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**REDEVELOPMENT AGENCY
AND THE CITY OF OAKLAND**
AGENDA REPORT

TO: Office of the City Manager/Agency Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: November 13, 2007

SUBJECT: A Resolution Amending The Formation Procedures For The Project Area Committee ("PAC") For The Central City East Redevelopment Project Area To Authorize City Council Members From Districts 2, 4, 5, 6, And 7 To Change The Community Organizations From Their Respective Districts On The PAC That Have Missed Four Or More Meetings In A Twelve Month Period, Without Returning To The City Council.

SUMMARY

At the joint public hearing of July 29, 2003, the Central City East Redevelopment Area was unanimously adopted and approved by the City and Redevelopment Agency. As part of the adoption process, a resolution was approved February 19, 2002 by Council, calling for the formation of a Project Area Committee ("PAC") for the Central City East Redevelopment Area and adopting procedures for the formation of the PAC as required by redevelopment law.

In the 2006-07 year, representatives from several community organizations were not attending the meetings on a consistent basis. This created a problem with reaching a quorum at three meetings and with representation for these sub areas. For this reason, CEDA staff recommends that City Council consider providing authority to the individual Council members to change the community organizations within their district without returning to the entire City Council when an organization fails to attend four or more meetings in a twelve month period.

FISCAL IMPACT

There is no fiscal impact. This is an administrative item regarding the Central City East Redevelopment Area.

BACKGROUND

On March 12, 2002, the Oakland City Council approved Resolution No. 77006 C.M.S. authorizing the formation of a Project Area Committee (PAC) for the Central City East Redevelopment Project and adopting procedures for the formation of the Central City East PAC. The resolution called for a total of 24 members for the PAC: three elected members from each of the four sub areas, and 12 community organizations, four to be elected and eight to be designated by Council.

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On June 11, 2002, City Council approved Resolution No. 77190 C.M.S. which designated the remaining eight community organizations to the CCE PAC. On January 20, 2004, the Oakland City Council adopted Resolution No. 78308 C.M.S. authorizing the appointment of four additional community organizations, thereby expanding PAC members from 24 to 28 members.

KEY ISSUES AND IMPACTS

Project Area Committee

The Community Redevelopment Law (“CRL”) sets forth specific criteria regarding PACs and their purpose. The CRL also stipulates when formation of a PAC is required and how the PAC membership is determined. The role of the PAC during the plan adoption process is to make a report and recommendation to the Council on the plan prior to adoption. After plan adoption, the PAC serves as an advisory body to the Redevelopment Agency concerning policy matters affecting the residents and businesses of the Project Area. The Agency must continue to consult with the PAC for at least three years after the Plan is adopted, subject to one-year extensions thereafter by the City Council.

The PAC consists of both elected members and members selected by Community Organizations designated by the City Council. The Council may add or delete Community Organizations to the PAC membership, or substitute one organization for another at a full Council meeting.

At present, the Council may recommend to remove and replace an organization in his/her sub-area and this recommendation must be presented for approval at a City Council meeting. CEDA staff recommends that instead of going to Council each time an organization is removed and replaced that each Council representative for their respective area be able to replace their organizations on their own. Each Councilmember would still select and designate the organization that would replace the organization being removed. The removal of the community organization would be based on the criteria of lack of attendance at four or more meetings in a twelve month period. This will shorten the time period to replace an organization and allow the PAC to continue its business in a timely manner.

PROGRAM DESCRIPTION

The Central City East Redevelopment Area generally covers an area from Oak Street to the San Leandro border. For the purposes of representation, the Central City East area is divided into four sub areas: EastLake/San Antonio, Fruitvale/San Antonio, Central East Oakland, and Elmhurst (see Attachment A).

