# MISSING ORIGINAL LEGISLATION

Resolution / Ordinance Number:	82730	
City Council Meeting Date	May 4, 2010	
Agenda Item No.	S-23	
Recorded Vote	6 AYES, 1 Abstain Brunner 1 EXC –DLF	
Reason for Missing Legislations  Draft submitted in agenda	packet, original never received	
Council amended legislation		
Responsible Contact Information	<u>on</u>	
Department <u>Council</u>	Council Office (Kaplan)	
Contact Person/Ext. Ada Ch	an - 7083	
Notes (if any)		

OFFICE OF THE CITY CLERK OAKLAND 10 APR -8 PH 4: 14



Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

Resolution No.	C.M.S.
Introduced by Councilmember Nadel	

Resolution In Support of Assembly Bill 2567 (Bradford), Which Amends Vehicle Code to allow for the installation and operation of automated parking enforcement systems on local public agency owned or local public agency operated street sweepers for the purpose of digital photographing of street sweeping parking violations occurring in street sweeping parking lanes during designated hours of street sweeping operations

WHEREAS, Street sweepers remove from streets and roads unnecessary pollutants, contaminants, chemicals, trash, and debris which provide significant environmental and sanitation benefits thereby protecting the environment and contributing to the health of our community, and

WHEREAS, Each year illegally parked private cars, trucks and service vehicles on local streets and roads disrupt full street sweeping resulting in significant debris, grease, oil and other pollutants being washed into storm water drains, and

WHEREAS, cities such as Chicago and Washington D.C. already utilize automated parking enforcement systems mounted on their local public agency owned or local public agency operated street sweepers to enforce existing regulations and improve compliance with street sweeping regulations which benefit the environment by helping to reduce waste and pollutants from entering storm water drain systems, and

WHEREAS, the city of Oakland recognizes the importance of clean streets both for the environmental and economic health of the city

RESOLVED: The City of Oakland declares its support for AB 2567 (Bradford); and be it

**FURTHER RESOLVED**: That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA,	, 2009
PASSED BY THE FOLLOWING VOTE:	
AYES -	
NOES -	
ABSENT –	
ABSTENTION -	
477-0	-
ATTES	1:
	LATONDA SIMMONS City Clerk and Clerk of the Council of the City of Oakland, California

# Introduced by Assembly Member Bradford

February 19, 2010

An act to amend Section 40207 of, and to add and repeal Article 3.6 (commencing with Section 40245) of Chapter 1 of Division 17 of, the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2567, as introduced, Bradford. Vehicles: parking violations: digital photograph recordings.

Existing law authorizes the City and County of San Francisco, until January 1, 2012, to enforce parking violations in specified transit-only traffic lanes through the use of video image evidence.

This bill would authorize a local public agency to install and operate an automated parking enforcement system on local public agency-owned or local public agency-operated streetsweepers for the purpose of digital photographing of street-sweeping parking violations occurring in street-sweeping parking lanes during the designated hours of street-sweeping operations, except when the vehicle is parked in a street-sweeping parking lane during the designated hours of street-sweeping operations after the street has already been cleaned. The bill also would require the local public agency, at least 30 days prior to issuing notice of parking violations under these provisions, to make a public announcement of the automated parking enforcement system and to issue only warning notices during this 30-day period.

The bill would require a designated employee, who is qualified by the local public agency, to review the digital photograph recordings for determining whether these parking violations had occurred and to issue AB 2567 — 2 —

a notice of a parking violation to the registered owner within 15 days of the violation pursuant to a specified procedure. The digital photograph records would be confidential and would be available only to public agencies to enforce parking violations.

