

**City of Oakland
Agenda Report**

OFFICE OF THE CITY CLERK
2007 APR 17 PM 12:41

To: Council President De La Fuente
and Members of the City Council
From: Lupe Schoenberger, City Council Legislative Analyst
Date: April 17, 2007
Re: **A SUPPLEMENTAL REPORT FROM THE CITY OF OAKLAND'S
FEDERAL LOBBYIST, PLATINUM ADVISORS**

SUMMARY

Attached for your review is a supplemental report prepared by Lucie Gikovich of Platinum Advisors, the City's federal lobbyist. The report responds to questions raised at the Rules and Legislation Committee meeting on April 5, 2007.

ACTION REQUESTED

The City Council is requested to accept the report.

Respectfully submitted,

Lupe Schoenberger

Lupe Schoenberger
City Council Legislative Analyst

Item: _____
ORA / City Council
April 17, 2007

Memorandum for the City Council

From: Platinum Advisors

Subj: **Response to Federal Legislative Agenda Questions from the Rules Committee**

Date: April 12, 2007

- 1. How much money did Oakland get from the Federal government and what did Platinum do to help secure the funding in each case?*

Answer: As you may know, when the Democrats took control of Congress after the 2006 elections, a decision was made to strip all Member projects (“earmarks”) from the FY 2007 appropriations bills and to pass a Continuing Resolution for the remainder of the fiscal year. (In FY 2006 Congress decided to strip all earmarks from the Labor/HHS Appropriations bill). Before this decision was made, Oakland was set to receive \$500,000 for BART Transit Villages in the Senate Transportation Appropriations bill, \$300,00 for the Oakland Arts School in Senate Labor/HHS Appropriations and \$43,500,000 for the Port Project in the House Energy and Water Appropriations bill and \$36 million in the Senate Energy and Water Appropriations bill. Since FY 2001, the Port has received \$122 million for construction, not counting any money that may still be received for FY 2007.

In recent years while Platinum has represented the City of Oakland, the City has received \$900,000 for Transit Villages, \$2.5 million for I-880 Improvements, \$2 million for the Oakland Military Institute, \$600,000 for the Fox Theatre renovation.

Some of these projects were handled exclusively by Platinum, whereas others such as the Fox Theatre and the Port Project involved collaborative efforts. With respect to Fox, Platinum prepared the appropriations request forms for Senators Feinstein and Boxer, including providing a narrative description of the project and identifying the appropriate agency, account and appropriations bill that could fund the project. Platinum met with Senator Feinstein’s staff on numerous occasions to discuss this project and other Oakland initiatives. Platinum arranged for then-Mayor Jerry Brown to speak directly to Senator Feinstein regarding the Fox Theatre and other projects. Platinum also worked closely with the Port of Oakland’s representatives in advocating the Port Project, which remains Senator Feinstein’s number one priority. In addition to working with Senator Feinstein, we also worked extensively with Senator Boxer and Congresswoman Barbara Lee, as well as California Members of the Appropriations Committee, including then-Chairman of the full Committee, Rep. Jerry Lewis (R-CA).

2. *What are the top priorities that Platinum is working on for Oakland?*

Answer: Oakland has submitted four appropriations requests for FY 2008: Radical Roving Recreation (“RRR”) Program, Oakland Youth Center, Coliseum and MacArthur Transit Village Developments and Lake Merritt Improvements. In addition to these appropriations matters, Platinum is working with Senator Boxer’s office regarding the Waterfront Trail initiative, including securing a no-cost transfer of the Tidal Canal or permanent easement for the City from the Army Corps of Engineers and vesting exclusive jurisdiction over the boardwalk permitting issue with the Army Corps rather than the Coast Guard.

3. *Waterfront and Estuary: Detailed explanation of what has been done to secure Boxer’s assistance on the Estuary. As far as we know, nothing has happened.*

Answer: During the latter part of 2006, Platinum worked with Senator Boxer’s office on the above-referenced WRDA issues, including whether the Senator could include appropriate language in the ultimate legislation regarding the City’s waterfront priorities. We also followed through with your request to seek Senator Boxer’s assistance for a meeting with the Commandant of the Coast Guard. Boxer’s office was attempting to ascertain the basis for the Coast Guard’s refusal to consider a permit for the boardwalks and we have prepared a memo for her office regarding the Coast Guard jurisdictional issue.

