

**BEFORE THE OPEN GOVERNMENT COMMISSION  
OF THE CITY OF ALAMEDA**

In re The Complaint of Jay Garfinkle

Case No. 21-3

Jay Garfinkle,  
Complainant

DECISION OF THE

The City of Alameda,  
Respondent

OPEN GOVERNMENT COMMISSSION  
OF THE CITY OF ALAMEDA

The above entitled matter came on for hearing and a decision by the Open Government Commission of the City of Alameda under the Sunshine Ordinance of the City of Alameda, Section 2-93.2 (b), Alameda Municipal Code. (All further references to Section numbers are to the Alameda Municipal Code.)

**Facts**

In compliance with the Sunshine Ordinance, the City Clerk timely published the agenda and supporting materials for the City Council's meeting on February 16, 2021. In relevant part, the agenda explained that items on the consent calendar were routine and would be approved by one motion unless an item is removed from the consent calendar at the request of the Council or the public. Specific to

Agenda item 5-E, Recommendation to Approve the 2021-22 Legislative Agenda for the City of Alameda, the staff report explained the City's longstanding practice of adopting an annual Legislative Agenda to guide the City's legislative advocacy efforts and enable staff, the Mayor, and the City Council to respond quickly to most legislative issues as they arise, rather than considering legislative policy on a bill-by-bill basis. The 2021-22 Legislative Agenda describes the City's policy position in eleven discrete subject matter areas; the City uses the Legislative Agenda as a roadmap to take positions on legislation or legislative matters. In 2020, for example, the City took a position on 43 bills and seven state budget items pursuant to the authority delegated to the City's advocacy team in the Legislative Agenda for that year. The staff report noted that significant or urgent issues not defined in the Legislative Agenda would be brought to the Council for consideration. The Council has annually adopted prior versions of the Legislative Agenda since 2013. The agenda and supporting documents for the February 16 item are attached as Exhibit 1.

At the City Council meeting on February 16, 2021, the Council pulled Agenda item 5-E from the Consent Calendar for discussion of various changes to the 2021-22 Legislative Agenda, including inclusion of SB 271, SB 314, and the correction of typographical errors. SB 271, introduced in the 2021-22 legislative session, would eliminate the statutory requirement that candidates for the office of

the county sheriff have law enforcement experience to be eligible to run for the office. *See* Exhibit 2 (SB 271 [Weiner]).

In response to a written request from a community member to support SB 271, Vice Mayor Malia Vella inquired during the February 16th meeting whether the City Council would consider adding support of SB 271 to the 2021-22 Legislative Agenda. The Vice Mayor stated that the legislation would eliminate the requirement that individuals have law enforcement background prior to running for the sheriff's office and noted that the election of a sheriff is a public process, which voters should decide rather than limiting who may be eligible for the sheriff's office. Thereafter, the City Council heard public comments on Agenda item 5E. A community member speaking on behalf of Secure Justice, a large organization comprising over 41 member organizations representing thousands of Alameda residents, urged the Council to add support of SB 271 to the 2021-22 Legislative Agenda and stated that he had submitted a resolution in support of SB 271 for the Council's consideration. *See* Exhibit 2 (Resolution in Support of SB 271). The Council also discussed the inclusion of SB 341 and other changes to the legislative agenda. In response to a question about whether the Brown Act permits two legislative measures to be added to the 2021-22 Legislative Agenda, the City Attorney advised that it did because the City Council's meeting notice included consideration of the City's legislative agenda for the current legislative session.

The Council voted 3 to 2 to approve the inclusion of SB 271 in the 2021-22 Legislative Agenda. The Council also voted 4 to 1 to approve the 2021-22 Legislative Agenda with the inclusion of SB 314, the correction of typographical errors, and direction for staff to return in the future with an economic development legislative recommendation.

On February 25, 2021, Jay Garfinkle filed a Sunshine Ordinance Complaint (“the Complaint”) against the Alameda City Council alleging that the City Council violated the Brown Act by taking formal action on February 16, 2021, to add support of Senate Bill (“SB”) 271 to the 2021-22 Legislative Agenda without noticing the consideration of SB 271 in the meeting agenda. The Complaint contends that the Council’s discussion and action on SB 271 violated the Brown Act because the Council failed to provide public notice that Agenda item 5-E concerning the 2021-22 Legislative Agenda included consideration of SB 271, and as a result, the public was not given the opportunity to participate in the decision-making process. The Complaint does not take a position on SB 271, but requests that the Open Government Commission (the “OGC”) require the City and its contracted lobbyists to cease support of SB 271 until Alameda residents have an opportunity to review the bill. A copy of the Complaint is attached as Exhibit 3.

## **Procedure**

Under the Sunshine Ordinance, when an official complaint has been filed, the Open Government Commission, created under the Sunshine Ordinance, hears the complaint and renders a formal written decision. The complainant and the City shall appear at a hearing. During the hearing, the Open Government Commission considers the evidence and the arguments of the parties before making its decision. Section 2-93.2 (b). The Open Government Commission conducted the hearing on April 5, 2021, and considered the evidence and arguments of Mr. Garfinkle and the City.

## **Discussion and Decision**

The OGC finds that the City Council complied with the Sunshine Ordinance and the Brown Act, providing the public adequate notice and a fair chance to participate in the discussion and action to approve the 2021-22 Legislative Agenda relating to the City's position on policy matters, including SB 271. The Sunshine Ordinance requires that the Council's published agenda contain a "meaningful description" of each item of business to be transacted or discussed at the meeting. Sunshine Ordinance, § 2-91.5. The OGC finds that the description of the agenda item was sufficiently clear and specific to notify the public that the Council would be taking action on the recommendation to approve the 2021-22 Legislative Agenda, which includes the Council's position on legislative issues, including

public safety and criminal justice reform issues such as those addressed in SB 271, and any community member interested in the City's position on these legislative matters could have attended the meeting or offered public comment on any of the policy matters addressed in the Legislative Agenda. The same is true under the Brown Act. Gov. Code, § 54954.2.

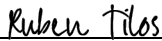
The OGC further finds that the City Council's action to add support of SB 271 to the 2021-22 Legislative Agenda complied with the Sunshine Ordinance and the Brown Act and did not require that SB 271 be expressly noticed. SB 271 does not concern distinct issues apart from the 2021-22 Legislative Agenda, which includes the City's position on a wide variety of policy matters, including public safety and criminal justice reform, topics addressed by SB 271.

For all of the above reasons, the complaint is determined to be unfounded.

Dated: April 14, 2021

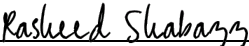
Members in favor of the Decision:

DocuSigned by:



Ruben Tilos, Chair

DocuSigned by:




Rashed Shabazz, Vice Chair

DocuSigned by:



Krystal LoPilato, Member

Members not in favor of the Decision:

DocuSigned by:  


95D0C8A6B3A1452...  
Serena Chen, Member

DocuSigned by:  


9577E40A6B0544F...  
Carmen Reid, Member



# City of Alameda

## Meeting Agenda

### City Council

Tuesday, February 16, 2021

7:00 PM

City Hall, 2263 Santa Clara Avenue, Council  
Chambers, 3rd Floor, Alameda CA 94501

***Due to Governor Executive Order N-29-20, Councilmembers can attend the meeting via teleconference. The City allows public participation via Zoom.***

***For information to assist with Zoom participation, please click:***

***\*\*\*\*\*[alamedaca.gov/zoom](https://alamedaca.gov/zoom)***

***For Zoom regular meeting registration, please click:***

***\*\*\*\*\*[alamedaca.gov.zoom.us/webinar/register/WN\\_en8ZBFiOQXOo4-zB6eI9bw](https://alamedaca.gov.zoom.us/webinar/register/WN_en8ZBFiOQXOo4-zB6eI9bw)***

