

**CITY OF OAKLAND**  
*Agenda Report*

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OFFICE OF THE CITY CLERK  
OAKLAND

2007 OCT 18 PM 4:38

To: Council President Ignacio De La Fuente  
Chairperson, Rules and Legislation Committee  
From: Lupe Schoenberger, Rules Committee Legislative Analyst  
Date: November 1, 2007  
Re: Proposed State Legislative Agenda for 2008

**SUMMARY**

Each year, the City prepares a legislative agenda to serve as the foundation for a focused advocacy strategy in Sacramento. A list of proposed legislative priorities for 2008 has been prepared by the City's state lobbyist, Townsend Public Affairs, Inc., (TPA) based on input received from the Mayor, City Council and City Department Heads.

This report provides the City Council with a list of recommendations to consider for inclusion in the City's 2008 State Legislative Agenda.

The proposed agenda does not include every issue or concern that may arise throughout the course of the year. Therefore, staff will continue to work with TPA to identify and monitor other important legislative issues and submit them to the City Council for consideration. Additionally, TPA will also work to support grant proposals submitted by the City and to identify additional funding opportunities for City proposals as they arise throughout the year.

**RECOMMENDATION**

Staff is requesting that the Rules and Legislation Committee accept the recommendations and forward this report to the City Council for final approval.

Respectfully submitted,



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Lupe Schoenberger  
Rules Committee Legislative Analyst



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## MEMORANDUM

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**To:** City of Oakland  
**From:** Townsend Public Affairs, Inc.  
**Date:** October 18, 2007  
**Subject:** 2008 State Government Advocacy Priorities for the City of Oakland

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On behalf of the City of Oakland, Townsend Public Affairs (TPA) submits for your consideration the 2008 state government advocacy agenda. In development of the agenda, TPA has included input from the Mayor, City Council, City Attorney, and Department Heads of the City of Oakland. TPA presents the following memo for your review, which is compiled in the following three sections:

1. The first focus of the agenda includes **City Sponsored Legislation**. These are major issues specific to the City of Oakland in which the City would like to take a leadership role in pursuing legislative change.
2. Second, is the section on the **Legislative and Regulatory Priorities of the City**. These are important issues for Oakland that the City would like to monitor and take positions on, as necessary. The City would not be in a leadership role on these issues, but would work with other stakeholders to ensure that any legislation is favorable to the needs of the City.
3. The third and final part of the agenda addresses **Funding Priorities**. In addition to notifying and working with the city on grant programs administered by the state, Townsend will track to the development of grant guidelines and program regulations for the funding allocated through Propositions 1a-1e and 84.

If there are any questions, suggestions, or requests for like additional information regarding any of the content of this agenda, please do not hesitate to contact Christopher Townsend at [ctownsend@townsendpa.com](mailto:ctownsend@townsendpa.com) or 949-399-9050.

## **CITY SPONSORED LEGISLATION:**

Below is the current list of bills that the City of Oakland sponsored in the 2007 legislative session that will be eligible to move beginning in January 2008 and new bill proposals for second half of the 2007/2008 legislative session. Since 2008 is the second year of the current legislative session, there will be challenges that were not encountered in 2007 specifically that all bills must move through the Legislature prior to adjournment in August 2008.

The City of Oakland's legislative agenda for 2008 will reflect the vision of Oakland as *The Global Model City*. The strategic legislative agenda for the global model city includes: anti-poverty, economic and workforce development measures; coverage and accessibility to comprehensive health care; improving the access to educational and vocational opportunities; public safety with focus on prevention, intervention, enforcement and sustainability measures; infrastructure and transportation; environment, energy and housing and urban development. Every legislative initiative 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 Mayor and City Council's commitment to lead a statewide urban agenda.