Table 1: CENTRAL CITY EAST PAC Composition

<i>Sub area</i>	<i>No. of Business Owner Reps.</i>	<i>No. of Residential Tenant Reps.</i>	<i>No. of Residential Owner-Occupant Reps.</i>	<i>No. of Community Organizations Reps.</i>	<i>Total No. of CCE PAC Members</i>
<i>Fruitvale/San Antonio</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>4</i>	<i>7</i>
<i>Eastlake/San Antonio</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>4</i>	<i>7</i>
<i>Central East Oakland</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>4</i>	<i>7</i>
<i>Elmhurst</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>4</i>	<i>7</i>
<i>Subtotal:</i>	<i>4</i>	<i>4</i>	<i>4</i>	<i>16</i>	<i>28</i>

CEDA staff recommends the following amendment to the PAC formation procedures to address the replacement of members and representation for District 4 which has a small portion in the CCE area and overlaps the Fruitvale/San Antonio sub area. The first sentence of Section 304 (Attachment A, p.5) Appointment of Representatives by Existing Community Organizations of the PAC formation procedures is amended to read:

“Community Organizations may be removed and replaced by their respective Council Representatives for lack of attendance, without having to return to the City Council. The lack of attendance will be based on missing four or more meetings in a twelve month period. The Council member for District 2 has authority to substitute 4 community organizations from the EastLake/San Antonio sub area; the Council member for District 5 has authority to substitute 3 community organizations (other than the organization designated for District 4, currently the Melrose High Hopes Neighborhood Crime Prevention Council) for the Fruitvale/San Antonio sub area; the Council member for District 4 has authority to substitute 1 community organization, currently the Melrose High Hopes Neighborhood Crime Prevention Council for the Fruitvale/San Antonio sub area; the Council member for District 6 has authority to substitute 4 community organizations in the Central East Oakland sub area; and the Council member for District 7 has authority to substitute 4 community organizations in the Elmhurst sub area.”

SUSTAINABLE OPPORTUNITIES

This report and resolution do not include the approval of any specific projects or programs. The sustainable opportunities of economic, environmental, and social equities issues will be addressed as specific redevelopment projects and programs are brought to the Agency or Council for approval.

DISABILITY AND SENIOR CITIZEN ACCESS

This report and resolution do not include the approval of any specific projects or programs. Disability and senior access issues will be addressed when specific redevelopment projects and programs are brought to the Agency or Council for approval.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of the resolution amending the formation procedures for the Project Area Committee (“PAC”) for the Central City East Redevelopment Project area to authorize City Council members from Districts 2, 4, 5, 6, and 7 to change the community organizations from their respective districts on the PAC that have missed four or more meetings in a twelve month period, without returning to the City Council.

Respectfully submitted,



for Gregory Hunter, Deputy Director of Economic
Development and Redevelopment

Prepared by:
Theresa Navarro, Urban Economic Analyst IV
Redevelopment Division

APPROVED AND FORWARDED TO
CED COMMITTEE

Michael A. Egan
Office of the City/Agency Administrator

ATTACHMENT A

PROCEDURES FOR THE FORMATION OF A PROJECT AREA COMMITTEE FOR THE CENTRAL CITY EAST REDEVELOPMENT PROJECT

I. [§100] PURPOSE

The purpose of these PROCEDURES FOR THE FORMATION OF A PROJECT AREA COMMITTEE FOR THE CENTRAL CITY EAST REDEVELOPMENT PROJECT (the "PAC Formation Procedures") is to implement the provisions of Section 33385, et seq. of the California Community Redevelopment Law (Health and Safety Code Section 33000, et seq.) related to the formation of a Project Area Committee ("PAC") for the proposed Central City East Redevelopment Project. The activities undertaken pursuant to these PAC Formation Procedures shall be scheduled in light of the fact that a representative PAC shall be elected within one hundred days after the Project Area has been selected or reaffirmed.

II. [§200] DEFINITIONS

A. [§201] Agency

The "Agency" means the Redevelopment Agency of the City of Oakland and any Agency or City staff, consultants, assignees, delegates, or departments who may be assigned the duties and responsibilities for carrying out these PAC Formation Procedures.