As you know, the Congress adjourned without taking any action on WRDA, and Senator Boxer is now the Chair of the Environment and Public Works Committee. We continue to work with her office and City officials in shaping the WRDA’s request, especially in terms of the transfer/easement of the Tidal Canal property and the boardwalk issue regarding the Waterfront Trail. One complicating factor is that the 2007 WRDA bill is a holdover from 2006. The House and Senate bi-partisan leadership on the Environment and Public Works and House Transportation & Infrastructure Committees have committed to doing this legislation quickly and with minimal change from the 2006 versions and then begin work on 2008 WRDA bill. We are in active discussions with Senator Boxer’s office regarding whether these changes can be included in the current bill, the 2008 WRDA bill or some other vehicle.

For FY 2007 we also submitted an appropriation request to our two Senators, as well as Congresswoman Lee for the Oakland Waterfront San Francisco Trail project for \$5 million from HUD. In addition, a request for \$100,000 to fund a reconnaissance study to determine the federal interest for the Oakland Waterfront Project was submitted to the Energy and Water Appropriations Subcommittee. As mentioned above, there were no earmarks for FY 2007 and these requests were not funded.

We also engaged in conversations with local Army Corps officials regarding the impact of the Corps’ “no-new starts” policy. Because of the backlog of unfunded yet authorized

projects, the Appropriations Committees are not funding any new projects. We discussed with the Corp whether we could “piggyback” on pre-existing authorization and the answer was no. We also discussed whether the Waterfront Project could fit within the Corps’s funding priorities since the Corps will not fund environmental/hazardous materials remediation efforts or recreational aspects, unless less than 10 percent of the total cost of the Project.

4. *Page 2: RRR Program: Where did this priority come from? Was it passed through Council? What City Department is working on this?*

Answer: This program is a mayoral priority. The Office of Parks and Recreation is working on this program. We do not know its status regarding the Council.

5. *Page 3: Oakland Youth Center: Where did this priority come from? Was it passed through Council? What City Department is working on this?*

Answer: This program is a mayoral priority. The Department of Health and Human Services is working on this program. We do not know its status regarding Council.

6. *Transit Villages: Jane recalls being told that there is no money at the fed level for transit villages. What’s exactly available here and how are we going to tap into it?*

Answer: As noted above, the City has already received \$900,000 for Transit Villages in the Transportation Authorization bill (FY 06-08). The City was also slated to receive an additional \$500,000 for FY 2007 for BART Transit Villages but for the decision to strip all earmarks for FY 2007. We have submitted a further request for FY 2008 regarding transit villages funding. We are also exploring the possibility of securing additional funding through the next highway authorization scheduled for consideration in 2009, but for which Members are already beginning to consider their priorities.

7. *Lake Merritt improvements: Where did this priority come from? Was it passed through Council? What City Department is working on this?*

Answer: This project is a mayoral priority. We are not aware of the status of this project with respect to the Council. The Public Works Agency and the Office of Parks and Recreation are among those City Departments working on this program

8. *WRDA: What does this mean? What program is this and how does it help the waterfront?*

Answer: WRDA means the Water Resources Development Act, which is the generic authorizing legislation for Army Corps of Engineers Projects. WRDA funds civil works programs dealing with water resources, including ecosystem protection and restoration, flood damage reduction, navigation and ports, watershed protection, water supply and drought preparedness. Beach erosion control, recreation, water quality, fish and wildlife

and ecosystem restoration are also possible areas where WRDA may authorize funding. The Army Corps of Engineers has a very strict funding protocol. First, a reconnaissance study must be done to determine whether there is a federal interest in the project. Next comes a feasibility study. For example, in Public Law 106-541, the Water Resources Development Act of 2000, the Corps was authorized to “conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.” This feasibility study was never done because City officials concluded that the project had too low a probability of success to merit pursuing, given the lack of remediation, habitat restoration and the like. Note, however, that WRDA is only an authorization bill. The Appropriations Committees still must fund each particular project.

9. *Port Money: Is this the only Federal money the Port has received? If not, what else?*

Answer: We are not aware of any other federal money other than that referenced received by the Port.