

CITY OF OAKLAND
AGENDA REPORT

2011 OCT 20 PM 4: 11

TO: Honorable City Council
FROM: Maisha Everhart, Senior Policy Advisor for Intergovernmental Affairs
DATE: November 3, 2011

RE: A Report and Resolution Recommending that Townsend Public Affairs' State Lobbyist Contract get Extended for the Period of October 31, 2011 Through October 31, 2012 at a Cost of One Hundred Thirty Thousand Dollars (\$130,000), and Authorizing an Option to Renew on a Month to Month Basis for a Six Month Period until April 31, 2013, at the City's Discretion, and to Increase the Agreement up to an Amount-Not-To Exceed One Hundred Thirty Thousand Dollars (\$130,000), as needed, for a Total Agreement Amount Not-to-Exceed Five Hundred Eighty Five Thousand Dollars (\$585,000)

SUMMARY

This report recommends that the City Council extend Townsend Public Affairs' state lobbyist contract for 12 months, with an option to renew on a month to month basis for a six month period of time until April 31, 2013, at the City's discretion and to increase the agreement up to an amount not to exceed one hundred thirty thousand dollars (\$130,000), as needed. Staff anticipates having a Request For Proposal and contracting process completed by the contract end date of October 31, 2012. However, as a safe guard, the month-to-month request is designed to allow for continued service if the process is not completed.

FISCAL IMPACT

Funding for this contract is available in the General Purpose Fund (1010), Non-Departmental Citywide Activities Organization (90591), Miscellaneous Contract Services (54919), and the State Lobbyist Project (P49300). The Professional Services Agreement with TPA shall be for the period November 1, 2011 through October 31, 2012 with an option to renew on a month to month basis for a six month period until April 31, 2013 at the City's discretion.

BACKGROUND

FY 2005-2011

The City issued a Request for Proposals (RFP) in December 2005 to secure a legislative representative for the 2006 State legislative session. Through that process, the City Council retained the services of Townsend Public Affairs (hereinafter TPA) to represent Oakland for the period of April 5, 2006 to January 5, 2007. Resolution No. 80459 C.M.S. extended the existing

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contract to December 5, 2007. In November 2007, the City Council passed Resolution No. 80999 which extended the contract with TPA through June 30, 2008 which continued on a month to month basis until October 31, 2008.

On May 19, 2009, the Council adopted a resolution awarding a contract to TPA, after issuing another Request for Proposal (RFP), to serve as the City's State Legislative Representative for the period of November 1, 2008 through October 31, 2010, a period of two years, in an amount of One Hundred Thirty Thousand Dollars (\$130,000) per year, for a total amount not to exceed Two Hundred Sixty Thousand (\$260,000), and authorizing the City Administrator, without further Council Action, to exercise an option to renew the contract for a third year under the same terms, conditions, and price, for a total amount not-to-exceed three hundred ninety thousand dollars (\$390,000) for three years.

On October 20, 2010 the City Administrator authorized an amendment of TPA's original agreement dated November 1, 2008 and extended it from October 31, 2010 to October 31, 2011.

KEY ISSUES AND IMPACTS

Recommendation to Waive the Request for Proposal Process and Extend TPA's State Lobbyist Contract.

The Mayor's office is recommending that Council amend TPA's existing contract and extend it for a 12 month period, with an option to continue the agreement on a month to month basis while a request for proposal is issued until April 13, 2013 for the following reasons:

1. Maintaining continuity is necessary as the City faces the elimination of its Redevelopment Agency;
2. The process to submit legislative proposals and secure legislative authors for the 2012 session has already begun;
3. Extending TPA's state lobbyist contract saves the City money;
4. TPA has successfully advocated for Oakland's state interests over the past legislative session and has been a key partner in many of our successes; and
5. Upon a recent evaluation of performance, TPA is qualified to represent the City.

1. **Maintaining Continuity is necessary as the City faces the elimination of its Redevelopment Agency**

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The Mayor's office is recommending that Council extend the City's state lobbyist contract with TPA for a one year period to maintain continuity of our state advocacy efforts.

Now is a crucial time for Oakland's state advocacy efforts. On June 29th, the Governor signed several of the budget trailer bills. The measures signed by the Governor regarding RDA were AB 26x which eliminated redevelopment and AB 27x which is referred to as an alternative voluntary redevelopment program.

This summer, TPA worked with legislative staff in leadership positions who were involved in the RDA legislation working group that draft clean-up legislation. The working group decided that the larger policy issues surrounding the future of redevelopment are best left until the next session begins in January, after the California Supreme Court rules on AB 26x and 27x. One of those items, at the top of the list for January, is legislation regarding hardship findings.

In an effort to preserve Oakland's redevelopment agency, the City has pursued a two pronged approach. First, the City has joined a lawsuit with the California League of Cities challenging the constitutionality of AB 1X 26 and AB 1X 27, the two redevelopment bills passed as part of the state budget in June. Second, if the California Supreme Court does not rule in the City's favor, the City is working with TPA to advance hardship findings for an Oakland exemption. Oakland seeks hardship findings resulting from its decrease in property value, high levels of unemployment, its percentage of affordable housing and its joint use agreement with the School District to provide services. TPA has been working closely with the East Bay delegation and legislative leadership to draft legislation regarding hardship findings that will affect Oakland.

2. The process to submit legislative proposals and secure legislative authors for the 2012 session has already begun

On January 4, 2012, the California State Legislature reconvenes and kicks off the 2012 legislative session. New bills will be introduced for the new session in January, however right now is the time that the legislative offices begin to discuss what their legislative priorities are, what bills they would like to author, and who their sponsors will be. TPA has already begun reaching out to these offices to see how we can support their legislative priorities and how they can help the City with our legislative needs. As these discussions move forward, the next steps are to draft the language, secure support from organizations and other entities, submit the language to Legislative Council, and of course, securing authors.

