the ability of the City to access these funds for priority housing needs.
- **Redevelopment and Eminent Domain:** Advocate for the City regarding proposals to modify redevelopment agency and eminent domain law. The City supports measures

that provide protections to property owners while still allowing cities with flexibility to carry out needed projects.

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

- **Transit Oriented Development:** Support legislation that appropriates funds and/or offsets the cost for transit village planning, implementation, and construction, particularly replacement parking at the villages in the process of development and construction.
- **Urban Infill:** Monitor legislation that promotes the revitalization of urbanized areas through qualified urban infill projects.
- **Oakland Army Base:** Advocate for and support legislation that creates funding opportunities for new roads, utilities, brownfields, other infrastructure, and site preparation.

Sustainable City

- **Incentives for Green Business:** Monitor and support legislation to create incentives for green business including energy and environmental technology and recycled material product development
- **Producer Liability for Universal Waste:** Monitor and advocate for legislation that provides incentives for the redesign of products to make them less toxic and shift the costs for recycling and proper disposal of products from local governments to the producers of the product.
- **California Environmental Quality Act:** Monitor legislation and regulatory proposals related to climate change and impacts on local government.

Youth:

- **Joint-Use Funding:** Monitor and advocate for measures which appropriate funds, or make it easier to access funding, for joint-use projects between the City and local school districts.
- **Oakland Unified School District:** Advise the Council of opportunities to support legislation that will increase funding to Oakland schools, improve the quality of public education and ensure local control.

Healthcare:

- **Childhood Obesity:** Support legislation that aims to reduce childhood obesity through physical activity and improved nutritional choices.
- **Health Care:** Support legislation that increases the level of health care coverage available to the residents of Oakland. The City will monitor and advocate on behalf of measures that increase residents' awareness of health care facilities and promote healthy lifestyles.
- **HIV/AIDS Transmittal Reduction:** Monitor legislation that would reduce the transmission rate of the HIV virus and support legislation that promotes increased testing in the community.

- **Mental Health:** Monitor legislation that provides additional resources for mental health services in the City, particularly any legislation that appropriates funding from Proposition 63.
- **School Based Health Clinics:** Support legislation that would provide access to health care professionals at school sites.

Infrastructure:

- **Bonds:** Monitor legislation that provides new bond funding for the City's infrastructure needs. The City supports new State bond funding proposals that efficiently utilize valuable taxpayer dollars in order to provide significant funding for the city's education, transportation, public safety, recreational and water infrastructure needs.
- **Flood Control and Storm Water Fees:** Support legislation that would allow local governments more flexibility to achieve reductions in storm water and urban runoff pollution
- **Proposition 84 Implementation:** Monitor legislation that proposes to implement the provisions of Proposition 84 and support measures that maximize the ability of the City to access these funds for Oakland's parks, open space and waterways.
- **Congestion Management:** Support legislation that appropriates funds to help relieve traffic congestion on City streets and highways.
- **Gas Tax Increase:** Monitor State and local efforts to raise the gasoline tax and ensure that, if taxes are raised, funding is available for local street and road projects in the City, as well as public transportation.
- **Proposition 1B Implementation:** Monitor legislation that proposes to implement the provisions of Proposition 1B and support measures that maximize the ability of the City to access these funds for priority transportation projects. This includes ensuring that the City would be eligible for State-Local Partnership funding via property or parcel taxes, bridge tolls, or other voter-approved fees dedicated to specific transportation improvements.
- **Public Transportation:** Monitor and support legislation which promote public transportation.

Public Safety:

- **At-Risk Youth Programs:** Support legislation which provides funding and programming for at-risk youth as an alternative to gangs.
- **Crime and Violence Prevention:** Support legislation that appropriates funds for violence prevention programs, which includes, but is not limited to, anti-gang violence, youth empowerment and after-school program-related legislation.
- **Parolee Re-Entry Programs:** Monitor legislation that provides additional resources and job training for recent parolees re-entering the community.
- **Education during Incarceration:** Support legislation that prevents recidivism by providing inmates educational and training opportunities for job readiness prior to release.

Other:

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

- **Cable Franchise:** Monitor legislation related to cable franchise and advocate for regulations that benefit city
- **State Budget:** Monitor and advocate for the City in the state budget process, including all relevant trailer bills. The City supports maximizing State funds for local projects and programs.
- **Utility User Taxes:** Monitor legislation that addresses utility users' taxes relative to intrastate, interstate and/or international telephone, cellular or wireless communication services.

As a result of the 2007 "Watch" priorities, the City Council took positions on multiple bills in 2007 that are also now two-year bills and will continue to be monitored. They include the following:

	Bill	Oppose	Support
1.	AB 21 (Jones): EITC		X
2.	AB 77 (Lieber): State Parole System Reform		X
3.	AB 161 (Bass): Anti-Recidivism Grants		X
4.	AB 167 (Bass): Cal WORKS Eligibility		X
5.	AB 334 (Levine): Firearms: Loss and Theft		X IA*
6.	AB 444 (Hancock): Vehicle Reg Fee for Congestion Relief		X
7.	AB 1502 (Lieu): Banking Development Districts		X
8.	AB 1648 (Leno): Police Records		X
9.	SB 46 (Perata): Proposition 1C Urban Infill Implementation		X IA*
10.	SB 752 (Steinberg): CA Kids Invest. & Dvlpmt. Savings Acct Act		X
11.	SB 840 (Kuehl): Single Payer Health Care Coverage		X
12.	SB 1019 (Romero): Police Records		X
13.	SB X2 1 (Perata): 2008 Water Bond		X
14.	SB X2 2 (Perata): Safe Drinking Water Act of 2008		X
15.	SCA 12 (Torlakson): Local Government: Property Related Fees		X