***For Telephone Participants:***

***Zoom Phone Number: 669-900-9128***

***Zoom Meeting ID: 821 1871 8659***

***Any requests for reasonable accommodations should be made by contacting the City Clerk's office: [clerk@alamedaca.gov](mailto:clerk@alamedaca.gov) or 510-747-4800.***

***City Hall will be NOT be open to the public during the meeting.***

***The Council may take action on any item listed in the agenda.***

### **SPECIAL CITY COUNCIL MEETING - 5:45 P.M.**

**1 Roll Call - City Council**

**2 Consent Calendar - Items are routine and will be approved by one motion unless removal is requested by the Council or the public**

**2-A [2021-638](#)** Recommendation to Approve Eric Levitt, City Manager, Lisa Maxwell, Interim Community Development Director, Nanette Mocanu, Assistant Community Development Director, and Aaron Duffy, Staff Counsel, as Real Property Negotiators for the Alameda Theatre, Located at 2317 Central Avenue, Alameda, CA. (City Manager 2110)



**3 Public Comment on Closed Session Items - Anyone wishing to have comments read into record on closed session items, please email [clerk@alamedaca.gov](mailto:clerk@alamedaca.gov) within 30 minutes of the meeting commencing; comments submitted earlier will not be read**

**4 Adjournment to Closed Session to consider:**

**4-A [2021-633](#)** CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)  
PROPERTY: Alameda Theatre, Located at 2317 Central Avenue, Alameda, CA  
CITY NEGOTIATORS: Eric Levitt, City Manager, Lisa Maxwell, Interim Community Development Director, and Nanette Mocanu, Assistant Community Development Director, Aaron Duffy, Staff Attorney  
NEGOTIATING PARTIES: City of Alameda and Alameda Entertainment Associates, L.P.  
UNDER NEGOTIATION: Price and terms

**4-B [2021-644](#)** CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)  
PROPERTY: Alameda Point, Site A, Alameda, CA  
CITY NEGOTIATORS: Eric Levitt, City Manager, Lisa Maxwell, Interim Community Development Director and Debbie Potter, Special Project Analyst  
NEGOTIATING PARTIES: City of Alameda and Alameda Point Partners, LLC  
UNDER NEGOTIATION: Price and terms [Continued from February 16, 2021]

**5 Announcement of Action Taken in Closed Session, if any**

[2021-681](#) February 16, 2021 Closed Session Announcement

**Attachments:** [Announcement](#)

**6 Adjournment - City Council**

**REGULAR CITY COUNCIL MEETING - 7:00 P.M.**

**Pledge of Allegiance**

**1 Roll Call - City Council**

**2 Agenda Changes**

**3 Proclamations, Special Orders of the Day and Announcements - Limited to 15 minutes**

**3-A**     [2021-657](#)     Season for Nonviolence Word of the Day: Freedom

**Attachments:**     [Daily Word - Freedom](#)

[2021-683](#)     Commendation for Officer Leahy

**Attachments:**     [Commendation - Officer Leahy](#)

**4 Oral Communications, Non-Agenda (Public Comment) - A limited number of speakers may address the Council regarding any matter not on the agenda; limited to 15 minutes; additional public comment addressed under Section 8**

**5 Consent Calendar - Items are routine and will be approved by one motion unless removal is requested by the Council or the public**

**5-A**     [2021-658](#)     Minutes of the Special and Regular Meeting of Held on January 19, 2021. (City Clerk)

**5-B**     [2021-659](#)     Bills for Ratification. (Finance)

**Attachments:**     [Bills for Ratification](#)

**5-C**     [2021-500](#)     Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending September 30, 2020 (Funds Collected During the Period April 1, 2020 to June 30, 2020). (Finance 2410)

**Attachments:**     [Exhibit 1 - Quarterly Sales Tax Report](#)  
                              [Exhibit 2 - Quarterly Transactions Tax](#)

**5-D**     [2021-592](#)     Recommendation to Accept the Public Utilities Board's Recommendation to Approve a 30-Year Renewal of the Base Resource Contract with Western Area Power Administration for Alameda Municipal Power's Allocation of Carbon-Free Hydroelectric Power from the Central Valley Project, Beginning Calendar year 2025; and Authorize the General Manager of Alameda Municipal Power to Execute the Base Resource Contract. (Alameda Municipal Power 117)

**Attachments:**     [Exhibit 1 - Contract](#)  
                              [Exhibit 2 - Staff Report to Public Utilities Board](#)

**5-E**     [2021-642](#)     Recommendation to Approve the 2021-22 Legislative Agenda for the City of Alameda. (City Manager 2110)

**Attachments:**     [Exhibit 1 - Redlined 2020 Legislative Agenda](#)  
                              [Exhibit 2 - Draft 2021-22 Legislative Agenda](#)

**5-F**     [2021-517](#)     Recommendation to Authorize the City Manager to Execute an Agreement with NEMA Construction for the Shoreline Park Pathway

Lighting Project, No. P.W. 10-20-38, in a Total Amount Not to Exceed \$653,400. (Public Works 706)

**Attachments:** [Exhibit 1 - Contract](#)

- 5-G**     [2021-597](#)     Adoption of Resolution Appointing an Engineer-of-Work and an Attorney-of-Record for Island City Landscaping and Lighting District 84-2 (Various Locations Throughout the City). (Public Works 275)

**Attachments:**   [Exhibit 1 - District Maps](#)  
                          [Resolution](#)

- 5-H**     [2021-598](#)     Adoption of Resolution Appointing an Engineer-of-Work and an Attorney-of-Record for Maintenance Assessment District 01-1 (Marina Cove). (Public Works 276)

**Attachments:**   [Exhibit 1 - District Map](#)  
                          [Resolution](#)

## **6        Regular Agenda Items**

- 6-A**     [2021-650](#)     Adoption of Resolution Appointing Randy Rentschler as a Member of the Transportation Commission.

- 6-B**     [2021-514](#)     Recommendation to Provide Feedback on City Facility Naming Policy and Procedures. (Recreation 280)

**Attachments:**   [Exhibit 1 - Policy](#)  
                          [Presentation](#)  
                          [Correspondence - Updated 2/16](#)

- 6-C**     [2021-631](#)     Adoption of Resolution Amending Various Sections of Resolution Nos. 15382 and 15697 to Amend the Rules of Order Governing City Council Meetings. (City Clerk 2210)

**Attachments:**   [Exhibit 1 - Rules of Order - Redline](#)  
                          [Resolution](#)  
                          [Correspondence](#)

- 6-D**     [2021-590](#)     Public Hearing to Consider Adoption of Resolution Calling Special Election Regarding Alteration of the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 17-1 (Alameda Point Public Services District). (Community Development 271)

**Attachments:**   [Exhibit 1 - Revised Rate and Method of Apportionment](#)  
                          [Resolution](#)

- 6-E**     [2021-596](#)     Public Hearing to Consider Approving the Housing and Community Development Needs Statement for the Community Development Block Grant (CDBG) Annual Plan for Fiscal Year 2021-22. (Community Development 236)

**Attachments:** [Exhibit 1 - Needs Statement](#)  
[Exhibit 2 - Action Plan FY 2021-22 Schedule](#)  
[Exhibit 3 - Consolidated Plan Priorities and Goals Presentation](#)  
[Correspondence](#)  
[Presentation by Eden Information and Referral](#)

- 6-F**     [2021-639](#)     Adoption of Resolution Amending the Fiscal Year (FY) 2020-21 Budget and Authorizing the City Manager to Redistribute Budget Appropriations between Similar Capital Projects; and Adoption of Resolution Amending the Salary Schedules for the Management and Confidential Employees Association (MCEA) and for Executive Management Employees (EXME) and Approving Workforce Changes for FY 2020-21. (Finance 2410)