3. Extending TPA's State Lobbyist Contract Saves the City Money

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TPA entered into a contract with the City of Oakland to serve as its federal lobbyist from June 1, 2011 to May 31, 2012 for a rate of \$72,000 per year.

During the recent Request for Proposal process for a federal lobbyist, most of the firms that submitted proposals wanted to charge the City between \$8500- \$14,000 per month. However, TPA proposed a significantly discounted fee of \$6,000 per month for its federal lobbying services, not to exceed a total contract cost of \$72,000 over a 12 month period. Townsend proposed the reduced rate because of its commitment to the mission and vision of the City of Oakland and their on-going state lobbying efforts.

By retaining TPA as Oakland's state and federal lobbyist, Oakland is receiving a discounted rate for federal lobbying and saving money.

4. TPA has successfully advocated for Oakland's interests on behalf of the state government.

In January of 2011, the City articulated a legislative agenda for TPA. To date, the Mayor's office believes TPA has successfully advanced Oakland's legislative agenda and secured vital resources for the City. To highlight a couple of accomplishments, four of Oakland's legislative priorities were signed into law by the Governor, TPA has been instrumental in securing \$10 million dollars in grant funds for two of Oakland's cultural centers and additional resources from California Highway Patrol to support the Oakland Police Department.

For a comprehensive description of TPA's recent state advocacy efforts please see (*Attachment A* titled "Year End Report on the City of Oakland's 2011 State Legislative Agenda")

5. Upon Recent Evaluation, TPA is qualified to represent the City.

The Mayor's office had a recent opportunity to evaluate TPA's qualifications and performance during the selection process for the City's federal lobbyist.

TPA has served as the City of Oakland's state lobbyist since 2006. As the state lobbyist for Oakland, Townsend has successfully worked in partnership with the Mayor, City Council, and the City Administration to pass important legislation and secure funding to accomplish the goals of the City. To date, TPA has secured nearly \$74 million for the City of Oakland in State funding.

EVALUATION OF PAST PERFORMANCE

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Over the course of the last five years, Townsend has helped secure passage of a number of Oakland sponsored legislation in the State Assembly. Such legislation includes but is not limited to the following:

- In 2007, TPA sponsored SB 67 (Perata) on behalf of the City of Oakland to crack down on “sideshow” reckless driving activities. The bill passed through both houses of the state legislature and was signed by the Governor.
- In 2008, TPA sponsored AB 2001 (Swanson), on behalf of the City of Oakland which allowed local governments to establish whistle-blower hotlines and additional provisions to protect their identity. The bill passed through both houses of the state legislature and was signed by the Governor.
- In 2008, TPA sponsored AB 499 (Swanson) on behalf of the City of Oakland which created a pilot project in Alameda County to place sexually exploited minors accused of prostitution offenses into supervised counseling and treatment programs. The bill passed through both houses of the state legislature and was signed by the Governor.
- In 2011, TPA sponsored AB 184 (Swanson) on behalf of the City of Oakland. This bill gives local governments the authority to loan money to homeowners for seismic safety improvements. The bill makes seismic retrofits more affordable by providing homeowners with a financing option that removes much of the upfront expense. AB 184 enjoyed bi-partisan support in the Legislature and was one of the first bills signed by Governor Jerry Brown.

Townsend is currently working as Oakland’s state lobbyist on the following legislative priorities:

- Redevelopment
- Public Safety
- Economic Development/Job Creation
- Transportation
- Infrastructure
- Parks & Recreation

Townsend looks forward to having continued success as the City’s state advocate. Townsend is working to prepare a proposed 2012 legislative agenda in conjunction with City leadership and plans to identify new funding opportunities in light of the state government’s current fiscal crisis.

SUSTAINABLE OPPORTUNITIES

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Economic: Townsend is currently working on economic development and job creation legislative priorities. Success in this area will help to buttress the Oakland economy.

Environmental: There are no environmental issues associated with this project.

Social Equity: As a local Oakland certified firm, Townsend has job creation as a legislative priority. Success in this area will help to stimulate employment opportunities for Oakland residents.

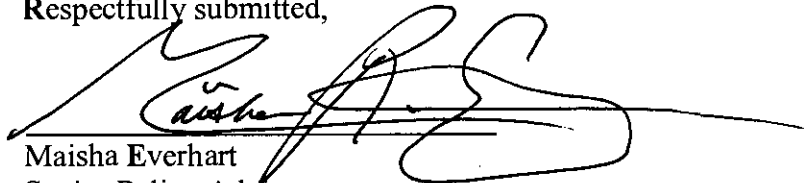
DISABILITY AND SENIOR CITIZEN ACCESS

This report contains no ADA or senior citizen access issues.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council adopt the resolution to extend Townsend's existing agreement and authorize an option to renew on a month to month basis for a six month period until April 31, 2013, at the City's Discretion, and increase the agreement up to an amount not to exceed one hundred thirty thousand dollars (\$130,000).

Respectfully submitted,



Maisha Everhart
Senior Policy Advisor
Intergovernmental Affairs
Office of Mayor Jean Quan

Prepared by: Maisha Everhart
Senior Policy Advisor for Intergovernmental Affairs
Office of Mayor Jean Quan

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Attachment A
Year End Report on the City of Oakland's 2011 State Legislative Agenda



M E M O R A N D U M

To: The Honorable Mayor Jean Quan
The Honorable Council President Larry Reid and Members of the City Council

From: Townsend Public Affairs, Inc.

Date: November 3, 2011

Subject: Year End Report on the City of Oakland's 2011 State Legislative Agenda

Townsend Public Affairs, Inc. (TPA) has prepared this 2011 State Government Advocacy Summary report for the City of Oakland following the end of the 2010-2011 state legislative session. This report includes a summary of our efforts to date and the current status of the state legislative and funding advocacy objectives of the City of Oakland.

