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MEMORANDUM

To: Mayor Jean Quan
Council President Patricia Kernighan and Members of the City Council

From: Townsend Public Affairs, Inc.

Date: December 4, 2014

**Subject: Summary of 2014 Legislative Activities and
Proposed 2015 State and Federal Legislative Agenda**

Townsend Public Affairs, Inc. (TPA) has prepared this report for the City of Oakland following the end of the 2014 State and Federal legislative sessions. This report lists a summary of our efforts to date for the legislative and funding advocacy objectives of the City of Oakland.

Additionally, TPA has participated in meetings with City leadership and, based on those meetings, has prepared a recommended 2015 State and Federal Legislative agenda for adoption. This recommendation includes the framework for legislative proposals for the upcoming legislative year, with both specific City-sponsored legislative proposals, and legislative and funding priorities for monitoring, as well as recommended actions.

2014 State Legislative Highlights

TPA worked with the elected City leadership and Administration to develop, advocate for and secure several major City initiatives through various means including: legislation, grants, and working directly with Governor Brown's Administration.

Please note the following state legislative efforts and highlights:

Securing passage of Senate Bill 962 (Leno): Smartphones

Our top legislative accomplishment for the year was the effort to secure the passage of Senate Bill 962 (Leno), which aims to increase public safety by reducing the levels of cell phone theft. This bill requires a 'kill switch' on all smart phones sold after July 2015 in the State of California. The underlying premise of the legislation is to remove the profit motive for those who would steal smart phones by allowing owners to render a stolen cell phone inactive and eliminating the ability for the stolen phone to be resold. SB 962 was signed by Governor Brown in August and was the City's top legislative priority.

Our extensive efforts through the entire legislative process included:

- Working closely with Senator Leno (author), Assembly Member Skinner (co-author), their offices, Mayor Quan, Councilmember Kalb, and the Oakland Police Department drafting the legislation;
- Recruiting coalition members to join and support our efforts, which included numerous public safety associations, consumer associations, and cities;
- Drafting a one-page bill summary and other collateral materials to explain the issue, the negative impacts under current law, and the proposed solution;
- Drafting the City's sponsorship letter and support letters for other entities;
- Working with the authors to resolve concerns from industry stakeholders such as Google, Comcas, and AT&T, and ultimately securing their support for the legislation;
- Drafting the testimony for our three key witnesses, Mayor Quan, Councilmember Kalb and Police Captain Toribio, when the bill was heard by multiple Senate and Assembly Committees;
- Briefing the office of every Assembly and Senate committee member to explain why the City of Oakland needs this bill;
- Working with Senator Leno, his office, Assembly Member Skinner, her office, the City, and Legislative leadership to successfully move the bill out of the Senate and Assembly; and
- Once the bill was on the Governor's desk, TPA helped organize an intensive and focused letter writing campaign to the Governor outlining the need for the bill.

Securing a \$2 million dollar budget earmark for public safety programs

Through the leadership of Assembly Budget Chair Nancy Skinner, TPA worked in direct partnership with the Assembly Member and her chief of staff to draft, insert and secure a \$2 million dollar earmark in the FY '14 – '15 State Budget specifically for the City of Oakland.

The funding was allocated through the Recidivism Reduction Fund, administered by the Board of State and Community Corrections (CBSCC), to the City of Oakland due to its improving, but still high rates of crime. Recognizing this need, while also identifying the network of providers and programs already established in Oakland that are making notable progress, Assembly Member Nancy Skinner with the support and partnership of TPA, assisted in directing the CBSCC grant to the City to help build on existing investments and expand opportunities, thus strengthening ongoing efforts around violence reduction.

Securing passage of AB 2485 (Dickinson) Unlawful detainer: nuisance: controlled substances

In close coordination with City Attorney Barbara Parker, TPA worked with Assembly Members Dickinson, Bonta and their staff to include Oakland in this bill. AB 2485 will supplement the City of Oakland's own nuisance eviction ordinance that has been in place for over a decade. This ordinance has been effectively leveraged by the City Administrator to send notices to landlords to evict tenants engaged in illegal drug sales and more serious weapons-related offenses. This proposed legislation will increase the number of public safety tools at the City's disposal when working to protect our citizens against the destructive influence of illegal drugs in our City. This proposed legislation broadens the scope of legal standing by continuing to allow notices generated from the City Attorney, which may be more effective in getting a landlord or tenant's attention to address a nuisance situation than one coming from city administration.

Securing passage of AB 2310 (Ridley-Thomas) Unlawful detainer: nuisance: unlawful weapons and ammunition

TPA worked in partnership with City Attorney Barbara Parker, Assembly Member Ridley-Thomas and Assembly Member Bonta to include the City of Oakland in AB 2310. Similar to AB 2485, this legislation broadens the scope of legal standing and allows notices generated from the City Attorney to deal with the pervasive influence of illegal drug and weapons activities that can blight entire neighborhoods.