**Attachments:** [Exhibit 1 - Mid-Year Budget Adjustments](#)  
[Exhibit 2 - General Fund Budget Summary](#)  
[Exhibit 3 - EXME Salary Schedule](#)  
[Exhibit 4 - MCEA Salary Schedule](#)  
[Resolution - Mid-Year Budget](#)  
[Resolution - Mid-Year Workforce Change](#)  
[Presentation](#)  
[Memos from City Manager](#)

- 7**        **City Manager Communications - Communications from City Manager**
- 8**        **Oral Communications, Non-Agenda (Public Comment) - Speakers may address the Council regarding any matter not on the agenda**
- 9**        **Council Referrals - Matters placed on the agenda by a Councilmember may be acted upon or scheduled as a future agenda item**
- 9-A**     [2021-508](#)     Consider Establishing a New Methodology by which the Number of Housing Units are Calculated for Parcels Zoned C-2-PD (Central Business District with Planned Development Overlay). (Councilmember Daysog) [Not heard on January 5, 19, February 2 or 16, 2021]
- Attachments:** [Presentation](#)  
[Correspondence - Updated 2/1](#)  
[Presentation - REVISED](#)
- 9-B**     [2021-607](#)     Consider Directing Staff to Provide an Update on a Previously Approved Referral regarding Free Public WiFi throughout the City. (Councilmember Spencer) [Not heard on February 2 or 16, 2021]
- 9-C**     [2021-608](#)     Consider Directing Staff to Extend Webster Street Physical

Improvements/ Beautification. (Councilmember Daysog) [Not heard on February 2 or 16, 2021]

**10 Council Communications - Councilmembers can address any matter not on the agenda, including reporting on conferences or meetings**

- 10-A**    [2021-656](#)    Mayor's Nominations for Appointments to the Housing Authority Board of Commissioners and Recreation and Park Commission.

**11 Adjournment - City Council**

- Please contact the City Clerk at 510-747-4800 or [clerk@alamedaca.gov](mailto:clerk@alamedaca.gov) at least 48 hours prior to the meeting to any reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.
- Meeting Rules of Order are available at:  
\*\*\*\*\*[alamedaca.gov/Departments/City-Clerk/Key-Documents#section-2](http://alamedaca.gov/Departments/City-Clerk/Key-Documents#section-2)
- Translators and sign language interpreters will be available on request. Please contact the City Clerk at 510-747-4800 at least 72 hours prior to the meeting to request a translator or interpreter.
- Minutes of the meeting available in enlarged print.
- The meeting will be broadcast live on the City's website:  
\*\*\*\*\*[alamedaca.gov/GOVERNMENT/Agendas-Minutes-Announcements](http://alamedaca.gov/GOVERNMENT/Agendas-Minutes-Announcements)
- Sign up to receive agendas here: <https://alameda.legistar.com/Calendar.aspx>
- KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE: Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City of Alameda exist to conduct the citizen of Alameda's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
- FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION: the address is 2263 Santa Clara Avenue, Room 380, Alameda, CA, 94501; phone number is 510-747-4800; fax number is 510-865-4048, e-mail address is [lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov) and contact is Lara Weisiger, City Clerk.
- In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.



# City of Alameda

## Staff Report

**File Number:**2021-642

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City Council

**Agenda Date:** 2/16/2021

**File Type:** Consent Calendar Item

**Agenda Number:** 5-E

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Recommendation to Approve the 2021-22 Legislative Agenda for the City of Alameda. (City Manager 2110)

To: Honorable Mayor and Members of the City Council

### EXECUTIVE SUMMARY

The City of Alameda (City) adopts an annual Legislative Agenda to guide the City's legislative advocacy efforts. By adopting a Legislative Agenda, staff, the Mayor, and the City Council are able to react quickly to most legislative issues as they arise, ensuring there is a formal City position on a variety of legislative matters. Having a Legislative Agenda in place also allows the City to continue to engage in legislative efforts that impact the City, should they be placed on the ballot for voters to consider.

### BACKGROUND

In 2020, the City took a position on 43 State bills and 7 budget items, sending a total of more than 100 letters to the Legislature and Governor on the City's behalf on issues including housing and homelessness, police reform and accountability, COVID-19 relief for tenants, and lead poisoning.

In addition to legislation and budget items, our legislative advocates spent substantial time working on the surplus lands issue that has arisen with the recent amendments to the Surplus Lands Act and its impact on development at Alameda Point. Specifically, working with City staff and other similarly situated cities, our legislative advocates engaged the legislature and Assemblymember Phil Ting, the author of the recent amendments to the Surplus Lands Act, to craft a solution for Alameda Point. Unfortunately, due to a COVID-19 induced condensed legislative calendar and limitations on issues to be addressed in 2020, the time ran out to get a solution across the finish line last year. However, we made great progress and had an Alameda specific deal agreed to with Assemblymember Ting and some of the housing advocates, and are pushing forward with a larger coalition this year, as there is interest in the Legislature to craft a more holistic solution.

Issues that are of significant or urgent nature that are not defined in the Legislative Agenda, as well as issues that develop over the year and legislation that may conflict with one another, will be brought

**Agenda Date:** 2/16/2021

**File Type:** Consent Calendar Item

**Agenda Number:** 5-E

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to the City Council for consideration.

Following the City Council's adoption of the 2021-22 Legislative Agenda, City staff will share the document with our State and Federal representatives, and will use it as a road map for the City's advocacy efforts in coordination with State and Federal legislative advocates.

Previous versions of the Legislative Agenda were adopted on December 3, 2013, December 2, 2014, November 3, 2015, March 21, 2017, March 20, 2018, May 7, 2019, and March 3, 2020.

## DISCUSSION

The draft 2021-22 Legislative Agenda was reviewed by City department heads and includes department director feedback on Citywide legislative priorities and the 2021 Strategic Advocacy Priorities established by the League of California Cities, including securing State and Federal funding for local COVID-19 public health response and economic recovery for all; securing funding to increase the supply and affordability of housing and resources to assist individuals at risk of - or already experiencing - homelessness while preserving local decision making; improving State-local coordination and planning to strengthen community disaster preparedness, resiliency, and recovery; and protecting and modernizing critical infrastructure.

The City's draft 2021-22 Legislative Agenda is divided into sections of interest to the City. Below are highlights of additions made to the approved 2020 Legislative Agenda.

### **General Principle**

- The City supports addressing the ongoing COVID-19 response and recovery efforts, including protecting the health and safety of residents and workers, ensuring equitable access to a vaccine, safely reopening local schools, financial resources and other support to assist individuals and businesses impacted by the pandemic, and economic recovery efforts.

### **Infrastructure and Transportation**

- Support federal and state funding to support public transit systems in Alameda and regionally, including facilitating BART in Alameda.
- Support state legislation to increase enforcement of speed violations, including to allow the use of automated enforcement cameras for speed violations.

### **Public Safety and Homeland Security**

- Support legislation that provides resources for police and fire services, disaster preparedness, and resiliency and helps reduce crime and increase the public safety of Alameda residents.
- Support outcomes consistent with actions taken by the City Council during the year. Support measures that reform the criminal justice system in California, including but not limited to cash bail.

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### **Health & Human Services**

- Support outcomes from the Policing Review and Racial Equity community-led committees.
- Support legislation on funding and other resources for testing for lead poisoning, especially among children.

### **Environment**

- Support efforts to secure a 6-12 month extension of SB 1383 requirements (75% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025).

### **Housing**

- Support measures that would reduce income inequalities, including tax deductions for low-income renters and lowering the cap on the mortgage interest deduction and devoting revenues to support programs for the homeless and low-income renters.
- Support COVID-19 rental assistance for tenants and landlords.
- Support state or federal measures to assist first time homebuyers.

No substantial changes were made to the following sections: Base Reuse, Redevelopment, Land Use, Parks and Open Space, Revenue and Taxation, and Employee Relations.