2011 State Legislative and Funding Advocacy Highlights:

In 2011, TPA worked with the elected City leaders and staff to develop and advocate for several major City initiatives through legislation, grants and the state budget. To provide a quick summary of the highlights, please note the following:

1. Staffed four Oakland sponsored bills that the Governor signed into law. These legislative proposals are specific to Oakland and the City served as the legislative sponsor:
 - AB 12 (Swanson) Abolition of Sexual Slavery Act of 2011
 - AB 90 (Swanson) Human trafficking
 - AB 184 (Swanson) Contractual assessment/seismic safety improvements
 - AB 799 (Swanson) Commercially sexually exploited minors

Our efforts included: help with drafting the legislation, coordination with City leadership of testimony at Committee hearings, creation of speaking points for testimony, preparation of the witnesses, drafting, securing and submitting support letters, and organizing coalitions to support Oakland's priorities.

2. Monitored over 75 bills, which were identified as relevant to the legislative agenda of the City of Oakland. Specifically, TPA advocated on behalf of 29 bills of which the City took a position of either support or oppose; of these bills, 14 were signed by the Governor into law, 2 were vetoed

by the Governor, and 13 bills were held and may be considered by the Legislature next year. TPA's advocacy efforts included working in concert with the Office of the Mayor, the Office of the Council President, City Staff, State legislators and staff, and the Governor's Office.

3. Proposition 84 Nature Education Facilities Program. TPA helped secure nearly \$10 million Proposition 84 Nature Education Facilities funding for the Oakland Zoo and Oakland Museum. This program was designed to help fund the development of nature education facilities, buildings, structures and exhibit galleries that will educate visitors and inspire environmental stewardship. More than 300 applications were submitted to the Department of Parks and Recreation requesting nearly \$1 billion in total funding; this made for a very competitive program as there was only \$93 million available. Grants were awarded to projects of varying sizes, ranging from \$32,000 to \$7 million; the successful Oakland applications were for the Oakland Zoo (\$7 million) and Oakland Museum (\$2.9 million).

TPA worked in concert with the Oakland cultural institutions to ensure their applications were not competing against one another, and to draft, submit and advocate for all the applications. TPA created 'call sheets' for each application and worked with the entire East Bay delegation to contact the Department of Parks and Recreation in support of each application. TPA also created a specific call sheet for Mayor Quan to highlight all the projects and stress the importance of the funding for each entity. TPA has also been working closely with the Governor's Office to advocate for the award of all these applications. This is a great win for the City and in addition, the Oakland Zoo secured one of the highest awards throughout the State.

4. Ongoing efforts regarding the State Budget, including redevelopment related legislative proposals. Understanding this is a top priority for the City, as soon as the Governor released his proposed budget in early January, TPA immediately began providing weekly updates and analyses of the budget proposal to the City. The advocacy efforts on behalf of the City included: supporting the Mayor's efforts by clearly communicating Oakland's position to the East Bay Delegation and Sacramento leadership; organizing an advocacy day in Sacramento with Council President Reid (meetings with East Bay delegation and Republican leadership); attending subcommittee hearings and providing immediate reports and updates to the City; working directly with the Enterprise Zone Advocacy group to represent the City of Oakland; and, an impromptu meeting directly with Governor Brown focused on Oakland's budget concerns and priorities.

In addition, TPA worked in concert with the other Big 10 Mayors, their staff, other lobbying firms, and advocacy groups to help draft, create, and secure alternative proposals to the Governor's RDA plan. As budget activity escalated, TPA was busy in the Capitol monitoring legislative floor sessions and meeting with legislators, staff and other stakeholders in an effort to advance the City's agenda. Additionally, TPA kept the City informed on the activities taking place in Sacramento by sending multiple budget updates each day, providing status updates on the floor votes for the main budget bills, submitting draft proposals to the City for their feedback, specifically on the RDA and EZ bills, and next steps. TPA was in constant communication with the elected East Bay leadership, Senator Hancock, Assembly Members Swanson, Skinner, and Hayashi, and their offices to draft and create possible alternatives and ways to minimize the negative impacts on Oakland.

5. Assembly Bill 57 (Beall). This bill became a new priority for the City as it proposed to increase the number of MTC members from 19 to 21, including one member appointed by the Mayor of Oakland and one member appointed by the Mayor of San Jose. TPA has been aggressively advocating passage of this bill through close work with the Office of Assembly Member Beall, the City of San Jose, and other lobbyists. Some of our specific actions included working with Council

President Larry Reid to testify on behalf of the City, working with the Mayor's Office to get additional co-sponsors such as Senator Hancock, Assembly Members Swanson and Skinner, working with Assembly Member Beall and the City of San Jose to secure the support of Assembly Members Chesbro, Huffman, Allen, Yamada and Monning. Additionally, once the measure moved to the Senate, TPA helped to secure Senators Evans, Wolk, DeSaulnier, Simitian and Blakeeslee as co-authors. We continue to focus our efforts on securing additional East Bay co-authors such as Assembly Member Hayashi and Senator Corbett.

While AB 57 was approved by the full Assembly by a vote of 71-5 noes, the bill is currently being held in the Senate Transportation Committee, which is chaired by Senator DeSaulnier. The Chair has committed to hold a public hearing in Oakland in December to discuss AB 57 and other regional matters that MTC has jurisdiction over.

Somewhat related to this bill, as news came out that MTC was looking to purchase an office building with toll funds, Senator DeSaulnier formerly requested that the Joint Legislative Audit Committee direct the State Auditor to investigate if the use of such funds is appropriate. TPA worked closely with the Office of the Mayor to staff this hearing and provide support to the City's testimony, in addition to briefing the JLAC members of Oakland's concerns.