Securing passage of AB 1439 (Salas) Unfair business practices: contests and sweepstakes

In close partnership with the City Council and Councilmember Noel Gallo, TPA worked with Assembly Member Rudy Salas and his office to sponsor AB 1439, which closes the loophole that has allowed illegal cafes to operate by prohibiting a person from operating a gambling-themed or simulated gambling electronic video monitor in a business establishment that gives cash or other prizes of value. It also permits the California Attorney General, district attorneys and city attorneys to bring civil suits to subject operators and civil penalties for violations. Local business owners have voiced concern about the negative consequences of these cafes, including many reports of increased crime. As a result, nearby businesses are hurting as their customers seek to avoid the crowd and crime these illegal gambling cafes attract. These illegal gambling cafes are a threat to both public safety and local businesses and are thinly-veiled gambling operations.

Supporting the efforts on AB 1147 (Bonilla): Massage Therapy

Addressing one of the top City legislative priorities, TPA was actively engaged on this legislative initiative. This bill substantially revises the existing State massage therapy law, incorporating changes that were recommended as a result of the 2014 sunset review process. This bill updates multiple provisions of current law to give local governments greater authority to regulate massage establishments and businesses while creating a more robust statewide regulatory system for massage professionals. TPA worked closely with Assembly Member Bonilla's office, Assembly Member Bonta's Office and the offices of Senator Hancock to ensure massage parlor legislation was crafted with the City of Oakland in mind. The bill was signed into law by the Governor.

Supporting the efforts to hold AB 2145 (Bradford): Community Choice Aggregation (CCA)

The City opposed this bill because it would thwart adopted environmental goals, infringe upon local control and local decision-making, and is similar to a 2010 PG&E funded ballot initiative that failed. TPA was an active member of the coalition that fought this bill. This bill would have restricted the expansion of a CCA to a geographic area of three contiguous counties, unless the CCA had already exceeded three counties prior to January 1, 2015; required CCA customer solicitations and consumer communications to include the electric supply rates for that customer if he/she remains with the Investor Owned Utility (IOU) and joins the CCA. Our efforts included briefing the entire East Bay legislative delegation on the City's position, explaining why the bill was harmful to the existing CCA process, and securing additional members to join our fight. Additionally we testified in legislative committee hearings against the bill. This bill was stalled in the Senate and did not make it to the Governor.

Supporting the efforts for statewide medicinal cannabis regulations

TPA served as a key member of a statewide coalition that rewrote the medicinal cannabis guidelines to provide statewide regulations, while ensuring the proposal would be in the best interest of the City and residents. A comprehensive, thorough approach to statewide medicinal cannabis guidelines is needed, while at the same time allowing existing, approved dispensaries to continue to operate and show the federal government that California has clear guidelines. This bill stalled in the Senate; however, we are currently working with legislators to revive this effort in 2015.

Legislative monitoring

TPA monitored over 100 bills, which were identified as important to the legislative agenda of the City of Oakland. Specifically, TPA advocated on the City's behalf for 37 bills on which the City took either a support or an oppose position. Additionally, we provided the City with weekly legislative updates and bill matrices to the Mayor, City Council and Administration.

These updates included specific bills we were working on for the City along with bills we suggested the City watch, support or oppose. The legislative categories included: Public Safety, Planning, Housing and Land Use, Infrastructure, Environment, Energy and Sustainability, Economic Development, Youth, Constitutional changes, and Miscellaneous.

Funding opportunities

TPA identified and then notified the City of funding opportunities to help support City priorities. Additionally TPA provided additional support, including: helping draft applications, working with the State agencies, securing letters of support, and other advocacy methods, when deemed appropriate by the City.

2014 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 the City's federal representation in Congress and Congressional leadership.

Please note the following federal legislative efforts and highlights:

Securing a \$1.8 million grant from the Department of Justice for to increase public safety

Addressing one of the City's top priorities to secure funding for public safety programs, TPA worked with Congresswoman Barbara Lee's staff and the Department of Justice on the City's Community Oriented Policing Services (COPS) grant application. Further efforts included securing letters of support from the City's Congressional delegation and working closely with COPS staff to ensure Oakland's application remained competitive. These efforts resulted in over \$1.8 million dollars for the City in addition to 15 new officers for Oakland's police force.

Supporting the efforts to participate in the Promise Zone Initiative

TPA provided support and strategy on the City's Promise Zone application, and facilitated the City's engagement in the initiative. TPA updated the City with new information from Department of Housing and Urban Development (HUD), both from webinars and direct conversations with senior HUD staff, and provided recommendations on the application. TPA provided a sample application well in advance for the City, reviewed the City's proposal at length, and provided edits and insight into HUD priorities, positioning the application for success. TPA is currently working to secure letters of support from the City's delegation in addition to coordinating a call with Senator Boxer and Congresswoman Lee to HUD Secretary Julian Castro.