FUNDING OPPORTUNITIES:

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

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

- **Proposition 1C Transit Oriented Development (TOD) Funding:** Proposition 1C includes \$300 million in funding for the development of housing near transit sites. In the FY08 budget, \$95 million was appropriated for this program. The Department of Housing and Community Development is currently developing guidelines for the distribution of these funds, which is anticipated to occur in late 2007 or early 2008 [see Attachment 7]. TPA is focused on advocating for the City's TOD developments – Coliseum, Fruitvale Phase II, MacArthur, and West Oakland – and their priority funding needs, specifically replacement parking, station area improvements, and bike/ped access improvements.
- **Proposition 1C Urban Infill Incentives:** Proposition 1C includes \$850 million in funding for incentives for urban infill development. In the FY08 Budget, \$300 million was

appropriated for this program. The Department of Housing and Community Development (HCD) is holding stakeholder workshops in preparation of the grant guidelines. HCD is targeting early to mid 2008 to issue the request for proposals. TPA is working with staff to ensure that this new grant program will fund the priority projects of the City, including the TOD developments and local street and road improvements, especially around Lake Merritt.

- **Proposition 84 Funding:** There are multiple funds within this \$5.4 billion measure passed by California voters in November 2006. None of the funding has yet been appropriated, disbursed, or subjected to any implementing legislation or regulations. In addition to potential park and recreation facilities funding within this measure for priority parks projects throughout the City, there are several funds which could help close the gap on the matching funds needed for all Measure DD projects, which are therefore a top priority for pursuit of funding from this source.
- **CalGRIP Gang Funding:** The 2007-08 state budget included \$13.5 million for cities and community based organizations for gang prevention, intervention and suppression activities. The Office of Emergency Services has issued a Request for Proposal for these funds and anticipates issuing grants in January 2008. The City is working, in coordination with community partners, to submit grant requests for this funding.
- **Proposition 1B Trade Corridors Improvement Funding (TCIF):** Proposition 1B includes \$2 billion for infrastructure improvements along federally designated "Trade Corridors of National Significance" and along other corridors within this state that have a high volume of freight movement. TPA will work with the City to ensure that the I-880 29th/23rd Avenue Improvement Project is given full consideration for funding from TCIF. This project is already included on the Metropolitan Transportation Commission's Tier 1 project list for Trade Corridor funding.
- **Recreational Trail Program:** The City of Oakland recently submitted a grant application to the Department of Parks and Recreation for the Cryer Site Waterfront Trail through the Recreational Trails Program (RTP) which provides funding for the development of trails and trail-related projects. TPA will engage with the Department to ensure the City's application receives full consideration.
- **Safe Routes to School (SR2S):** The City of Oakland is working on a grant application for the Safe Routes to School program and TPA will be actively engaged in the submission of the application and advocacy with the key decision makers in Sacramento to ensure the City's application is successful.

There are also a number of annual grant opportunities for which the City of Oakland may choose to apply. City staff is familiar with these resources and routinely receives approval from the City Council to apply for and receive grant proceeds. These grant programs include but are not limited to the following:

- California Integrated Waste Management Board: Rubberized Asphalt Concrete Grant Program
- California Integrated Waste Management Board: Tire Derived Product Grant
- California Integrated Waste Management Board: Waste Tire Enforcement Grants Program
- California Office of Traffic Safety: Click it or Ticket it Mini Grants
- California Office of Traffic Safety: Sobriety Checkpoint Mini Grants
- California Office of Traffic Safety: Grants Made Easy for Traffic Enforcement, DUI Enforcement and Vehicle Impoundment
- California State Treasurer's Office: Sustainable Communities Grant and Loan Program

- Department of Education: 21st Century Community Learning Centers
- Department of Education: Joint-Use Fund
- Department of Forestry and Fire Protection: An Urban Forest For Every City Grant
- Department of Forestry and Fire Protection: Leaf-It-To-Us Grant
- Department of Forestry and Fire Protection: Urban Forestry: Education Grant
- Department of Forestry and Fire Protection: Urban Forestry: Inventory Grant
- Department of Forestry and Fire Protection: Urban Forestry: Management Plan Grant
- Department of Housing and Community Development: Building Equity and Growth in Neighborhoods
- Department of Housing and Community Development: Emergency Housing and Assistance Program Capital Development
- Department of Housing and Community Development: Multifamily Housing Program: General, Supportive and Homeless Youth
- Department of Parks and Recreation: Habitat Conservation Program
- Department of Parks and Recreation: Land and Water Conservation Fund

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.

2008 Legislative Calendar:

Below are the significant dates and deadlines for legislative actions through the end of the 2007-08 Legislative Session. These are firm deadlines. Any legislation not meeting the deadlines below will no longer be eligible to be considered in the 2007-08 Legislative Session. These dates are relevant for both City-sponsored legislation and the legislative watch list:

January 7: Legislature reconvenes and 2008 bills can be introduced.

January 18: 2007 Bills must be heard and passed out of Policy Committee in the House of Origin.

January 25: Last day to submit bill language for new bills.

January 31: 2007 Bills must be passed off the Floor in the House of Origin.

February 22: Last day to introduce new bills.

April 18: All bills with a fiscal component must be passed out of Policy Committee in their House of Origin.

May 23: All bills must be passed out of Fiscal Committee and sent to the Floor in their House of Origin.

May 30: All bills must be passed off the Floor in the House of Origin.

June 27: All bills must be passed out of the Policy Committee in the Second House.

August 15: All bills must be passed out of Fiscal Committee in the Second House and sent to the Floor.

August 31: Last day for **any bill** to be passed. Final Recess begins upon adjournment.

September 30: Last day for the Governor to sign or veto bills.