6. Support from the Governor to provide additional CHP efforts. TPA and the Mayor's office jointly requested additional support from the California Highway Patrol to enhance some of the City's public safety initiatives.
7. Weekly update meetings. TPA met weekly with the Office of the Mayor, Office of the Council President, and City Administrators Office to provide legislative and funding updates and discuss strategy on State related matters. In addition, TPA sent a weekly updated legislative matrix on the bills we were tracking for the City. TPA maintained a constantly updated matrix of bills, provided additional analysis and information to inform the development of a legislative position. If legislation was introduced that impacts any of the priorities, staff was asked to analyze and evaluate the need for City Council action.
8. Proposition 84 Statewide Parks Program. TPA worked closely with City staff to draft, submit, and advocate for 6 Proposition 84 Parks funding applications for much needed capital funding for parks and recreational facilities. At the time of this report, the Department of Parks and Recreation scheduled site visits for all 6 locations. They will be making award announcements in the spring of 2012.

LEGISLATIVE PRIORITIES FOR MONITORING AND RECOMMENDED ACTION:

The following legislative themes were identified by the Mayor, Councilmember's, and City staff as priorities. TPA monitored these issues for legislative activity during the 2010-11 legislative session and maintained an updated matrix of bills for the City of Oakland, as well as provided additional analysis and information to assist the City in developing positions on the measures. Background and other information was provided to staff to analyze and evaluate legislation related to the City priorities and, if necessary, forward to the Mayor and City Council for action. The Mayor and City Council took positions on numerous measures and continued to monitor dozens of other bills without taking formal positions. Below is a summary.

Sustainable and Healthy Environment: Monitor and support legislation to encourage improved health of our residents, green building standards, use of recycled products, and the reduction of products that have a negative impact on the environment of the City.

- AB 200 (Hayashi) Health and Fitness award program. This bill would establish the Health and Fitness Award Program (Award Program) to provide an award to one school in each legislative district that conducts their physical education courses pursuant to the model content standards and demonstrates that increasing numbers of pupils meet minimum standards on the physical performance test. This bill was vetoed by the Governor.
- AB 298 (Brownley) Recycling/reusable bags. This bill would define "reusable bag" and prohibit the sale of a reusable bag unless it contains guidelines for cleaning and disinfecting. This is a two year bill.
- AB 341 (Chesbro) Solid waste/diversion. This bill would establish a state policy goal that 75% of solid waste generated be diverted from landfill disposal by 2020; requires a commercial waste generator to arrange for recycling services; and, requires local governments to implement commercial solid waste recycling programs designed to divert solid waste from businesses. This bill was signed by the Governor.
- AB 482 (Williams) Green buildings. This bill would encourage innovation in green building design and natural building that meets or exceeds all existing health and safety requirements. This is a two year bill.
- AB 525 (Gordon) Solid waste/tire recycling. This bill would allow the Department of Resources Recycling and Recovery (DRRR) to award grants from the California Tire Recycling Management Fund to cities, counties, and other local government agencies for the funding of public works projects that use waste tires. This bill was signed by the Gove
- AB 789 (Chesbro) Solid waste/tire recycling. This bill would require the Department of Resources Recycling and Recovery to provide outreach to local agencies for grants to cities, counties, and other local government agencies for the funding of public works projects that use waste tires in public works projects and prohibit the amount appropriated from the fund from being less than 16% of the amount of the funds appropriated for market development and new technology activities for used tires and waste tires. This bill was held in the Assembly Natural Resources committee and is a two year bill.
- AB 818 (Blumenfield) Solid waste/multi family dwellings. This bill would require an owner of a multifamily dwelling (MFD) with five or more living units to arrange for recycling services that are appropriate and available for the MFD except under specified circumstances. This bill was signed by the Governor.
- AB 915 (Fletcher) California Solar Initiative. This bill would declare the intent of the Legislature to modify the California Solar Initiative. This is a two year bill.
- AB 921 (Allen) Agriculture water use efficiency: compost applications. This bill would require the Department of Food and Agriculture, in conjunction with the Department of Water Resources (DWR), to oversee a study or studies conducted by the University of California Extension Service, in partnership with local water districts, agricultural interests and compost producers, to measure increases in water use efficiency through the use of compost in agricultural settings, and other potential benefits from the use of compost, with regard to climate change. This bill was held in the Assembly Appropriations Committee and is a two year bill.

- AB 960 (Lowenthal) Recycling/electronic waste. This bill would require exporters of electronic waste or covered electronic devices to demonstrate to the Department of Toxic Substances Control that the electronic waste will be handled in compliance with local laws where the waste is imported. This bill was held in the Assembly Appropriations Committee and is a two year bill.
- AB 1019 (Perez) Solid waste: carpet stewardship. This bill would establish a Carpet Product Stewardship Program for the purpose of increasing the amount of postconsumer carpet that is diverted from landfills. This bill would also prohibit carpet producers and retailers from selling carpet in California unless the producer or a carpet stewardship organization has submitted a stewardship plan to the Department of Resources Recycling and Recovery with the goal of increasing the recycling of postconsumer carpet. This bill was held in the Senate and is a two year bill.
- AB 1149 (Gordon) Beverage containers: recycling and litter reduction: funds. This bill would extend for five years the Department of Resources Recycling and Recovery (DRRR) plastic market development program, which provides Bottle Bill funds to support recyclers and manufacturers using empty plastic beverage containers. This bill was signed by the Governor.
- AB 1285 (Fuentes) Regional greenhouse gas emission reduction program. This bill would require the Air Resources Board (ARB) to establish a program to maximize regional greenhouse gas (GHG) emission reduction and sequestration projects, as specified. Permits GHG offsets produced by these projects to be used for compliance with AB 32. This is a two year bill.
- SB 515 (Corbett) Recycling: product stewardship: batteries: universal waste management facilities. This bill would require producers of household batteries to institute programs to manage used household batteries. The bill requires battery producers to set up and finance programs to recover used batteries and recycle or properly dispose of them. The bill requires household battery producers to increase the recovery rate by 5 percent per year, until a recovery rate of 70 percent has been reached. Producers are required to develop stewardship plans and annual reports, to be reviewed by the Department of Resources Recycling and Recovery. This is a two year bill.
- SB 567 (DeSaulnier) Recycling: plastic products. This bill would repeal current law concerning the sale of plastic bags which have to meet various standards and instead, as of January 1, 2013, prohibit the sale of a plastic product, as defined, labeled as "compostable," "home compostable," or "marine degradable" unless it meets those American Society for Testing and Materials (ASTM) standard specifications, the OK Compost HOME certification, as specified, or a standard adopted by the department, or unless the plastic product is labeled with a qualified claim for which the department has adopted an existing standard, and the plastic product meets that standard. This bill prohibits the sale of a plastic product that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified. This bill was signed by the Governor.
- SB 568 (Lowenthal) Recycling: polystyrene food containers. This bill would prohibit a food vendor from dispensing prepared food to a customer in a polystyrene foam food container after January 1, 2016, (July 1, 2017, for school districts) unless the local government or school district adopts a recycling program that can recycle at least 60% of its polystyrene foam food containers. This bill was held in the Assembly.