Supporting efforts for federal funding for Unaccompanied Alien Children

TPA worked with Department of Health and Human Services (HHS), Department of Homeland Security (DHS), House Homeland Security Committee members and their senior staff, and Congresswoman Barbara Lee's staff to secure funding that will assist the City with the high number of Unaccompanied Alien Children in Oakland currently awaiting legal action. President Obama and his administration have indicated that he may be taking executive action on immigration policy before the end of 2014 and TPA has already begun to work with Congressional leadership and administration officials to ensure that the City is involved in any initiatives that will create additional funding opportunities or other support mechanisms for Unaccompanied Alien Children.

Supporting the efforts to participate in My Brother's Keeper Initiative

Identified as a program of interest to the City, TPA provided information and avenues to engage the City in the Obama Administration's My Brother's Keeper Initiative. TPA identified an opportunity for the City to participate in the initiative.

D.C. Advocacy Trips

- **Mayor Quan.** TPA strategically facilitated meetings for Mayor Quan's advocacy trip to Washington D.C. in January. TPA constructed an itinerary that included meetings with Congresswoman Lee, the White House Intergovernmental Affairs Office, Economic Development Administration, and the Department of Justice Associate Attorney General.
- **Chief Whent.** TPA facilitated a meeting for Chief Whent and Assistant Chief Figueroa with COPS Director Ron Davis. TPA provided summaries and feedback from the meeting for the City. On behalf of the City, TPA also drafted a thank you letter with follow-up action items from the meeting for Oakland to send to Director Davis. Following the advocacy trip, and internal conversations with TPA and the Oakland Police Department, TPA developed an immediate agenda to keep Oakland engaged.

Legislative Monitoring

TPA monitored legislation that was identified as a top priority by the City as well as moving legislation that impacted the City. This included meeting with sponsoring offices and committee staff with jurisdiction over the bills, attending hearings on behalf of the City and reporting findings to City staff. Particular legislation of interest to the City included:

- **Human Trafficking.** TPA provided information on relevant legislation regarding human trafficking that could impact Oakland.
- **Head Start Funding.** On behalf of the City, TPA drafted and delivered a letter of support to Senate and House Appropriations Committee Chairs and Ranking Members urging members to restore Head Start funding to pre-sequestration levels. Additionally, TPA followed up with House and Senate Appropriations Committee staff to move this agenda forward.

TPA also provided general updates on Congressional action and deadlines for the City. This included a summary of the 2014 mid-term election results and included expected changes based on those results.

Funding opportunities

TPA provided numerous summaries of funding opportunities and helped City staff secure additional information in order to determine if certain opportunities were viable for specific City projects. Specifically, TPA provided information on Department of Justice re-entry grants and human trafficking grants and Department of Commerce economic development grants. Additionally, TPA:

- **Secured department feedback for the City's Byrne Grant application.** TPA arranged a conference call with the Oakland Human Services Department to discuss the Byrne Grant and the Department's priorities. TPA worked with Department of Justice staff to obtain peer review comments for Oakland.
- **Advocated for the City's TIGER grant application.** TPA worked with Congresswoman Barbara Lee's office staff and with staff from the U.S. Department of Transportation (DOT) to make the City's application competitive. TPA facilitated and participated on a debriefing call with DOT.

City of Oakland Legislative Priorities for 2015:

The City of Oakland's legislative agenda for 2015 will reflect the adopted priorities of the City Council and the Mayor. The strategic agenda includes advocating for legislation, regulations and funding that is consistent with the City's adopted goals. TPA has included input from the Office of the Mayor, City Council, and City Staff. This report is compiled into three sections:

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

1. City Sponsored Legislative Proposals

Below is a list of Oakland-specific legislative proposals. If the Council is supportive of these proposals listed below, TPA will immediately begin to research what can be accomplished through legislation, regulations or direct advocacy with State/Federal agencies and other organizations to help address Oakland's needs.