### **ALTERNATIVES**

- Approve the draft 2021-22 Legislative Agenda for the City of Alameda.
- Make changes to the draft 2021-22 Legislative Agenda and approve as amended.
- Do not approve a Legislative Agenda for the City, instead, bring support or opposition of legislation to the City Council to consider on a bill-by-bill basis.

### **FINANCIAL IMPACT**

There is no financial impact from the adoption of the Legislative Agenda. However, pursuing the items in the Legislative Agenda is intended to defend as well as promote the City's financial stability.

### **MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE**

This action does not affect the Alameda Municipal Code.

### **ENVIRONMENTAL REVIEW**

This action is not a project and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378 and 15060.



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City Council

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CLIMATE IMPACTS

There are no climate impacts from the approval of the Legislative Agenda. However, if the City chooses not to approve a Legislative Agenda, the City may not be able to act on legislation that reduces greenhouse gas emissions and has a positive climate impact.

RECOMMENDATION

Approve the 2021-22 Legislative Agenda for the City of Alameda.

CITY MANAGER RECOMMENDATION

The City Manager recommends approval of the Legislative Agenda by the City Council.

Respectfully submitted,  
Sarah Henry, Public Information Officer

Financial Impact section reviewed,  
Annie To, Finance Director

Exhibits:

1. Redlined 2020 Legislative Agenda
2. Draft 2021-22 Legislative Agenda

cc: Eric Levitt, City Manager

## 2021-~~2022~~ City of Alameda Legislative Agenda

### General Principle

The City of Alameda (City) will strongly consider **supporting** the use of incentives to encourage local government action and legislation that promote social equity and enhances the quality of life and health of Alameda residents. The City ~~of Alameda (City)~~ will strongly consider **opposing** any legislation or regulations that preempts local control while supporting Council priorities, negatively affects the City's budget, or imposes unfunded mandates on the City.

The City supports addressing the ongoing COVID-19 response and recovery efforts, including protecting the health and safety of residents and workers, ensuring equitable access to a vaccine, safely reopening local schools, financial resources and other support to assist individuals and businesses impacted by the pandemic, and economic recovery efforts.

The City supports legislation that will advance the following City Council priorities:

1. Preparing Alameda for the future;
2. Encouraging economic development across the island;
3. Supporting enhanced livability and quality of life;
4. Protecting core services; and
5. Ensuring effective and efficient operations.

The City's 2021-~~2022~~ Legislative Agenda includes the following categories: Base Reuse, Redevelopment, Land Use, Infrastructure and Transportation, Public Safety and Homeland Security, Health and Human Services, Parks and Open Space, Revenue and Taxation, Employee Relations, Environment, and Housing.

### Base Reuse

*Support legislation and policies that preserve Alameda's interests related to base reuse, clean-up, and conveyance.*

- Support changes that support the efficient redevelopment and leasing of property at former military bases consistent with approved community reuse plans.
- Support legislation that allows for a greater housing allocation at Alameda Point.
- Continue work for Veterans Affairs federal construction funding and project completion.
- Seek transportation, park and open space, affordable housing, and infrastructure funds.
- Work with the Army Corps of Engineers and other relevant agencies on shoreline stabilization and seek funds for implementation.
- Promote funding of environmental clean-up and expedited property conveyance.
- Support efforts to create and enhance financing tools, such as tax increment financing, for the funding of parks and infrastructure.
- Support efforts to retain MARAD (United States Maritime Administration) ships in Alameda.

- Seek funding for dredging at the Alameda-based MARAD facility as it may relate to Homeland Security.

### Redevelopment

*Support legislation that assists cities to address issues stemming from the State of California's dissolution of Redevelopment in 2011.*

- Support legislative efforts to provide a funding mechanism and other strategies to promote economic development and affordable and middle-income housing programs.
- Support legislation regarding the unwinding of redevelopment that maximizes the former redevelopment agency's flexibility and authority regarding enforceable obligations, implementation of DDA's, etc.

### Land Use

*Support legislation that improves the quality of life for Alameda residents and businesses.*

- Support incentives that assist local governments to accommodate new growth in existing communities.
- Support transportation, land use, and building policies that encourage the thoughtful use of resources, lower energy consumption, lower greenhouse gas consumption, and enhance resilience.
- Support actions that minimize noise impacts from planes on the City's residents.
- Preserve/expand maritime uses, including derelict vessels, dredging, marina upgrades/grants, and regulations.
- Oppose legislation that would limit the City's ability to control the time, place, manner, and cost of wireless communication facilities on City property and within the public right of way.

### Infrastructure and Transportation

*Support measures that make Alameda safer for pedestrians and bicyclists, increase safety around schools, address the City Council's stated priorities on transportation projects, directly or indirectly reduce or help alleviate on- and off-island traffic concerns, and lower transportation sector greenhouse gas emissions.*

- Support federal and state funding to support public transit systems in Alameda and regionally, including facilitating BART in Alameda.
- Support the smart city objective to provide an equitable internet access option for telecommuting, teleschooling and telehealth to ensure digital inclusion, especially for disadvantaged populations.
- Support the smart city objective to improve safety with emergency response optimization, disaster early-warning signals and vehicle-to-vehicle communications including advanced collision avoidance systems while reducing threats from cyber-attacks.

- Support state legislation to increase enforcement of speed violations, including to allow the use of automated enforcement cameras for speed violations.
- Support state legislation to develop a new approach to setting speed limits, including that ~~which~~ would provide more control for local jurisdictions and allow for greater flexibility of speed limit setting in urban areas.
- Support legislative efforts that enable local governments to improve road safety, including but not limited to changes to the 85<sup>th</sup> percentile rule used to set speed limits, allowing localities to set their limits (including under 25) and design guidelines for standards for low-speed streets, changes to the stop sign warranting process to prioritize safety over car throughput, and the removal of the ban on speed enforcement cameras.
- ~~Support removing Level of Service (LOS) as a measure for impact and support efforts to allow Vehicle Miles Travelled (VMT) instead of LOS.~~
- Support greater local control, heightened regulation, and transparency of Transportation Network Companies (TNC) including Uber and Lyft and Automated Vehicle deployment and operations.
- Support innovative technological solutions to eliminate the dangerous use of phones in moving vehicles.
- Support changing state requirements that slow down safety projects, including but not limited to CEQA exemptions.
- Support Oakland Alameda Access Project traffic improvements.
- Support the development of a West End bicycle/pedestrian bridge.
- Promote expansion and improvement of Bay Area-wide water transit, with an emphasis on ferry service in Alameda.
- Protect existing transportation funding and oppose efforts that would reduce or eliminate funding for cities. Support State, County, and Federal transportation funding for:
  - Stable and reliable revenue streams for transportation reconstruction and maintenance that is available for local priorities and transportation needs.
  - Implementation of the Citywide Transportation Choices Plan, Climate Action and Resiliency Plan, and other City transportation efforts to minimize traffic congestion and reduce greenhouse gas emissions.
  - Fruitvale lifeline bridge and other egress off of Alameda.
  - West End bicycle and pedestrian bridge.
  - Regional transit access to Oakland and BART.
  - Greenhouse gas reduction efforts such as supporting expansion of Electric Vehicles and their charging infrastructure.
  - Bicycle, pedestrian, and trail improvements.
- Support pedestrian and bike safety as well as access improvements throughout the City with an emphasis on enabling residents to get safely to BART, ferries, and other methods of commuting.
- Promote and support active transportation efforts.
- Support the League of California Cities' strategic advocacy priority to protect and modernize critical infrastructure. Seek increased state and federal resources for critical and sustainable local infrastructure projects including roads, public transit,

active transportation, water availability, and broadband deployment that enhance workforce and economic development and improve quality of life.