B. [§202] Business

A "business" means any lawful activity conducted for the purpose of making a profit and primarily for the following:

1. The purchase, sale, lease, or rental of personal or real property; or
2. The manufacture, processing, or marketing of products, commodities, or other personal property; or
3. The sale of services to the public; or
4. Any other legally-defined business purpose.

C. [§203] Business Owner

A "Business Owner" means any person or legal entity that owns and operates a business located within the Project Area. A Business Owner shall include, but not be limited to, any person or legal entity that (1) owns real property located within the Project Area and rents or leases such real property to others for business or residential uses, or (2) owns and holds real property within the Project Area as an investment.

D. [§204] City

The "City" means the City of Oakland, California.

E. [§205] Central East Oakland Subarea

The "Central East Oakland Subarea" means that area designated as such on the attached map entitled "Exhibit A."

F. [§206] Elmhurst Subarea

The "Elmhurst Subarea" means that area designated as such on the attached map entitled "Exhibit A."

G. [§207] Existing Community Organization

An "Existing Community Organization" means an existing nonprofit corporation or association of persons and/or entities which is either based in the Project Area or has constituents or members who are persons and/or entities who reside or conduct business in the Project Area.

H. [§208] Fruitvale/San Antonio Subarea

The "Fruitvale Subarea" means that area designated as such on the attached map entitled "Exhibit A."

I. [§ 209] PAC Election Procedures

The "PAC Election Procedures" mean the "Procedures for the Election of Members to Project Area Committees in the City of Oakland" originally adopted by the Oakland City Council by Resolution 75353 C.M.S., as such Procedures may be amended from time to time.

J. [§210] Project

The "Project" means the Central City East Redevelopment Project which is proposed to be adopted pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000, et seq.) and for which a preliminary redevelopment plan was adopted by the Planning Commission of the City of Oakland on December 5, 2001 (the "Preliminary Plan").

K. [§211] Project Area

The "Project Area" means the area selected and designated by the Planning Commission of the City of Oakland as the project area for the Project and described in the Preliminary Plan.

L. [§212] Project Area Committee/PAC

The "Project Area Committee" or "PAC" means the Project Area Committee formed in accordance with these PAC Formation Procedures for the Project Area.

M. [§213] Residential Owner-Occupant

A "Residential Owner-Occupant" means any natural person who owns and occupies a residential dwelling located within the Project Area as his or her principal place of residence.

N. [§214] Residential Tenant

A "Residential Tenant" means any natural person who lawfully rents and occupies a residential dwelling located within the Project Area as his or her principal place of residence.

O. [§215] EastLake/San Antonio Subarea

The "San Antonio Subarea" means that area designated as such on the attached map entitled "Exhibit A."

P. [§216] Subarea

A "Subarea" shall mean either the Central East Oakland Subarea, Elmhurst Subarea Fruitvale/San Antonio Subarea, or EastLake/San Antonio Subarea.

III. [§300] FORMATION OF PROJECT AREA COMMITTEE

A. [§301] Composition of the PAC and Methods of Selection

The total membership of the PAC shall be 28, divided among the membership categories as follows:

1. One member shall be a Residential Owner-Occupant from the Central East Oakland Subarea elected by Residential Owner-Occupants from the Central East Oakland Subarea;
2. One member shall be a Residential Tenant from the Central East Oakland Subarea elected by Residential Tenants from the Central East Oakland Subarea;
3. One member shall be a Business Owner from the Central East Oakland Subarea elected by Business Owners from the Central East Oakland Subarea;