The bill would repeal these provisions as of January 1, 2016, and would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

# The people of the State of California do enact as follows:

SECTION 1. Section 40207 of the Vehicle Code, as amended by Section 1 of Chapter 377 of the Statutes of 2007, is amended to read:

3 40207. (a) The notice of delinquent parking violation shall 4 contain the information specified in subdivision (a) of Section 5 6 40202, subdivision (a) of Section 40241, or subdivision (a) of 7 Section 40241, 40248, as applicable, and Section 40203, and, additionally shall contain a notice to the registered owner that, 9 unless the registered owner pays the parking penalty or contests the citation within 21 calendar days from the date of issuance of 10 11 the citation or 14 calendar days after the mailing of the notice of delinquent parking violation or completes and files an affidavit of 12 nonliability which that complies with Section 40208 or 40209, the 13 renewal of the vehicle registration shall be contingent upon 14 compliance with the notice of delinquent parking violation. If the 15 16 registered owner, by appearance or by mail, makes payment to the 17 processing agency within 21 calendar days from the date of 18 issuance of the citation or 14 calendar days after the mailing of 19 the notice of delinquent parking violation, the parking penalty shall 20 consist solely of the amount of the original penalty. Additional 21 fees, assessments, or other charges shall not be added. 22

- (b) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.
- SEC. 2. Section 40207 of the Vehicle Code, as added by Section 2 of Chapter 377 of the Statutes of 2007, is amended to read:

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40207. (a) The notice of delinquent parking violation shall contain the information specified in subdivision (a) of Section

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40202 or subdivision (a) of Section 40248, as applicable, and Section 40203, and, additionally shall contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation or completes and files an affidavit of nonliability which that complies with Section 40208 or 40209, the renewal of the vehicle registration shall be contingent upon compliance with the notice of delinquent parking violation. If the registered owner, by appearance or by mail, makes payment to the processing agency within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation, the parking penalty shall consist solely of the amount of the original penalty. Additional fees, assessments, or other charges shall not be added. 

(b) This section shall become operative on January 1, 2012. SEC. 3. Article 3.6 (commencing with Section 40245) is added to Chapter 1 of Division 17 of the Vehicle Code, to read:

Article 3.6. Procedure on Photo Enforcement and Digital Photographing of Parking Violations During Street Sweeping

40245. (a) The Legislature finds and declares all of the following:

- (1) Streetsweepers operating throughout our nation and the world remove from streets and roads unnecessary pollutants, contaminants, chemicals, trash, and debris, which provides significant environmental and sanitation benefits, thereby protecting the environment and contributing to the health of people in communities worldwide.
- (2) Each year, illegally parked private cars, trucks, and service vehicles on local streets and roads disrupt full street sweeping of as many as three parking spaces per illegally parked vehicle, resulting in significant debris, grease, oil, and other pollutants being needlessly washed into the stormwater drains.
- (3) A major benefit of street sweeping, especially in more urbanized areas with higher areas of paving, is that by capturing pollutants before they are made soluble by rainwater, the need for stormwater treatment practices, which can be very costly when

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compared to collecting pollutants before they become soluble, may be reduced.

- (4) According to an analysis by the District of Columbia Department of Public Works, an average of 10 pounds of oil and grease, three pounds of nitrogen and phosphorus, and up to two pounds of heavy metals are typically removed per mile swept of local streets and roads through street sweeping.
- (5) According to an August 2004 technical report on "Trash Best Management Practices" submitted by the County of Los Angeles Department of Public Works, street sweeping and stricter enforcement of no parking regulations should "be utilized to the maximum extent practicable" to help prevent trash, litter, and other harmful pollutants from getting into the stormwater drain system.
- (6) According to a July 2007 technical report titled "Trash Total Maximum Daily Loads for the Los Angeles River Watershed," stormwater drain discharges are the "primary source of trash" in the waterbodies of the Los Angeles River Watershed, whereby unswept street litter is washed through the storm drain sewers into the Los Angeles River, the Estuary, the beaches at Long Beach, and the Pacific Ocean.
- (7) In August 2007, after extensive studies, public meetings, and economic benefit analysis, the Los Angeles Regional Water Quality Control Board adopted a phased-in goal of "zero" discharges of manmade trash in the Los Angeles River Watershed by 2016, a goal that was subsequently approved by the State Water Resources Control Board in April 2008 and the United States Environmental Protection Agency in July 2008.
- (8) Cities such as Chicago and Washington D.C. already utilize automated parking enforcement systems mounted on their local public agency-owned or local public agency-operated streetsweepers to enforce existing regulations and improve compliance with street-sweeping regulations, which benefits the environment by helping reduce waste and pollutants from entering stormwater drain systems.
- (b) Therefore, it is the intent of the Legislature to allow local public agency-owned or local public agency-operated streetsweepers to utilize automated parking enforcement systems for the purpose of digital photographing of street-sweeping parking violations for vehicles that are parked during the designated hours of operation in a street-sweeping parking lane, thus serving the