- SB 589 (Lowenthal) Recycling: household mercury-containing lamps. This bill would clarify that hazardous waste facilities that accept only universal wastes do not have to have a hazardous waste facility permit as long as they are managing those wastes in accordance with applicable laws and regulations. This is a two year bill.
- SB 915 (Calderon) Recycling: plastic bags. This bill would require plastic bag use to be reduced by an unspecified percentage rate by an unspecified date. This bill would also require plastic bags to contain a mandatory level of recycled content according to the following schedule: 20% by 2013 of which 15% would be post-industrial content and 5% postconsumer content. 25% by 2014 of which 18% would be post-industrial content and 7% postconsumer content. 30% by 2015 of which 20% would be post-industrial content and 10% postconsumer content. This is a two year bill.
- SBX1 1 (Steinberg) Partnership academies: Clean Technology and Renewable Energy Job Training, Career. This bill would establish a dedicated funding stream to invest in career technical education that delivers skills and knowledge needed for successful employment in clean technology, renewable energy or energy efficiency. This bill was signed by the Governor.

Economic Development: Monitor and support legislation regarding the implementation of the Enterprise Zone program, legislation that provides for funding and/or support of workforce development, legislation that supports redevelopment agencies, and legislation that promotes the revitalization of urbanized areas through qualified urban infill projects and transit oriented development.

- AB 57 (Beall) Metropolitan Transportation Commission. This bill increases the membership of the Metropolitan Transportation Commission (MTC) from 19 to 21 members. This bill will be heard in the Senate transportation Committee in January 2012 and is a two year bill.
- AB 184 (Swanson) Seismic safety. This bill adds seismic strengthening improvements to the types of improvements to private property that can be financed with voluntary contractual assessments. This bill was signed by the Governor.
- AB 231 (V. Manuel Perez) Economic development: economic development areas. This bill would rename the act as the California Economic and Community Development Zone Act. This bill would also delete the provisions governing Manufacturing Enhancement Areas and targeted tax areas, and make various revisions in the requirements for designating and administering enterprise zones and LAMBRAs, and G-TEDAs collectively. This bill was held in the Assembly Judiciary Committee and is a two year bill.
- AB 232 (V. Manuel Perez) Economic development: Enterprise Zones. The Enterprise Zone Act provides that its purpose is to stimulate business and industrial growth in the depressed areas of the state by relaxing regulatory controls that impede private investment. This bill would delete that purpose and instead provide that the purpose of the act is to help stabilize local communities, alleviate poverty, and enhance the state's economic prosperity through the implementation of public and privately funded programs and services that stimulate business and industrial growth in the depressed areas of the state. This is a two year bill.
- AB 485 (Ma) Infrastructure financing. This bill allows local officials to divert property tax increment revenues to pay for public facilities and amenities within transit village development districts. This bill is on the Senate inactive file and is a two year bill.
- AB 710 (Skinner) Local planning: infill and transit-oriented development. This bill establishes parking standards for new transit-oriented development. For new development projects in

transit intensive areas, this bill prohibits cities and counties from requiring a minimum parking standard greater than: one space per 1,000 square feet of nonresidential improvements, and one space per residential unit. This bill was held in the Senate and is a two year bill.

- AB 848 (Campos) Apprenticeship programs. This bill would require programs receiving state apprenticeship funding through the Department of Education (CDE) or the California Community Colleges (CCC) for building and trade programs to report specified outcome data annually. This bill was held in the Senate Appropriations Committee and is a two year bill.
- AB 900 (Buchanan) Jobs and Economic Improvement Through Environmental Leadership Act of 2011. This bill would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, and establishes specified judicial review procedures for the judicial review of the environmental impact report (EIR) and approvals granted for a leadership project related to the development of a residential, retail, commercial, sports, cultural, entertainment, or recreational use project, or clean renewable energy or clean energy manufacturing project. The Act authorizes the Governor to certify a leadership project for streamlining pursuant to the act if certain conditions are met. This bill repeals the Act as of January 1, 2015. This bill was signed by the Governor.
- AB 995 (Cedillo) Environmental quality: CEQA: review of transit-oriented development. This bill would require the Office of Planning and Research, to prepare and submit to the Legislature a report containing recommendations for expedited environmental review for transit oriented development. This is a two year bill.
- ABX1 11 (V. Manuel Perez) Economic development: enterprise zones: targeted employment areas. This bill would modify the definition of a targeted employment area, as specified. In addition, this bill would delete that provision of the act and instead provide that the purpose of a targeted employment area is to help identify neighborhoods of low- and moderate-income workers for the purpose of providing those workers with employment assistance, training, and job placement. This bill did not make it to a committee and is dead.
- SB 286 (Wright) Redevelopment. The bill was amended to address major RDA reforms. Those reforms included: revising and consolidating reporting for redevelopment agencies and to develop a simple, uniform, and consistent methodology for the calculation, payment, and reporting of pass through payments; require the State Auditor to conduct audits of selected redevelopment agencies to ensure compliance with existing law; provide tax increment revenue transferred to an agency exclude any funds considered educational agency property tax revenues; and authorize an agency to provide direct assistance, as described, to businesses within project areas for industrial or manufacturing uses or similar uses of statewide benefit. This bill was held in the Senate Governance and Finance Committee and is a two year bill.
- SB 301 (DeSaulnier) Enterprise zones: applications. This bill was a gut and amend and covered This bill would provide that for applications submitted on or after January 1, 2012, if any portion of the proposed zone is within, or was previously within, the boundaries of a previously designated zone, or if any portions of the proposed zone are within, or previously were within, the boundaries of 2 or more previously designated enterprise zones, the proposed enterprise zone would be prohibited from exceeding a specified aggregate size. This is two year bill.
- SB 310 (Hancock) Local development. This bill allows cities and counties to create incentives for transit priority projects. Requires the regional transportation plan for specified regions to include a sustainable communities strategy (SCS), as specified, designed to achieve certain

goals for the reduction of greenhouse gas (GHG) emissions from automobiles and light trucks in a region. This bill was signed by the Governor.