4. One member shall be a Residential Owner-Occupant from the Elmhurst Subarea elected by Residential Owner-Occupants from the Elmhurst Subarea;
5. One member shall be a Residential Tenant from the Elmhurst Subarea elected by Residential Tenants from the Elmhurst Subarea;
6. One member shall be a Business Owner from the Elmhurst Subarea elected by Business Owners from the Elmhurst Subarea;
7. One member shall be a Residential Owner-Occupant from the Fruitvale/San Antonio Subarea elected by Residential Owner-Occupants from the Fruitvale/San Antonio Subarea;
8. One member shall be a Residential Tenant from the Fruitvale/San Antonio Subarea elected by Residential Tenants from the Fruitvale/San Antonio Subarea;
9. One member shall be a Business Owner from the Fruitvale/San Antonio Subarea elected by Business Owners from the Fruitvale/San Antonio Subarea;
10. One member shall be a Residential Owner-Occupant from the EastLake/San Antonio Subarea elected by Residential Owner-Occupants from the EastLake/San Antonio Subarea;
11. One member shall be a Residential Tenant from the EastLake/San Antonio Subarea elected by Residential Tenants from the EastLake/San Antonio Subarea;
12. One member shall be a Business Owner from the EastLake/San Antonio Subarea elected by Business Owners from the EastLake/San Antonio Subarea;
13. 16 members, four from each Subarea, shall be representatives of Existing Community Organizations designated by the City Council for that Subarea. Each of the Existing Community Organizations designated shall have the opportunity to designate one representative of their choosing to be a member of the PAC, as further set forth below.

B. [§302] Public Meeting(s) to Explain Project Area Committee

Following the City Council's adoption of these PAC Formation Procedures, the Agency shall conduct at least one public meeting to explain the establishment of, functions of and opportunity to serve on the Project Area Committee.

Notice of the public meeting(s) shall be published and mailed in the manner set forth in Section 306 of these PAC Formation Procedures. The notice shall specify the date, time

and place of the public meeting(s), shall include a statement generally describing the purpose of the meeting(s) and shall contain a general description, in text or by diagram, of the Project Area.

Copies of the following will be distributed at the public meeting(s):

1. These PAC Formation Procedures;
2. Chapter 4, Article 6.5 of the Community Redevelopment Law (Health and Safety Code Section 33385 et seq.) (governing project area committees);
3. Section 33347.5 of the Health and Safety Code (report of the project area committee);
4. Section 33366 of the Health and Safety Code (vote required to adopt the redevelopment plan);
5. The Preliminary Plan for the Project Area; and
6. Any other information the Agency determines would be useful.

The Agency will briefly describe the proposed Project, the role of the PAC in connection with the Project, the application of the Political Reform Act to PAC members and the eligibility to serve on and required composition and size of the membership of the PAC. The Agency will also briefly explain these PAC Formation Procedures. The Agency will respond to any questions from the audience.

C. [§303] Election of PAC Members

The City Council has adopted, after a duly noticed public hearing, the PAC Election Procedures, which set forth the overall process for filing for election, publicizing the election, holding the election and for reviewing disputed elections, filling vacant seats and other matters related thereto. The election of PAC members shall be conducted in accordance with the current PAC Election Procedures. A copy of the PAC Election Procedures will be distributed for informational purposes at the public meeting(s) described above.

D. [§304] Appointment of Representatives by Existing Community Organizations

Each of the designated or elected Existing Community Organizations may appoint one person of their choosing, 18 years of age or older, to serve as the representative PAC member for that organization. The names of all persons so appointed by each Existing Community Organization shall be submitted to the Agency no later than five business days following the election. Each Existing Community Organizations may designate one alternate appointee and may substitute appointees at any time. **Community Organizations may be removed and replaced by their respective Council Representatives without having to return to the City Council for lack of attendance. The lack of attendance will be based on missing four or more meetings in a twelve**

month period. The Council member for District 2 has authority to substitute 4 community organizations from the EastLake/San Antonio sub area; the Council member for District 5 has authority to substitute 3 community organizations (other than the organization designated for District 4, currently the Melrose High Hopes Neighborhood Crime Prevention Council) for the Fruitvale/San Antonio sub area; the Council member for District 4 has authority to substitute currently the Melrose High Hopes Neighborhood Crime Prevention Council for the Fruitvale/San Antonio sub area; the Council member for District 6 has authority to substitute 4 community organizations in the Central East Oakland sub area; and the Council member for District 7 has authority to substitute 4 community organizations in the Elmhurst sub area.