- **An ongoing, sustainable source of funding to support affordable housing.** With the dissolution of redevelopment agencies, funding is needed to support and encourage the construction of affordable housing. The goal of this legislation would be to support efforts, including, but not limited to: tax credits, bridge loans, and other financing tools that will create a new, ongoing source of funds.
- **Efforts to reduce the sexual exploitation of youths.** The City has been a leader in efforts to reduce sexual exploitation of minors. The goal of this legislation would be to give the City additional enforcement tools to continue its efforts to stop the sexual exploitation of children.
- **Illegal Dumping/Blight Enforcement/Graffiti abatement.** As Oakland and other cities work toward their zero waste goals, many communities, including Oakland, are burdened and negatively impacted by illegal dumping. The dumping harms the quality of life in these neighborhoods while attracting more problems. The goal of this legislation would be to provide more tools for local government to take on this challenge
- **Medicinal Cannabis Statewide Regulations.** A comprehensive, thorough approach to statewide medicinal cannabis guidelines is needed, while at the same time allowing existing, approved dispensaries to continue to operate and show the federal government that the State of California has clear guidelines. The goal of this initiative is to provide regulations that allow existing dispensaries to operate, and to set up an entire system statewide. Additionally, efforts are needed to ensure financial institutions process transactions for marijuana-related businesses.
- **Economic Development: Coliseum City and the Oakland Army Base project.** Due to the loss of redevelopment funding, a new form of economic development is needed to attract additional support to large scale developments. As the City moves forward with the build out of Coliseum City and the Army Base, some form of tax increment funding will likely be needed. The goal of this proposal would be to develop a new funding model that local governments could utilize in the development of large scale projects with broad community support.
- **Remove illegally purchased guns in Oakland.** Similar to last year's effort led by Assembly Member Bonta to require additional registration of firearms, the City seeks to continue these efforts to remove illegally purchased firearms from the streets of Oakland.
- **Legislative solution for direct care services to pay for higher city minimum wages.** The City of Oakland recently passed an increase to the local minimum wage. Additionally, a growing number of cities are enacting minimum wage ordinances, too. Currently there are no procedures to address the required rate increases. The goal of this proposal would be to create legislation that sets rate and distribution policies.

- **Improve traffic safety by installing speeding enforcement cameras.** With public safety resources at capacity, yet quality of life concerns persist, the goal of this legislation would be to allow cities to use cameras to issue citations and thereby increase the safety on our city streets.

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. 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.

If legislation is introduced that impacts any of the priorities, staff will 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. TPA will monitor legislative activity in the following areas:

- Public Safety
 - Measures relating to additional support for mental health services, provide for street outreach to help with the homeless, more transitional housing opportunities, gun and ammunition access, efforts to provide local law enforcement with additional support, ensure that realignment funding is also targeted to support cities, and incentives to support re-entry programs.
- Economic Development
 - Pilot programs in Oakland to help jump start the economy. Measures providing for new tax increment financing opportunities, efforts to encourage local manufacturing, light industrial and bioscience opportunities, and building up the workforce,
- Infrastructure
 - Measures affecting funding for roads and transit-oriented developments.
- Planning, Housing and Land Use
 - Continue our proactive efforts to ensure the Cap and Trade funding guidelines meet the City's needs and goals. Measures affecting local control over affordable housing. In addition, seek funding to help support seismic retrofitting of single family homes and other residential units.
- Environment, Energy and Sustainability
 - Measures pertaining to clean energy efforts, graffiti abatement, reducing waste, and other environmental impacts of local agencies.
- Youth
 - Measures providing support for the unaccompanied minors/immigration concerns, education or employment opportunities for youth, resolution of issues pertaining to the final audit for Oakland Unified absenteeism and drop outs, support for after school funding, help with enhance Head Start programs, and safe houses for sexually exploited youth.
- Constitutional Modifications
 - Measures which would impact local governments, such as lowering the voter threshold to 55% for various bond issuances and local taxes.

- Miscellaneous

- Any other measure or budget action that 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.

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 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:

- Expansion of the OPD crime lab
- Additional police officers
- Opportunities to enhance substance abuse programs for treatment
- Re-Entry and anti-recidivism programs
- Radios and 911 dispatch support
- Social services such as homelessness, AIDS/HIV support, and Hepatitis C prevention

Economic Development related funding for projects such as:

- Oakland Army Base
- City parks
- Lake Merritt
- Howard Terminal
- Coliseum City
- Transit oriented projects for both residential and commercial areas
- Job training funding

Transportation and infrastructure projects such as:

- The Broadway Shuttle
- Fruitvale Parking Garage
- Safe Routes to School funding for locations throughout the City
- Bus Rapid Transit
- More support to help pave roads
- Seismic upgrades for residential soft stories
- LAAMPS project

Planning, Housing and Land Use projects such as:

- Support for affordable housing
- Prefabricated housing issues

Environment, Energy and Sustainability for projects such as:

- Clean energy funding
- Healthy city funding
- Addressing illegal dumping/graffiti abatement
- EDA brownfields cleanup for sites such as GE Site

Youth such as:

- Children of incarcerated parents
- Literacy support
- State funding for urban schools

Process for Reporting

In addition to the weekly progress reports we send the City, TPA proposes to report out to the Rules Committee and then City Council when the State Legislature is on break. For example, we would report out in April while they are on Spring Recess and during July while they are on Summer Recess.