#### Public Safety and Homeland Security

*Support legislation that ~~funds~~ provides resources for police and fire services, disaster preparedness, and resiliency and helps reduce crime and increase the public safety of Alameda residents.*

- Support policing and racial equity outcomes consistent with actions taken by the City Council during the year.
- Support measures that reform the criminal justice system in California, including but not limited to -cash bail. ~~system in California and oppose reform measures that work to undo the elimination of cash bail in California.~~
- Support gun safety and common-sense gun laws and policies that keep guns out of the wrong hands, including expanded background check requirements. Increase local control to strengthen firearm safety where state or federal preemption prohibits.
- Seek funding and resources for disaster preparedness, prevention, recovery, response, and resilience for all-hazard threats, including but not limited to flooding, earthquakes, and fires.
- Support legislative efforts to mitigate impacts of Public Safety Power Shutoffs.
- Maintain federal investment in resources critical to enabling local law enforcement to adequately provide public safety such as the Citizens' Option for Public Safety (COPS) program funding.
- Maintain full federal funding for the Staffing for Adequate Fire and Emergency Response (SAFER) and the Assistance to Firefighters (AFG) grant programs and retain the local cost share waiver for the AFG program.
- Support the proposed legislation to allow City and County Fire Departments the same authority to implement cost recovery for emergency services as current State law applies to fire districts and special districts.
- Continue and enhance funding for estuary/marine debris removal.
- Support efforts to improve patient care and reduce costs through an adoption of a Community Paramedic Program with an alternate destination project, where patients who are suffering from minor cuts or illnesses are asked by a trained paramedic if they can be transported to an urgent care center or physician's office instead of an emergency room for treatment.
- Support the League of California Cities' strategic advocacy priority to improve state-local coordination and planning to strengthen community disaster preparedness, resiliency, and recovery. Pursue additional resources and support to mitigate the effects of climate change, sea level rise, catastrophic wildfires, and flooding in our communities. Promote community disaster preparedness, resiliency, and recovery in collaboration with the state and federal governments. Increase availability and access to the National Flood Insurance Program to include other natural disasters.

#### Health & Human Services

*Support legislation that increases equity and addresses systemic racism, provides additional funding and resources to improve the physical health, mental health, and well-being of Alameda residents, provides funding for homelessness services and programs, and promotes social equity.*

- Support policing and racial equity outcomes consistent with actions taken by the City Council during the year.
- Support efforts that address the most vulnerable in Alameda and increase positive outcomes with the mentally ill and ~~our homeless-unhoused~~ population.
- Support state and federal efforts to ~~legislation that~~ provides greater rights and protections to cities that have adopted Sanctuary City ~~status~~policy.
- Support efforts to provide pro bono and other low cost services to residents who are immigrants and refugees and others who are in need.
- Support efforts that help address inequities created by the ~~past~~previous criminalization of cannabis.
- Protect State rights regarding legalization and decriminalization of cannabis.
- Support the work of organizations such as the National Institute of Health, to conduct scientific research that studies cannabis as a substance, its uses and side effects, its classification and possible removal as a Schedule 1 drug, and the potential health benefits of cannabis and reducing opioid abuse.
- Support legislation on funding and other resources for testing for lead poisoning, especially among children.
- Support efforts that promote public health and sanitation.
- Support efforts to protect the health, safety, and welfare of our residents, including helping prevent youth smoking and vaping and reducing the consumption of sugary beverages.
- Support the League of California Cities' strategic advocacy priority to increase flexibility and resources to provide navigation assistance and emergency shelters, and strengthen partnerships and collaboration with stakeholders to ensure mental health, substance abuse treatment, and wraparound services are available for adults and youth at risk of – or already experiencing – homelessness in our communities.

#### Parks and Open Space

*Support legislation that supports the development, expansion, and maintenance of Alameda parks.*

- Support State, County, and Federal funding for park development, infrastructure, and maintenance.
- Support San Francisco Bay Trail and Bay Area Water Trail development and the development of a new regional park at the Northwest Territories in Alameda Point.

#### Revenue and Taxation

*Support legislation that creates a positive financial impact on the City.*

- Support state or federal funding for economic recovery related to the COVID-19 pandemic, including but not limited to small businesses, nonprofits, low-income renters, and assisting utilities with past due accounts.
- Support the League of California Cities' strategic advocacy priority to secure state and federal funding for local COVID-19 public health response and economic recovery for all. Secure direct and flexible funding and resources for cities of all sizes so they can continue to protect residents from the pandemic, deliver essential services, support small businesses, and lead the recovery in our communities. Improve communication and coordination with regional, state, and federal governments on public health orders and programs to stimulate equitable economic recovery.
- Expand economic, business, and job development.
- Support legislation that will help local governments recover taxes from remote sellers (e-commerce).
- Support legislation that will prevent State from redirecting or taking away local revenue sources.
- Increase grant funding opportunities with reduced local match requirement.
- Support State efforts that would reduce the vote threshold for local initiatives.
- Maintain and when necessary defend funding allocations, particularly as it relates to Sanctuary City status.
- Reduce burdensome financial reporting.

#### Employee Relations

*Promote attraction and retention of qualified employees in the workforce.*

- Maintain decisions about health and retirement benefits at the local level.
- Assistance with Other Post-Employment Benefits (OPEB) liabilities.
- Assistance with California Public Employees Retirement System (CalPERS) liabilities.

#### Environment

*Support legislation that promotes environmental protection and sustainability, such as resource and energy efficiency, water quality, air quality, recycling, and conservation.*

- Support Green New Deal legislation that sets a policy framework to implement a commitment to reduce severe climate change impacts while protecting public health and the environment, overcome systemic racial injustice, and ensure all California residents enjoy a 21<sup>st</sup> century standard of living without regard to their wealth or income.
- Support additional resources to assist local governments in developing and implementing energy efficiency and conservation strategies that maximize available resources, reduce costs, expand community access, and protect public health.
- Support additional resources to assist in the City's implementation of the Climate Action and Resiliency Plan.

- Support the adopted plastic bag and straw bans, efforts to expand existing bans, and Alameda's disposable food service ware reduction law.
- Promote and fund recycling and landfill diversion efforts and ensure residents have access to convenient recycling facilities.
- Support efforts to secure a 6-12 month extension of SB 1383 requirements (75% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025).
- Encourage funding and resources to promote and implement energy efficiency.
- Support resources to assist local governments in reducing greenhouse gas emissions.
- Support funding and resources for local agencies to adapt to the impacts of climate change, including addressing sea level rise and flood protection, implementing drought tolerant, Bay-Friendly landscape (medians and passive park areas), and providing recycled water infrastructure on the main island.
- Support storm water program funding and bring additional resources to support green infrastructure planning and projects.
- Access to cap and trade revenues through appropriations for transportation, sustainable communities, ~~and~~ affordable housing, and sea level rise.
- Support State efforts that would grant authority to municipalities to implement congestion pricing.
- Promote regional authority to coordinate climate change responses.

### Housing

*Encourage legislation that supports the funding and development of affordable and middle-income housing.*

- Support legislation to increase housing near transit and jobs and remove barriers to developing housing.
- Support regulations to short term rentals (for example, VRBO and Airbnb) including limiting the number of permits issued.
- Support legislation and proposals that provide incentives and resources to expand local efforts that integrate housing, transportation, and land use and assist in the reorganization and replacement of existing infrastructure to support California's growing population.
- Support legislation and proposals that promote tax-increment and other financing mechanisms for the provision of affordable housing.
- Support initiatives that expand financial resources for affordable housing development, such as increased access to State bond funds for below market rate loans, grants for special needs housing, and loans and loan guarantees to preserve rental housing for long-term affordable use.
- Support full funding for the National Housing Trust Fund, Section 8, HOME, and the CDBG programs, and legislation that promotes innovation and flexibility for the administration of housing programs including the Moving to Work program, statutory waivers and a jurisdiction's ability to respond to housing crises locally. Support measures and funding for those who face additional housing barriers,



including the homeless, veterans, seniors, and disabled members of our community.