- SB 450 (Lowenthal) Redevelopment. This was a comprehensive bill that made changes to redevelopment funding for Low and Moderate Income Housing Fund and the percentage of funds from the L&M fund used for planning and general administration costs among other topics. This bill was vetoed by the Governor.

Community Involvement and Empowerment: Monitor and support legislation that supports Oakland's public safety vision, that protects are most fragile residents, that helps enhance our quality of life, and that helps galvanize our community.

- AB 12 (Swanson) Abolition of Child Commerce, Exploitation, and Sexual Slavery Act of 2011. This bill would: (1) requires the court to impose a special fine of up to \$25,000 in a case where a defendant is convicted of prostitution involving a minor; and (2) provides that the proceeds of such funds be available, upon legislative appropriation, to fund programs and services for sexually exploited minors in the county of conviction. This bill was signed by the Governor.
- AB 90 (Swanson) Human trafficking: minors. This bill would include, within the definition of criminal profiteering activity, any crime in which the perpetrator induces, encourages, or persuades, or causes through force, fear, coercion, deceit, violence, duress, menace, or threat of unlawful injury to the victim or to another person, a person under 18 years of age to engage in a commercial sex act, and specifies that the proceeds shall be deposited in a Victim-Witness Fund as specified. This bill was signed by the Governor.
- AB 130 (Cedillo) Student financial aid: eligibility: California Dream Act of 2011. This bill would require, beginning January 1, 2012, that AB 540 (Firebaugh), Chapter 814, Statutes of 2001, students attending the California State University, the California Community Colleges, or the University of California be eligible to receive a scholarship derived from non-state funds (received for the purpose of scholarships) at the segment where the student is enrolled. This bill was signed by the Governor.
- AB 131 (Cedillo) Student financial aid. This bill would establish the California Dream Act, expanding eligibility for financial aid, beginning January 1, 2013, to students who qualify the existing exemption from non-resident tuition established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001). This bill was signed by the Governor.
- AB 220 (Solorio) Interstate Compact for Juveniles. This bill would extend the January 1, 2012, sunset on the Interstate Compact for Juveniles (ICJ) two years, to January 1, 2014. What this means is setting the for the ICJ, which generally provides for specified matters concerning juvenile offenders, especially with respect to overseeing, supervising, and coordinating the interstate movement of juveniles. This bill was signed by the Governor.
- AB 526 (Dickinson) Gang and youth violence: evidence-based practices. This bill would instead require the secretary to identify and implement evidence-based practices to address gang and youth violence. The bill would also require the California Emergency Management Agency to make recommendations on the most effective role of the agency in developing a plan to shift state-funded crime prevention and juvenile justice programs toward evidence-based practices over a 3-year period. This is a two year bill.
- AB 597 (Eng) California Financial Literacy Fund. This bill would establish the California Financial Literacy Fund (CFLF) in the State Treasury. Specifically, this bill would: establish the CFLF to be administered by the State Controller, to support partnerships with the financial services community and other stakeholders, to improve Californians' financial literacy, authorizes the Controller to accept private donations for deposit into the CFLF, and would make those funds available, subject to appropriation in the annual Budget Act. This bill was signed by the Governor.

- AB 600 (Swanson) Oakland Unified School District: audits. This bill would state the intent of the Legislature to enact legislation that would realign the audit penalties and fines assessed on the Oakland Unified School District and authorize the school district to retain an independent audit firm to conduct the school district's annual audit. This is a two year bill.
- AB 609 (Swanson) Oakland Unified School District: audit fines and penalties. This bill would release Oakland Unified School District (OUSD) from paying any fines or penalties imposed as a result of audits performed by the State Controller (part of the emergency loan requirements) in any fiscal year between June 16, 2003 and June 28, 2009. This is a two year bill.
- AB 677 (Skinner) Education finance: Oakland Unified School District: sale of surplus property. This bill would reestablish the authority of the Oakland Unified School District (OUSD) to sell district-owned property, for the period of January 1, 2012, through June 30, 2016, and use the proceeds to reduce or retire its emergency loan from the state. The OUSD previously had this authority through June 30, 2007. This bill was signed by the Governor.
- AB 702 (Swanson) Prostitution: human trafficking: expungement. This bill would provide that a person who was adjudicated a ward of the court for the commission of a violation of specified provisions prohibiting prostitution may petition a court to have his or her records sealed as pertains to the prostitution offenses without showing that he or she has not been subsequently convicted of a felony or misdemeanor involving moral turpitude, or that rehabilitation has been attained, as provided. This is a two year.
- AB 799 (Swanson) Commercially sexually exploited minors. This bill would extend the sunset of the existing Alameda County pilot project relating to sexually exploited minors five years, and to require the Alameda County district attorney to provide a report to the Legislature on the pilot contingent upon local funding and operation of the pilot, as specified. This bill was signed by the Governor.
- AB 828 (Swanson) Food stamps: eligibility: drug felonies. This bill would provide that a conviction for a drug felony does not make an individual ineligible to receive CalFresh benefits, if otherwise eligible. This is a two year bill.
- AB 880 (Ammiano and Perez) Environmental quality: CEQA: expedited environmental review. This bill would amend the California Environmental Quality Act (CEQA) to expand the authorized use of a "focused" environmental impact report (EIR) for installation of required pollution control equipment also to include projects that consist of installation of a direct emission reduction required by a rule or regulation adopted by the Air Resources Board (ARB) pursuant to the California Global Warming Solutions Act (AB 32). This is a two year bill.
- AB 1072 (Fuentes) Community development: California Promise Neighborhoods Initiative. This bill would establish the California Promise Neighborhoods Initiative in the Office of Economic Development (office). The office would be required to establish 40 promise neighborhoods throughout the state to maximize collective efforts within a community to improve the health, safety, education, and economic development of each neighborhood. This bill would require the office to use existing state resources and federal funds to implement these provisions, and authorize the office to accept financial support from other public or private sources for these purposes. This bill would require cities, counties, and school districts electing to participate in the initiative to provide the office with specified information. This bill would give cities, counties, schools, and school districts located in a promise neighborhood priority consideration for programs, grants, and funding. This is a two year bill.
- AB 1167 (Fong) Homelessness: Interagency Council on Homelessness. This bill would establish the Interagency Council on Homelessness (ICH) and prescribes the membership and duties of the ICH. This bill was held in the Senate Appropriations Committee and is a two year bill.