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public interest by benefiting the environment, improving water quality, decreasing stormwater drain runoff, and helping reduce ongoing habitat deterioration.

40246. For the purposes of this article, the following terms have the following meanings:

- (a) "Local public agency" means a city, county, city and county, district, or joint powers authority.
- (b) "Streetsweeper" means a mechanical vehicle that cleans streets and roads, utilizing a broom, conveyor belt, vacuum, or regenerative-air mechanism, among other mechanisms, to loosen, carry, and collect debris, dust, grease, oil, metals, and other pollutants from streets and roads.
- (c) "Automated parking enforcement system" means the installation and use of equipment that takes a digital camera-based photograph and is linked with a violation detection system that synchronizes the taking of the photograph with the occurrence of a parking infraction.
- (d) "Street-sweeping parking lane" means the land designated as a parking area on any street or road routinely cleaned by streetsweepers during designated hours of operation as indicated on schedule signs designated on both sides of the street or road.
- 40247. (a) A local public agency may install and operate an automated parking enforcement system on local public agency-owned or local public agency-operated streetsweepers for the purpose of digital photographing of street-sweeping parking violations occurring in street-sweeping parking lanes. The equipment shall be angled and focused so as to capture digital photographs of license plates on vehicles violating designated street-sweeping regulations and shall not unnecessarily capture identifying photographs of other drivers, vehicles, or pedestrians. The equipment shall only capture digital photographs when the automated parking enforcement system detects the occurrence of a parking infraction. Notwithstanding subdivision (e) of Section 40248, only a local public agency may operate an automated parking enforcement system.
- (1) A citation shall be issued only for violations captured during the designated hours of operation for a street-sweeping parking lane.
- 39 (2) A citation shall not be issued, under the provisions of this 40 article, for a vehicle that is parked on the street during the

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designated hours of operation for a street-sweeping parking lane when the vehicle is parked on the street after the street has been cleaned by a streetsweeper.

- (b) At least 30 days prior to issuing notices of parking violations pursuant to subdivision (a) of Section 40248, a local public agency utilizing an automated parking enforcement system pursuant to this article shall make a public announcement of the automated parking enforcement system and shall only issue warning notices during this 30-day period. This subdivision does not affect the authority of a local public agency to issue notices of parking violations through a manual system before, during, or after the 30-day warning period in this subdivision.
- (c) A designated employee for the local public agency, who is qualified by the local public agency to issue parking citations, shall review digital photographs for the purpose of determining whether a parking violation occurred in a street-sweeping parking lane. A violation of a statute, regulation, or ordinance governing parking under this code, under a federal or state statute or regulation, or under an ordinance enacted by the local public agency occurring in a street-sweeping parking lane observed by the designated employee in the photographs is subject to a civil penalty.
- (d) (1) Except as it may be included in court records described in Section 68152 of the Government Code, or as provided in paragraph (2), the digital photograph evidence may be retained for up to six months from the date the information was first obtained, or 60 days after final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that shall preserve the confidentiality of any person included in the record or information.
- (2) Notwithstanding Section 26202.6 of the Government Code, digital photograph evidence from automated parking enforcement systems that does not contain evidence of a parking violation occurring in a street-sweeping parking lane shall be destroyed within 15 days after the information was first obtained in a manner that shall preserve the confidentiality of any person included in the information.
- (e) Notwithstanding Section 6253 of the Government Code, or any other provision of law, the digital photographs made by an automated parking enforcement system shall be confidential. Local

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public agencies shall use and allow access to these photographs only for the purposes authorized by this article.