- Support measures that would reduce income inequalities, including tax deductions for low-income renters ~~and lowering the cap on the mortgage interest deduction and devoting revenues to support programs for the homeless and low-income renters.~~
- Support COVID-19 rental assistance for tenants and landlords.
- Support state or federal measures to assist first time homebuyers.
- ~~Support legislation and the ongoing implementation of bills enacted that support the key principles of the CASA Compact, a 15-year emergency policy package published in December 2018 to address the Bay Area's housing crisis by "identifying and unifying behind bold, game-changing ideas."~~
- Support the League of California Cities' strategic advocacy priority to secure funding to increase the supply and affordability of housing and resources to assist individuals at risk of – or already experiencing – homelessness while preserving local decision making. Secure additional resources to increase construction of housing, particularly affordable housing, workforce housing, and permanent supportive housing, and ensure cities retain flexibility based on the land use needs of each community.

## 2021-2022 City of Alameda Legislative Agenda

### General Principle

The City of Alameda (City) will strongly consider **supporting** the use of incentives to encourage local government action and legislation that promote social equity and enhance the quality of life and health of Alameda residents. The City will strongly consider **opposing** any legislation or regulations that preempts local control while supporting Council priorities, negatively affects the City's budget, or imposes unfunded mandates on the City.

The City supports addressing the ongoing COVID-19 response and recovery efforts, including protecting the health and safety of residents and workers, ensuring equitable access to a vaccine, safely reopening local schools, financial resources and other support to assist individuals and businesses impacted by the pandemic, and economic recovery efforts.

The City supports legislation that will advance the following City Council priorities:

1. Preparing Alameda for the future;
2. Encouraging economic development across the island;
3. Supporting enhanced livability and quality of life;
4. Protecting core services; and
5. Ensuring effective and efficient operations.

The City's 2021-2022 Legislative Agenda includes the following categories: Base Reuse, Redevelopment, Land Use, Infrastructure and Transportation, Public Safety and Homeland Security, Health and Human Services, Parks and Open Space, Revenue and Taxation, Employee Relations, Environment, and Housing.

### Base Reuse

*Support legislation and policies that preserve Alameda's interests related to base reuse, clean-up, and conveyance.*

- Support changes that support the efficient redevelopment and leasing of property at former military bases consistent with approved community reuse plans.
- Support legislation that allows for a greater housing allocation at Alameda Point.
- Continue work for Veterans Affairs federal construction funding and project completion.
- Seek transportation, park and open space, affordable housing, and infrastructure funds.
- Work with the Army Corps of Engineers and other relevant agencies on shoreline stabilization and seek funds for implementation.
- Promote funding of environmental clean-up and expedited property conveyance.
- Support efforts to create and enhance financing tools, such as tax increment financing, for the funding of parks and infrastructure.
- Support efforts to retain MARAD (United States Maritime Administration) ships in Alameda.

- Seek funding for dredging at the Alameda-based MARAD facility as it may relate to Homeland Security.

### Redevelopment

*Support legislation that assists cities to address issues stemming from the State of California's dissolution of Redevelopment in 2011.*

- Support legislative efforts to provide a funding mechanism and other strategies to promote economic development and affordable and middle-income housing programs.
- Support legislation regarding the unwinding of redevelopment that maximizes the former redevelopment agency's flexibility and authority regarding enforceable obligations, implementation of DDA's, etc.

### Land Use

*Support legislation that improves the quality of life for Alameda residents and businesses.*

- Support incentives that assist local governments to accommodate new growth in existing communities.
- Support transportation, land use, and building policies that encourage the thoughtful use of resources, lower energy consumption, lower greenhouse gas consumption, and enhance resilience.
- Support actions that minimize noise impacts from planes on the City's residents.
- Preserve/expand maritime uses, including derelict vessels, dredging, marina upgrades/grants, and regulations.
- Oppose legislation that would limit the City's ability to control the time, place, manner, and cost of wireless communication facilities on City property and within the public right of way.

### Infrastructure and Transportation

*Support measures that make Alameda safer for pedestrians and bicyclists, increase safety around schools, address the City Council's stated priorities on transportation projects, directly or indirectly reduce or help alleviate on- and off-island traffic concerns, and lower transportation sector greenhouse gas emissions.*

- Support federal and state funding to support public transit systems in Alameda and regionally, including facilitating BART in Alameda.
- Support the smart city objective to provide an equitable internet access option for telecommuting, teleschooling and telehealth to ensure digital inclusion, especially for disadvantaged populations.
- Support the smart city objective to improve safety with emergency response optimization, disaster early-warning signals and vehicle-to-vehicle communications including advanced collision avoidance systems while reducing threats from cyber-attacks.
- Support state legislation to increase enforcement of speed violations, including to allow the use of automated enforcement cameras for speed violations.

- Support state legislation to develop a new approach to setting speed limits that would provide more control for local jurisdictions and greater flexibility of speed limit setting in urban areas.
- Support legislative efforts that enable local governments to improve road safety, including but not limited to changes to the 85<sup>th</sup> percentile rule used to set speed limits, allowing localities to set their limits (including under 25) and design guidelines for standards for low-speed streets, changes to the stop sign warranting process to prioritize safety over car throughput, and the removal of the ban on speed enforcement cameras.
- Support greater local control, heightened regulation, and transparency of Transportation Network Companies (TNC) including Uber and Lyft and Automated Vehicle deployment and operations.
- Support innovative technological solutions to eliminate the dangerous use of phones in moving vehicles.
- Support changing state requirements that slow down safety projects, including but not limited to CEQA exemptions.
- Support Oakland Alameda Access Project traffic improvements.
- Support the development of a West End bicycle/pedestrian bridge.
- Promote expansion and improvement of Bay Area-wide water transit, with an emphasis on ferry service in Alameda.
- Protect existing transportation funding and oppose efforts that would reduce or eliminate funding for cities. Support State, County, and Federal transportation funding for:
  - Stable and reliable revenue streams for transportation reconstruction and maintenance that is available for local priorities and transportation needs.
  - Implementation of the Citywide Transportation Choices Plan, Climate Action and Resiliency Plan, and other City transportation efforts to minimize traffic congestion and reduce greenhouse gas emissions.
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- Support the League of California Cities' strategic advocacy priority to protect and modernize critical infrastructure. Seek increased state and federal resources for critical and sustainable local infrastructure projects including roads, public transit, active transportation, water availability, and broadband deployment that enhance workforce and economic development and improve quality of life.

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*Support legislation that provides resources for police and fire services, disaster preparedness, and resiliency and helps reduce crime and increase the public safety of Alameda residents.*

- Support policing and racial equity outcomes consistent with actions taken by the City Council during the year.
- Support measures that reform the criminal justice system in California, including but not limited to cash bail.
- Support gun safety and common-sense gun laws and policies that keep guns out of the wrong hands, including expanded background check requirements. Increase local control to strengthen firearm safety where state or federal preemption prohibits.
- Seek funding and resources for disaster preparedness, prevention, recovery, response, and resilience for all-hazard threats, including but not limited to flooding, earthquakes, and fires.
- Support legislative efforts to mitigate impacts of Public Safety Power Shutoffs.
- Maintain federal investment in resources critical to enabling local law enforcement to adequately provide public safety such as the Citizens' Option for Public Safety (COPS) program funding.
- Maintain full federal funding for the Staffing for Adequate Fire and Emergency Response (SAFER) and the Assistance to Firefighters (AFG) grant programs and retain the local cost share waiver for the AFG program.
- Support the proposed legislation to allow City and County Fire Departments the same authority to implement cost recovery for emergency services as current State law applies to fire districts and special districts.
- Continue and enhance funding for estuary/marine debris removal.
- Support efforts to improve patient care and reduce costs through an adoption of a Community Paramedic Program with an alternate destination project, where patients who are suffering from minor cuts or illnesses are asked by a trained paramedic if they can be transported to an urgent care center or physician's office instead of an emergency room for treatment.
- Support the League of California Cities' strategic advocacy priority to improve state-local coordination and planning to strengthen community disaster preparedness, resiliency, and recovery. Pursue additional resources and support to mitigate the effects of climate change, sea level rise, catastrophic wildfires, and flooding in our communities. Promote community disaster preparedness, resiliency, and recovery in collaboration with the state and federal governments. Increase availability and access to the National Flood Insurance Program to include other natural disasters.