- AB 1389 (Allen) Vehicles: sobriety checkpoints: impoundment. This bill would set standards for the establishment and operation of sobriety checkpoints, seven specific standards to be exact. This bill was vetoed by the Governor.
- SB 48 (Leno) Pupil instruction: prohibition of discriminatory content. This bill would add lesbian, gay, bisexual and transgender (LGBT) Americans, persons with disabilities and others to the list of groups of people whose role and contributions shall be accurately portrayed in instructional materials and included in social science instruction, and adds sexual orientation and religion to the list of characteristics that shall not be reflected adversely in adopted instructional materials. This bill was signed by the Governor.
- SB 104 (Steinberg) Labor representatives: elections. This bill would authorize agricultural employees to select collective bargaining representation through a specified "majority signup election" process, in addition to the existing representation election process provided for under current law. This bill was vetoed by the Governor.
- SB 296 (Wright) Criminal street gangs: injunction: petition for exemption. This bill would create a process whereby a person subject to a gang injunction can petition for injunctive relief if he or she meets certain criteria. This bill was vetoed by the Governor.
- SB 427 (de Leon) Ammunition and firearms. This bill would clarify that ammunition records could not be provided to a non-authorized person or third-party, unless there is written consent of the purchaser. This bill provides that ammunition vendors must provide local law enforcement written notice of intent to conduct business. This bill requires a court issuing an injunction against gang activity to state whether any or all the defendants are enjoined from possession a firearm. This bill was vetoed by the Governor.
- SB 661 (Lieu) Firearms: gun-free school zones. This bill would revise this exception to instead except from the above prohibition a handgun that is lawfully possessed, and either unloaded and in a locked container inside a motor vehicle or unloaded and inside a locked trunk of a motor vehicle. The bill would also increase the size of the zone to include the area up to 1,500 feet from the grounds of the public or private school and create an exception to the school zone firearms possession prohibition for firearms that are otherwise lawfully possessed or transported in a vehicle on a driveway or parking lot of a school, as specified. This bill was held in the Senate Public Safety committee and is a two year bill.

Public-Private Partnerships: Monitor and support legislation that promotes public private partnerships to expand greater opportunities and resources for Oakland residents.

- SB 500 (Hancock) Partnership academies. This bill would make various changes to the California Partnership Academy (CPA) program. Specifically, this bill would authorize the governing board of a school district, that has made every effort to enroll at-risk pupils in a CPA and fewer than 50% of at-risk pupils enroll, to elect to approve CPA enrollment at a number greater than 50% of pupils who do not meet the at-risk criteria, and requires such determination to be made on an annual basis and reported to the California Department of Education (CDE), as a condition of receipt of funds. This bill was held in the Senate Education Committee and is a two year bill.
- SB 696 (Lieu) California Financial Literacy Initiative. This bill would establish the California Financial Literacy Initiative in the Controller's office for the purpose of providing resources and instruction to Californians to improve financial literacy. The bill would establish the California Financial Literacy Fund in the State Treasury and would authorize the Controller to deposit private donations into the fund from entities with no direct financial interest in any financial products. This bill was held in the Senate Finance and Banking committee and is a two year bill.

Government Solvency and Transparency: Monitor and support legislation that helps address the foreclosure crisis, that puts greater restrictions on predatory lending, and that expands upon greater transparency in government.