E. [\$305] Confirmation of PAC Members

After the election referred to in Section 303, the Agency shall report the results to the City Council. Following receipt of the election results and expiration of the fifteen-day challenge period, the City Council shall hold a meeting to announce the results of the election and the names of all the Project Area Committee members, including the names of the members appointed to represent the designated and elected Existing Community Organizations. At the same time the City Council shall, by resolution, find that the election procedures were followed in the election and confirm the Project Area Committee members. Notice of this meeting shall be provided in the manner set forth in Section 306.

F. [\$306] Notice Requirements

All notices required to be given pursuant to these PAC Formation Procedures and the election procedures adopted by the City Council in accordance with Section 302 shall be published once in a newspaper of general circulation within the City at least ten (10) days prior to the scheduled event and, to the extent mailing addresses are obtainable at a reasonable cost, shall be mailed to all residents, businesses, and community organizations within the Project Area. The Agency shall be responsible for compiling a mailing list and shall make a good faith effort to obtain mailing addresses for all residents, businesses, and community organizations at a reasonable cost. The notices shall be mailed by first-class mail but may be addressed to "Occupant." In lieu of mailing separate notices for each meeting, hearing, or plebiscite, the Agency may provide a single combined notice setting forth all the dates, times, and locations of all meetings, hearings, or plebiscites.

In addition, the Agency may post notices, distribute flyers, or undertake such other actions as it deems necessary or advisable in order to further inform Residential Owner-Occupants, Residential Tenants, Business Owners, and Existing Community Organizations of the formation of the PAC.

IV. [§400] GENERAL PROVISIONS

A. [§401] Role of the PAC

The role of the PAC shall be (1) to prepare a report and recommendation to the City Council on the proposed redevelopment plan for the Project, and (2) to provide advice and citizen input to the Agency on policy matters which affect the residents of and businesses in the Project Area, especially on the issues of the planning and provision of residential facilities and replacement housing for those displaced by Project activities.

B. [§402] Term of the PAC

The PAC shall remain in existence throughout the period of preparation of the redevelopment plan for the Project, and for three-years after the adoption of the redevelopment plan. Thereafter, the PAC is subject to one-year extensions by the City Council.

C. [§403] PAC Resources

The members of the PAC shall serve without compensation. The City shall allocate funds or equivalent resources to support the operations of the PAC. Staffing shall be provided by the City Manager. Legal services shall be provided by the City Attorney.

D. [§404] PAC Bylaws

Following PAC formation, the PAC shall adopt bylaws consistent with these PAC Formation Procedures, the PAC Election Procedures, and applicable law, to govern PAC operations. The PAC bylaws may among other things specify PAC officers and their method of selection, terms of offices for PAC members, the method and basis for terminating PAC members, and the method of filling vacancies on the PAC.

E. [§405] Conflicts of Interest

PAC members are City public officials. Following confirmation by the City Council of members of the PAC pursuant to Section 305 of these PAC Formation Procedures, PAC members shall comply with the applicable provisions of the Political Reform Act (Government Code Section 81000, et seq.) concerning conflicts of interest.

F. [§406] Open Meetings

All meetings of the PAC and its standing committees shall be open meetings and shall comply with the Ralph M. Brown Act and the Oakland Sunshine Ordinance. Ad hoc committees of the PAC shall comply with the Ralph M. Brown Act and the Oakland Sunshine Ordinance if required by those laws.

V. [§500] IMPLEMENTATION AND AMENDMENT OF PAC FORMATION PROCEDURES

The City Manager/Agency Administrator and his or her designees are authorized to formulate and take all actions necessary or appropriate to implement these PAC Formation Procedures consistent with these PAC Formation Procedures and the law. The City Council may amend these PAC Formation Procedures by Resolution. In addition, the City Manager or his designee may make minor modifications or adjustments to these PAC Formation Procedures as necessary to effectively form the PAC.