40248. (a) A designated employee for the local public agency shall issue a notice of a parking violation to the registered owner of a vehicle within 15 calendar days of the date of the violation. The notice of violation shall set forth the violation of a statute, regulation, or ordinance governing vehicle parking under this code, under a federal or state statute or regulation, or under an ordinance enacted by the local public agency occurring in a street-sweeping parking lane, a statement indicating that payment is required within 21 calendar days from the date of citation issuance, and the procedure for the registered owner to deposit the parking penalty or contest the citation pursuant to Section 40215. The notice of a parking violation shall also set forth the date, time, and location of the violation, the vehicle license number, registration expiration date if visible, the color of the vehicle, and, if possible, the make of the vehicle. The notice of parking violation shall include a copy of the digital photograph evidence. Except as provided in paragraph (1) of subdivision (d) of Section 40247, the notice of parking violation, or copy of the notice, shall be considered a record kept in the ordinary course of business of the local public agency and shall be prima facie evidence of the facts contained in the notice.

- (b) The notice of parking violation shall be served by depositing the notice in the United States Postal Service to the registered owner's last known address listed with the Department of Motor Vehicles. Confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of this article shall be held confidential, and may not be used for any other purpose. Proof of mailing demonstrating that the notice of parking violation was mailed to that address shall be maintained by the local public agency. If the registered owner, by appearance or by mail, makes payment to the processing agency or contests the violation within either 21 calendar days from the date of mailing of the citation, or 14 calendar days after the mailing of the notice of delinquent parking violation, the parking penalty shall consist solely of the amount of the original penalty.
- (c) If, within 21 days after the notice of parking violation is issued, the local public agency determines that, in the interest of justice, the notice of parking violation should be canceled, the local agency shall cancel the notice of parking violation pursuant

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to subdivision (a) of Section 40215. The reason for the cancellation
shall be set forth in writing.

- (d) Following an initial review by the local agency, and an administrative hearing, pursuant to Section 40215, a contestant may seek court review by filing an appeal pursuant to Section 40230.
- (e) The local public agency may contract with a private vendor for the processing of notices of parking violations and notices of delinquent violations, if the local public agency maintains overall control and supervision of the automated parking enforcement system.
- 40249. By January 1, 2015, a local public agency that utilizes an automatic parking enforcement system pursuant to this article shall collect and report to the Senate and Assembly Committees on Judiciary, all of the following data:
  - (a) Number of citations issued for parking violations.
- (b) Number of violations contested, and the final disposition of those violations.
  - (c) An evaluation of the overall effectiveness of the program.
- (d) An evaluation of the privacy implications of the system, including a summary of any privacy-related complaints about the system.
- 23 40249.5. This article shall remain in effect only until January
- 24 1, 2016, and as of that date is repealed, unless a later enacted
- 25 statute, that is enacted before January 1, 2016, deletes or extends
- 26 that date.

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BILL ANALYSIS

AB 2567

Date of Hearing: April 5, 2010

ASSEMBLY COMMITTEE ON TRANSPORTATION Bonnie Lowenthal, Chair AB 2567 (Bradford) - As Introduced: February 19, 2010

SUBJECT : Photo enforcement: parking: street sweepers

<u>SUMMARY</u>: Authorizes local public agencies to use automated parking enforcement systems for street sweeping-related violations. Specifically, <u>this bill</u>:

- Makes legislative findings and declarations regarding the importance of street sweepers in clearing streets and roads of trash and pollutants.
- 2)Defines key terms, most notably "automated parking enforcement system" to mean the installation and use of equipment that takes digital photographs and is linked with a violation detection system that synchronizes the taking of the photograph with the occurrence of a parking infraction.
- 3) Authorizes local agencies to install and operate automated parking enforcement systems on local public agency-owned or -operated street sweeping equipment for purposes of digitally photographing street sweeping parking violations.
- 4) Requires the photo enforcement equipment to be angled and focused so as to capture digital photographs of license plates and so as not to unnecessarily capture images of drivers, other vehicles, and pedestrians.
- 5) Provides that citations can only be issued for violations captured during designated street sweeping hours.
- 6) Provides that citations cannot be issued to vehicles that park in restricted zones after the street has been cleaned by the street sweeper.
- 7) Allows a local public agency to contract with a private vendor for the processing of parking violation notices so long as the local public agency maintains overall control and supervision of the automated parking enforcement system.
- 8) Requires public agencies to give advanced public notice, at

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least 30 days, of their intent to use automated parking enforcement systems.