- AB 406 (Davis) Adjustable rate mortgages: balloon payments. This bill would prohibit the inclusion of a balloon payment in an adjustable rate residential mortgage loan. This bill was held in the Assembly Banking and Financing Committee and is a two year bill.
- AB 407 (Davis) Mortgages: prepayment penalties. Existing law limits the circumstances under which a prepayment charge can be imposed with respect to loans secured by a mortgage or deed of trust on real property improved with one to 4 dwelling units. This bill would, instead, prohibit the imposition of prepayment charges for these loans. This is a two year bill.
- AB 643 (Davis) Mortgages: counseling. This bill would require a mortgage broker to provide a borrower pre-purchase mortgage debt counseling that explains what a prudent debt-to-income ratio would be for the borrower taking into account the borrower's income and credit rating. This bill was held in the Assembly Banking and Finance Committee and is a two year bill.
- AB 935 (Blumenfeld) Foreclosures: foreclosure mitigation charges. This bill would prohibit a notice of trustee's sale from being accepted for filing with a county recorder until the mortgage servicer pays a foreclosure mitigation charge of 5% of the price for which the house was last sold, a charge not to exceed \$20,000. This bill was held in the Assembly Finance and Banking Committee and is a two year bill.
- AB 1041 (Ma) Vehicles: delinquent parking violations: video imaging: transit-only lanes. This bill would eliminate the sunset date for the City and County of San Francisco (San Francisco) transit enforcement pilot program thereby allowing them to issue citations based on photo-evidence of transit-only lane parking violations on a permanent basis. This bill was signed by the Governor.
- AB 1081 (Ammiano) State government: federal immigration policy enforcement. This bill would (1) direct the California's Attorney General to modify the Memorandum of Agreement (MOA) with the Department of Homeland Security regarding the Immigration and Custom Enforcement's (ICE) Secure Communities program to require counties to opt-in if they wish to participate; (2) require that counties opting-in must prepare a plan to monitor the program for racial profiling; (3) require the modified MOA include specified safeguards against racial profiling; (4) requires the modified MOA to include an agreement that ICE post specified data on its website regarding the program; (5) direct the Attorney General that, if she is unable to so modify the MOA that she terminate it; and (6) state that nothing in this bill is intended to modify the bureau's existing, established procedures for submitting or exchanging criminal justice information data with the Federal bureau of Investigation. This bill is on the Senate inactive file and is a two year bill.
- AB 1086 (Wiechowski) Transactions and use taxes: County of Alameda. This bill would allow Alameda County to adopt an ordinance to impose transactions and use tax not to exceed 0.5% for specified purposes that would, in combination with other taxes, exceed the statutory limit of 2%. This bill was signed by the Governor.
- AB 1321 (Wieckowski) Mortgages and deeds of trust: recordation. This bill would achieve greater transparency in the recording of home mortgages and to provide homeowners confronting the prospect of foreclosure with critical information about who owns their loan, which they must negotiate with to achieve a loan modification, and who has the right to foreclosure on their homes should they default. This is a two year bill.
- SB 708 (Corbett) Debt Settlement Consumer Protection Act. This bill would enact the Debt Settlement Consumer Protection Act to provide for the licensure and regulation of debt settlement providers, caps the fee allowed at 20% of the amount of debt saved, and requires numerous disclosures from the provider to the consumer before entering into an agreement for debt settlement services. The Act would be enforced by the Commissioner of Corporations and the Attorney General. This bill was held in the Senate Rules Committee and is a two year bill.
- SB 729 (Leno) Mortgages and deeds of trust: foreclosure. This bill would require servicers to complete additional foreclosure avoidance actions, as specified, before recording a notice of

default (NOD), and record a new document, called a declaration of compliance, as an attachment to every NOD. In addition, this bill would establish specific penalties to be applied to servicers who fail to comply with the provisions of the bill. This bill was held in the Senate and is a two year bill.

DRAFT

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND**OAKLAND CITY COUNCIL**2011 OCT 20 PM 4:11 RESOLUTION NO. _____ C.M.S.
Introduced by the Office of Mayor Jean Quan

A RESOLUTION RECOMMENDING THAT TOWNSEND PUBLIC AFFAIRS' STATE LOBBYIST CONTRACT GET EXTENDED FOR THE PERIOD OF OCTOBER 31, 2011 THROUGH OCTOBER 31, 2012 AT A COST OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000), AND AUTHORIZING AN OPTION TO RENEW ON A MONTH TO MONTH BASIS FOR A SIX MONTH PERIOD UNTIL APRIL 31, 2013, AT THE CITY'S DISCRETION, AND TO INCREASE THE AGREEMENT UP TO AN AMOUNT-NOT-TO EXCEED ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000), AS NEEDED, FOR A TOTAL AGREEMENT NOT-TO-EXCEED FIVE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$585,000)

WHEREAS, the City of Oakland desires to complement its state advocacy efforts in the California State Legislature and with the Governor; and

WHEREAS, the City desires to assemble and organize pertinent information, facts and data relating to legislative matters affecting the City and its interests, and to present and disseminate such information to legislative bodies, executive officials, of the State government, and other State bodies, commissions, committees and organizations; and

WHEREAS, the services above primarily involve State legislative and administrative advocacy and the assistance of individuals in such matters who will best serve the interests of the City; and

WHEREAS, a Request for Proposal Process for a State lobbyist was conducted in 2005 and 2008 and Townsend Public Affairs was the unanimous selection; and

WHEREAS, it is in the City's best interest to extend Townsend Public Affairs' existing contract as the State Legislative Lobbyist for the next year because maintaining continuity of state advocacy is necessary as the City faces the elimination of its Redevelopment Agency, the process to submit legislative proposals and secure legislative authors for the 2012 session has already begun, Townsend has strong relationships with the State legislature and Governor, has a vast knowledge of Oakland's priorities, and could save the City resources by representing the City on both state and federal issues; and

WHEREAS, a lobbyist review panel determined unanimously in 2008 that Townsend Public Affairs is well qualified to provide state lobbying services to the City of Oakland, and has a great understanding of the City of Oakland and its issues; and

WHEREAS, Townsend Public Affairs, shall be paid \$130,000, for the period of November 1, 2011 through October 31, 2012, with an option to renew on a month-to-month basis, at the City's discretion, until April 31, 2013 while the City issues Requests for Proposals for a total amount not to exceed \$585,000 for the entire term of the agreement; now therefore be it

RESOLVED, That pursuant to the Oakland Municipal Code Section 2.04.051.B, the City Council finds and determines that it is in the best interests of the City to contract with Townsend Public Affairs based on the reasons set forth in the City Administrator's report accompanying this resolution; and be it

FURTHER RESOLVED, That the City Council finds and determines that the services provided by Townsend Public Affairs are professional, technical, and temporary in nature; and be it

FURTHER RESOLVED, Funding for this contract is available in the General Purpose Fund (1010), Non-Departmental Citywide Activities Organization (90591), Miscellaneous Contract Services (54919), and the State Lobbyist Project (P49300). The Professional Services Agreement with TPA shall be for the period November 1, 2011 through October 31, 2012 with an option to renew on a month to month basis for a six month period until April 31, 2013 at the City's discretion; and be it

FURTHER RESOLVED, That said agreement shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA; _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California