### **Two-Year Bills Originally Proposed by the City in 2007:**

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 submit 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 City-Sponsored Legislative Proposals for 2008:**

1. **Crime Prevention via Red-light Cameras (Police Department):** Allow photographic evidence captured on red-light cameras to be available for use as evidence for non-traffic related crimes. This proposal was approved by the Council as a City-sponsored legislative initiative for 2008.
2. **Municipal Whistleblower Protection (City Auditor):** Provide whistleblower protections for municipal employees. This proposal would replicate existing state whistleblower protections for municipal employees, as current law does not apply to these employees.
3. **Earthquake & Seismic Safety:**
  - a. **Limited Permit Inspections for Retrofitting (Council Member Quan and Co-Sponsored by the Association of Bay Area Governments):** Would allow a seismic

retrofit permit inspection without requiring additional building inspections. This proposal would encourage homeowners to have their homes seismically retrofitted without the need to worry about triggering additional building requirements.

- b. **Retrofit Contract Licensing (Council Member Quan and Co-Sponsored by AGAB)** Require a state-level certification and licensing of contractors for seismic retrofitting work. This proposal would provide that contractors meet certain established criteria and provide consumers with the assurance that the seismic retrofitting work will be done by a qualified contractor.
  - c. **California Earthquake Authority Sovereign Immunity (Council Member Quan and Co-Sponsored by AGAB):** Give the California Earthquake Authority sovereign immunity so that it can fund projects that would support proactive structural mitigation. This proposal would limit the Authority's liability in event of an earthquake, thereby encouraging the Authority to spend existing dollars on earthquake mitigation.
  - d. **Financial Incentives for Seismic Retrofit (Council Member Nadel):** 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.
4. **Predatory Lending Protections:**
- a. **Lending Document Translation (City Attorney):** Require lending documents to be translated into the native language of the applicant.
  - b. **End Preemption of Local Regulation (City Attorney):** Allow cities to adopt local measures related to predatory lending that are stronger than current state law. This proposal would allow cities to provide their residents with greater protections against predatory lending than currently afforded in State law.
  - c. **Licensure Requirements for Mortgage Cappers (City Attorney):** Require institutions offering rate capper mortgages to be registered. This proposal provides that these institutions will be required to meet minimum standards in order to provide mortgages and will also be accountable to a governmental entity.

## **LEGISLATIVE & REGULATORY PRIORITIES:**

It is important for the City of Oakland to take an active role in shaping legislation. There are a number of principles that have been identified by the City as components of the model city agenda. The identification of these principles helps guide TPA's review of bills to make recommendations to the City to take positions on legislation. Any legislation related to these topics is added to a legislative matrix that TPA tracks for the City of Oakland, and, if relevant, a position is recommended. Once added to the list, the City may choose to take a position and determine if any further response or reaction is needed.

### **Economic and Workforce 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 redesignation 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.
- **Incentives for Green Business:** Monitor and support legislation to create incentives for green business including energy and environmental technology and recycled material product development.
- **Vocational and Workforce Training:** Monitor and support legislation that provides funding for workforce development, specifically in the fields of construction and building trades.

### **Education:**

- **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 to improve the quality of public education in Oakland schools and ensure local control.

### **Housing & Redevelopment:**

- **Affordable Housing:** Support legislation that expands affordable housing opportunities.
- **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.

#### Health and Human Services:

- **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.

#### Local Government Revenue & Taxation:

- **California Environmental Quality Act:** Monitor legislation and regulatory proposals related to climate change and impacts on local government.
- **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.
- **Franchise Tax:** Oppose legislation that hinders the City's ability to generate franchise taxes.
- **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.

#### Parks & Recreation:

- **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.

## 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.

## Transportation:

- **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.

## **FUNDING PRIORITIES:**

There are several upcoming funding opportunities of interest to the City of Oakland pertaining to Proposition 1B transportation funding, Proposition 1C housing funding, and other 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 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 29<sup>th</sup>/23<sup>rd</sup> 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.
- **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. TPA will continue to work with the City to ensure that projects located in the City are eligible to apply for funding and that criteria is established that will maximize the potential for securing these funds.
- **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.
- **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 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: 21<sup>st</sup> 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.