#### Health & Human Services

*Support legislation that increases equity and addresses systemic racism, provides additional funding and resources to improve the physical health, mental health, and well-being of Alameda residents, provides funding for homelessness services and programs, and promotes social equity.*

- Support policing and racial equity outcomes consistent with actions taken by the City Council during the year.
- Support efforts that address the most vulnerable in Alameda and increase positive outcomes with the mentally ill and unhoused population.
- Support state and federal efforts to provide greater rights and protections to cities that have adopted Sanctuary City policy.
- Support efforts to provide pro bono and other low cost services to residents who are immigrants and refugees and others who are in need.
- Support efforts that help address inequities created by the previous criminalization of cannabis.
- Protect State rights regarding legalization and decriminalization of cannabis.
- Support the work of organizations such as the National Institute of Health, to conduct scientific research that studies cannabis as a substance, its uses and side effects, its classification and possible removal as a Schedule 1 drug, and the potential health benefits of cannabis and reducing opioid abuse.
- Support legislation on funding and other resources for testing for lead poisoning, especially among children.
- Support efforts that promote public health and sanitation.
- Support efforts to protect the health, safety, and welfare of our residents, including helping prevent youth smoking and vaping and reducing the consumption of sugary beverages.
- Support the League of California Cities' strategic advocacy priority to increase flexibility and resources to provide navigation assistance and emergency shelters, and strengthen partnerships and collaboration with stakeholders to ensure mental health, substance abuse treatment, and wraparound services are available for adults and youth at risk of – or already experiencing – homelessness in our communities.

#### Parks and Open Space

*Support legislation that supports the development, expansion, and maintenance of Alameda parks.*

- Support State, County, and Federal funding for park development, infrastructure, and maintenance.
- Support San Francisco Bay Trail and Bay Area Water Trail development and the development of a new regional park at the Northwest Territories in Alameda Point.

#### Revenue and Taxation

*Support legislation that creates a positive financial impact on the City.*

- Support state or federal funding for economic recovery related to the COVID-19 pandemic, including but not limited to small businesses, nonprofits, low-income renters, and assisting utilities with past due accounts.
- Support the League of California Cities' strategic advocacy priority to secure state and federal funding for local COVID-19 public health response and economic recovery for all. Secure direct and flexible funding and resources for cities of all

sizes so they can continue to protect residents from the pandemic, deliver essential services, support small businesses, and lead the recovery in our communities. Improve communication and coordination with regional, state, and federal governments on public health orders and programs to stimulate equitable economic recovery.

- Expand economic, business, and job development.
- Support legislation that will help local governments recover taxes from remote sellers (e-commerce).
- Support legislation that will prevent State from redirecting or taking away local revenue sources.
- Increase grant funding opportunities with reduced local match requirement.
- Support State efforts that would reduce the vote threshold for local initiatives.
- Maintain and when necessary defend funding allocations, particularly as it relates to Sanctuary City status.
- Reduce burdensome financial reporting.

### Employee Relations

*Promote attraction and retention of qualified employees in the workforce.*

- Maintain decisions about health and retirement benefits at the local level.
- Assistance with Other Post-Employment Benefits (OPEB) liabilities.
- Assistance with California Public Employees Retirement System (CalPERS) liabilities.

### Environment

*Support legislation that promotes environmental protection and sustainability, such as resource and energy efficiency, water quality, air quality, recycling, and conservation.*

- Support Green New Deal legislation that sets a policy framework to implement a commitment to reduce severe climate change impacts while protecting public health and the environment, overcome systemic racial injustice, and ensure all California residents enjoy a 21<sup>st</sup> century standard of living without regard to their wealth or income.
- Support additional resources to assist local governments in developing and implementing energy efficiency and conservation strategies that maximize available resources, reduce costs, expand community access, and protect public health.
- Support additional resources to assist in the City's implementation of the Climate Action and Resiliency Plan.
- Support the adopted plastic bag and straw bans, efforts to expand existing bans, and Alameda's disposable food service ware reduction law.
- Promote and fund recycling and landfill diversion efforts and ensure residents have access to convenient recycling facilities.
- Support efforts to secure a 6-12 month extension of SB 1383 requirements (75% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025).

- Encourage funding and resources to promote and implement energy efficiency.
- Support resources to assist local governments in reducing greenhouse gas emissions.
- Support funding and resources for local agencies to adapt to the impacts of climate change, including addressing sea level rise and flood protection, implementing drought tolerant, Bay-Friendly landscape (medians and passive park areas), and providing recycled water infrastructure on the main island.
- Support storm water program funding and bring additional resources to support green infrastructure planning and projects.
- Access to cap and trade revenues through appropriations for transportation, sustainable communities, affordable housing, and sea level rise.
- Support State efforts that would grant authority to municipalities to implement congestion pricing.
- Promote regional authority to coordinate climate change responses.

### Housing

*Encourage legislation that supports the funding and development of affordable and middle-income housing.*

- Support legislation to increase housing near transit and jobs and remove barriers to developing housing.
- Support regulations to short term rentals (for example, VRBO and Airbnb) including limiting the number of permits issued.
- Support legislation and proposals that provide incentives and resources to expand local efforts that integrate housing, transportation, and land use and assist in the reorganization and replacement of existing infrastructure to support California's growing population.
- Support legislation and proposals that promote tax-increment and other financing mechanisms for the provision of affordable housing.
- Support initiatives that expand financial resources for affordable housing development, such as increased access to State bond funds for below market rate loans, grants for special needs housing, and loans and loan guarantees to preserve rental housing for long-term affordable use.
- Support full funding for the National Housing Trust Fund, Section 8, HOME, and the CDBG programs, and legislation that promotes innovation and flexibility for the administration of housing programs including the Moving to Work program, statutory waivers and a jurisdiction's ability to respond to housing crises locally. Support measures and funding for those who face additional housing barriers, including the homeless, veterans, seniors, and disabled members of our community.
- Support measures that would reduce income inequalities, including tax deductions for low-income renters and lowering the cap on the mortgage interest deduction and devoting revenues to support programs for the homeless and low-income renters.
- Support COVID-19 rental assistance for tenants and landlords.
- Support state or federal measures to assist first time homebuyers.



- Support the League of California Cities' strategic advocacy priority to secure funding to increase the supply and affordability of housing and resources to assist individuals at risk of – or already experiencing – homelessness while preserving local decision making.
- Secure additional resources to increase construction of housing, particularly affordable housing, workforce housing, and permanent supportive housing, and ensure cities retain flexibility based on the land use needs of each community.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -FEBRUARY 16, 2020- -5:45 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:46 p.m.

Roll Call – Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5. [Note: The meeting was held via Zoom.]

Absent: None.

Consent Calendar

Vice Mayor Vella moved approval of the Consent Calendar.

Councilmember Knox White seconded, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*21-082) Recommendation to Approve Eric Levitt, City Manager, Lisa Maxwell, Interim Community Development Director, Nanette Mocanu, Assistant Community Development Director, and Aaron Duffy, Staff Counsel, as Real Property Negotiators for the Alameda Theatre, Located at 2317 Central Avenue, Alameda, CA. Accepted.