- 9)Restricts local agencies to issuing only warning notices during this 30-day period using the automated enforcement system; specifically provides, however, that local public agencies may use a manual system to issue citations, before, during, and after the 30-day warning period.
- 10)Requires a designated local public agency employee, who is qualified to issue parking citations for that agency, to review digital photographs to determine the validity of a parking citation.
- 11) Requires that digital image evidence be retained for up to six months from the date the information was first obtained or 60 days after final disposition of the citation, whichever date is later, after which time the information must be destroyed.
- 12) Provides that digital photographs made by an automated parking enforcement system are confidential and use of the photographs is limited.
- 13)Requires a designated employee to issue a notice of a parking violation to the registered owner of the vehicle within 15 days of the violation and prescribes specific data to be included in the violation.
- 14)Sets forth provisions governing the processing of violations and appeals.
- 15)Requires a local public agency that utilizes an automatic parking enforcement system to report specific information to the Senate and Assembly Judiciary Committees by January 1, 2015.
- 16) Sunsets on January 1, 2016.

### EXISTING LAW :

17) Authorizes the City and County of San Francisco, until

January 1, 2012, to issue citations based on photo-evidence of parking violations in transit-only lanes.

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18) Authorizes the use of automated enforcement systems at rail or rail transit signals and crossing gates.

19) Authorizes the use of automated enforcement systems at intersections to detect red light violations.

FISCAL EFFECT : Unknown

COMMENTS: According to the author, the intent of this bill is "to reduce the amount of dirt, oil, and debris being washed into the storm drains, thereby having a positive environmental impact."

The California Public Parking Association, sponsor of this bill, suggests that by allowing automated parking enforcement systems to be placed on street sweepers, this bill will effectively complement the work of existing parking enforcement personnel and help allocate scarce resources.

Currently, Chicago and the District of Columbia (Washington D.C.) use the automated street sweeper system, which uses photo-light sensing, character recognition, and global positioning system technology to spot parking violators.

In California, use of similar automated enforcement technology is authorized for red light violations by a governmental agency. Last session, usage of this technology was also authorized on a pilot project basis for the City and County of San Francisco (San Francisco) to issue citations based on photo-evidence of transit-only-lane parking violations. The authority granted to San Francisco was provided for in AB 101 (Ma), Chapter 377, Statutes of 2008.

Provisions of this bill are similar to those in AB 101 and identical to last year's AB 1336 (Eng) that passed the Legislature but was vetoed by the Governor. In his veto message, the Governor wrote, "This bill could present a significant risk of violating an individual's privacy unrelated to the enforcement of law. It may also lead to the unwarranted proliferation of camera enforcement in many other arenas." Interestingly, subsequent to the Governor's veto of AB 1336 for these reasons, the Governor introduced his budget proposal which calls for the deployment of a massive statewide speed camera program to generate nearly \$400 million in net profit to state and local government. As proposed, the camera program is

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expected to print over two million citations each year.

Committee concerns: The Committee was only able to identify one company that offers street sweeper photo enforcement services. That company, Affiliated Computer Services (ACS), is responsible for the two street sweeper photo enforcement systems employed elsewhere in the United States-Chicago and Washington D. C. The Committee is concerned that provisions in the bill defining "automated parking enforcement system" to mean "the installation and use of equipment that takes a digital camera-based photograph and is linked with a violation detection system that synchronizes the taking of the photograph with the occurrence of a parking infraction" is unnecessarily restrictive and could result in precluding other firms from providing similar services using different technology. (Similar restrictions were not included in previous legislation authorizing the use of photo enforcement for transit-only lanes or red light violations.)