CENTRAL CITY EAST PAC FORMATION PROCEDURES

EXHIBIT A

DESIGNATED EXISTING COMMUNITY ORGANIZATIONS

EXISTING COMMUNITY ORGANIZATIONS

(Subarea designation is noted in parentheses.)

East Bay Asian Youth Center (Eastlake/San Antonio)

EastLake Merchants Association (Eastlake/San Antonio)

San Antonio Hill Neighborhood Association (Eastlake/San Antonio)

EastLake/San Antonio/Chinatown Community Development District Board (Eastlake/San Antonio)

Lao Family Community Development, Inc. (Fruitvale/San Antonio)

Patten University (Fruitvale/San Antonio)

Unity Council (Fruitvale/San Antonio)

Melrose/High Hopes Neighborhood Crime Prevention Council (NCPC) (Fruitvale/San Antonio)

Central East Oakland Merchants Association (Central East Oakland)

Praise Fellowship/Eastmont Neighborhood Crime Prevention Council (NCPC) (Central East Oakland)

Yorkshire Neighborhood Association (NCPC) (Central East Oakland)

Central East Oakland Community Development District Board (Central East Oakland)

Las Palmas Community Group (Elmhurst)

MacArthur Neighborhood Crime Prevention Council (NCPC) (Elmhurst)

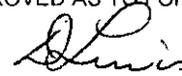
Toler Heights Citizens Council (Elmhurst)

Elmhurst Community Development District Board (Elmhurst)

OFFICE OF THE CITY CLERK
OAKLAND

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APPROVED AS TO FORM AND LEGALITY:



Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A Resolution Amending The Formation Procedures For The Project Area Committee ("PAC") For The Central City East Redevelopment Project Area To Authorize City Council Members From Districts 2, 4, 5, 6, And 7 To Change The Community Organizations From Their Respective Districts On The PAC That Have Missed More Than Four Meetings In A Twelve Month Period, Without Returning To The City Council

WHEREAS, on March 12, 2002, by Resolution No.77006 C.M.S., the City Council adopted the Procedures for the Formation of a Project Area Committee for the Central City East Redevelopment Project (the "Central City East PAC Formation Rules") pursuant to California Health and Safety Code Section 33385(b); and

WHEREAS, On June 11, 2002, by Resolution No. 77190 C.M.S. the Council certified the membership of the Project Area Committee and designated eight community organizations to the Central City East Project Area Committee; and

WHEREAS, On January 20, 2004, by Resolution No. 78308 C,M,S, the Central City East PAC Formation Rules were amended to increase the Council designation of 12 community organizations to 16 community organizations to have representation on the Central City East Project Area Committee ("Central City East PAC"); and

WHEREAS, the Council desires to allow Council members from Districts 2,4,5,6, & 7 to remove and replace community organizations for lack of attendance in their respective districts without returning to the City Council; now, therefore, be it

RESOLVED: That the Council hereby amends the Procedures for the Formation of a Project Area Committee for the Central City East Redevelopment Project as follows:

The first sentence of Section 304 Appointment of Representatives by Existing Community Organizations is amended to read: "Community Organizations may be removed and replaced by their respective Council Representatives, for lack of

attendance, without having to return to the City Council. The lack of attendance will be based on missing more than four meetings in a twelve month period. The Council member for District 2 has authority to substitute 4 community organizations from the EastLake/San Antonio sub area; the Council member for District 5 has authority to substitute 3 community organizations (other than the organization designated for District 4, currently Melrose High Hopes Neighborhood Crime Prevention Council) for the Fruitvale/San Antonio sub area; the Council member for District 4 has authority to substitute 1 community organization, currently the Melrose High Hopes Neighborhood Crime Prevention Council for the Fruitvale/San Antonio sub area; the Council member for District 6 has authority to substitute 4 community organizations in the Central East Oakland sub area; and the Council member for District 7 has authority to substitute 4 community organizations in the Elmhurst sub area."

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California