The Committee may wish to strike or modify the definition of an "automated parking enforcement system" to that other businesses could provide similar services, perhaps using different technology.

Suggested technical amendment: The bill requires local public agencies that use the enforcement system authorized in this bill to report to the Senate and Assembly Committees on Judiciary data about citations issued, the overall effectiveness of the program, and an evaluation of privacy-related complaints about the system. This report should be submitted to the Assembly Transportation Committee as well.

 $\underline{\text{Previous legislation}}$  : Last year's AB 1336 (Eng) was identical to this bill.

AB 101 (Ma), Chapter 377, Statutes of 2008, authorized the City

and County of San Francisco to issue citations based on photo-evidence of transit-only-lane parking violations.

SB 1136 (Kopp), Chapter 54, Statutes of 1998, extended indefinitely provisions that allow the use of automated enforcement systems at official traffic control signals.

SB 833 (Kopp), Chapter 922, Statutes of 1995, originally authorized, for a limited time, the use of automated photo

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enforcement for all places where a driver is required to respond to an official traffic control signal (i.e. red light cameras).

REGISTERED SUPPORT / OPPOSITION :

Support

California Public Parking Association California State Association of Counties League of California Cities City of San Diego

Opposition

None on file

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Analysis Prepared by : Janet Dawson / TRANS. / (916) 319-2093

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# CITY OF OAKLAND

# **BILL ANALYSIS**

Date:

April 8, 2010

**Bill Number:** 

2567

Bill Author:

Assembly Member Bradford

### DEPARTMENT INFORMATION

Contact:

Ada Chan

Department:

Council Member Rebecca Kaplan

Telephone:

(510) 757-5646

E-mail:

achan1@oaklandnet.com

RECOMMENDED POSITION:

SUPPORT

# Summary of the Bill

Amends Vehicle Code to allow for the installation and operation of automated parking enforcement systems on local public agency owned or local public agency operated street sweepers for the purpose of digital photographing of street sweeping parking violations occurring in street sweeping parking lanes during designated hours of street sweeping operations.

Bill requires local notice of 30 days prior to implementing such a program. Bill requires designated employee to review digital photos to determine whether violation has occurred and to issue notice of parking violation to registered owner within 15 days of the violation as per specified procedure.

AB 101 (Ma), Chapter 377, Statutes of 2008, authorized the City and County of San Francisco to issue citations based on photo-evidence of transit-only-lane parking violations.

### Positive Factors for Oakland

This was identified as a legislative priority by the city in 2009 when a similar bill was introduced. It was not signed by the Governor, because of concerns related to privacy.

Bill addresses public relations issues of tickets being issued by parking enforcement after street sweeper has cleaned streets. Positive budgetary impact of increasing efficiency of parking enforcement related to street sweeping.

### **Negative Factors for Oakland**

Should the bill pass and the city choose to implement such a program, there will be start up costs related to the purchase of cameras, software and staff training.

Item: \_\_\_\_\_ Rules & Legislation Comte. Date xx, 2010

PLEASE RATE THE EFFECT OF THIS	MEASURE ON THE CITY OF OAKLAND:
Critical (top priority for City lobbyist,	city position required ASAP)
x Very Important (priority for City lobb	oyist, city position necessary)
Somewhat Important (City position	n desirable if time and resources are available)
Minimal or None (do not review	ew with City Council, position not required)
Known support:	
California Public Parking Association League of California Cities	California State Association of Counties City of San Diego
Known Opposition:	
None On File	
Attach bill text and state/federal legisl	ative committee analysis, if available.
	Respectfully Submitted,
	Name Director, Dept/Agency
Approved for Forwarding to Rules Committee	
Office of City Administrator	
	Item: Rules & Legislation Comte. Date xx, 2010

PLEASE RATE THE EFFECT OF TH	IS MEASURE ON THE CITY OF OAKLAND:
Critical (top priority for City lobbyi	st, city position required ASAP)
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Office of City Administrator	
	Item: Rules & Legislation Comte. Date xx, 2010

Rules & Legislation Comte.
Date xx, 2010