The meeting was adjourned to Closed Session to consider:

(21-083) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Alameda Theatre, Located at 2317 Central Avenue, Alameda, CA; City Negotiators: Eric Levitt, City Manager; Lisa Maxwell, Interim Community Development Director; Nanette Mocanu, Assistant Community Development Director; and Aaron Duffy, Staff Counsel; Negotiating Parties: City of Alameda and Alameda Entertainment Associates, L.P.; Under Negotiation: Price and Terms. Not heard.

(21-084) Conference with Real Property Negotiators (Pursuant to Government Code Section 54956.8); Property: Alameda Point, Site A, Alameda, CA; City Negotiators: Eric Levitt, City Manager; Lisa Maxwell, Interim Community Development Director; and Debbie Potter, Special Project Analyst; Negotiating Parties: City of Alameda and Alameda Point Partners, LLC; Under Negotiation: Price and Terms.

Following the Closed Session, the meeting was reconvened and the City Clerk announced that regarding the Alameda Theatre, the matter was not heard; regarding Alameda Point, Site A, staff provided information and Council provided direction and continued the matter to the March 2, 2021 Closed Session by the following roll call vote:

Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye; Ayes: 5.

Adjournment

At 7:21 p.m., the meeting was continued to March 2, 2021 Closed Session.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Sunshine Ordinance.

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -FEBRUARY 16, 2021- -7:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 7:33 p.m. Councilmember Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: The meeting was conducted via Zoom]

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(21-085) Season for Nonviolence Word of the Day: Freedom

Mayor Ezzy Ashcraft read a quote.

(21-086) Mayor Ezzy Ashcraft read a commendation for Officer Cameron Leahy.

ORAL COMMUNICATIONS, NON-AGENDA

(21-087) Erin Fraser, Alameda, outlined an incident involving a woman named Amy Cooper of New York City; stated Jonathan Gee has been accused locally of threatening peaceful protestors with a deadly weapon; the District Attorney has charged Mr. Gee with disturbing the peace; noted the charge is minor given the racial nature of the crime; stated there are injustices in Alameda and everyone must break apart systemic racism; discussed Alameda Police Department's armored vehicle.

(21-088) Vinny Camarillo, Alameda, expressed concerns about a rise in crimes against Asian people; stated that he has been a victim of harassment and racial aggressions in Alameda; outlined responses from Councilmembers to e-mail correspondence; stated that it is not okay to normalize racism and xenophobia; noted that he is having to focus on protecting his family from attacks; stated racism against Asian people has been normalized; more police is not what is needed, reinvestment into the community is needed.

(21-089) Laura Curtona, Alameda, urged Council to think critically about not paying Alameda residents doing work on the Police Reform and Racial Equity Steering Committee and Subcommittees; discussed a Special City Council meeting which discussed racism as a public health emergency; noted many Alamedans called to voice support for the matter; stated part of what perpetuates systemic racism is the systemic

inequality resulting from the racial wealth gap; Black people have historically been deprived of economic stability and basic dignity; outlined wealth distribution and education levels; urged a propulsion to action, especially due to the upcoming budget cycle, and compensating to the Steering Committee members for their time and efforts.

(21-090) Jay Garfinkle, Alameda, discussed the Open Government Commission; outlined a Commissioner making a recommendation to increase transparency; stated other Commissioners did not support the recommendation; urged Council to take the matter seriously and direct the Open Government Commission to work out processes that increase transparency for all.

(21-091) Jenice Anderson, Alameda, expressed support for paying Subcommittee and Councilmembers; stated the wage is a disservice to current members and those who may wish to run in the future; low wages are not conducive; the members of the Police Reform Committee are performing a tremendous amount of work; paying members should be a top priority when the budget is presented in order to provide a more inclusive City.

### CONSENT CALENDAR

The bills [paragraph no. 21-093] and legislative agenda [paragraph no. 21-096] were removed from the Consent Calendar for discussion.

Councilmember Daysog noted that he would recuse himself from voting on the Landscaping and Lighting District resolution [paragraph no. 21-098].

Councilmember Knox White moved approval of the remainder of the Consent Calendar.

Vice Mayor Vella seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Ayes; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*21-092) Minutes of the Special and Regular City Council Meetings Held on January 19, 2021. Approved.

(21-093) Ratified bills in the amount of \$2,189,469.90.

Stated that he previously questioned whether the bills presented were able to be certified as in compliance with the City Council's prior actions; the current bills presented show vehicle maintenance charges; expressed support for the charges to be in compliance with Council's strict and clear direction that no City funds should be spent on maintaining the armored vehicle: Erin Fraser, Alameda.

Councilmember Herrera Spencer requested clarification for the matter discussed in public comment.

The City Manager stated the matter was raised at the January 19<sup>th</sup> meeting and the bills in question came back at the February 2<sup>nd</sup> meeting; the bills presented confirmed that all bills complied; noted that he has not reviewed the current bills presented; however, he is confident the bills are in compliance as well.

Councilmember Herrera Spencer inquired whether Council direction was provided January 19<sup>th</sup> to stop all funding from the armored vehicle.

The City Manager responded in the negative; stated a question arose in relation to the compliance of the bills on January 19<sup>th</sup>; noted the Finance Director reviewed the bills from January 19<sup>th</sup> and confirmed compliance.

Councilmember Herrera Spencer stated the response sounds fuzzy; that she would like a specific response provided to the question: were funds used for the maintenance of the armored vehicle and did all funding for the armored vehicle comply with Council policy.

The City Manager responded that he has not checked all specific vendors listed; noted all vendors are listed for every bill paid; stated that he assumes all bills presented today are not for the armored vehicle.

Mayor Ezzy Ashcraft inquired whether direction has been provided that no further expenditures shall be made toward the armored vehicle.

The City Manager responded the direction stated no further expenditures; there may have been oil changes performed within the Public Works' workshop; however, nothing beyond; stated the bills attached to the matter do not contain charges for maintenance of the armored vehicle.

Mayor Ezzy Ashcraft stated that she would like review of the bills prior to the next meeting, in anticipation of a similar question being posed.

Vice Mayor Vella moved approval of ratifying the bills.

Councilmember Daysog seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(\*21-094) Recommendation to Accept the Quarterly Sales Tax Report for the Reporting Period Ending September 30, 2020 (Funds Collected During the Period April 1, 2020 to June 30, 2020). Accepted.

(\*21-095) Recommendation to Accept the Public Utilities Board's Recommendation to Approve a 30-Year Renewal of the Base Resource Contract with Western Area Power Administration for Alameda Municipal Power's Allocation of Carbon-Free Hydroelectric

Power from the Central Valley Project, Beginning Calendar year 2025; and Authorize the General Manager of Alameda Municipal Power to Execute the Base Resource Contract. Accepted.

(21-096) Recommendation to Approve the 2021-22 Legislative Agenda for the City of Alameda.

Vice Mayor Vella questioned whether it is possible to add support for Senate Bill (SB) 271; stated the legislation is being carried to remove the requirement of Sheriffs having a law enforcement background prior to running for office; noted the process is public and the voters should decide on candidates.

Urged Council to add SB 271 to the priority list; stated that he submitted a resolution for support; there is a large organization of over 41 organizations representing thousands of Alameda residents; the matter is about local control; noted the State mandate narrows the pool of [Sherriff] candidates; noted many elections go uncontested; stated 49 out of 50 Sheriffs are white males; expressed support for a more broad pool of candidates; the bill does not preclude people with a law enforcement background from running; however, it does allow for those without the law enforcement background to add a different perspective: Brian Hofer, Alameda, Secure Justice.

Vice Mayor Vella stated draft letters have been sent and she confirmed Council may take action on the addition.

Councilmember Knox White expressed support for SB 271 bring added to the priority list; stated that he would also like to add SB 314, which would allow for maintaining some of the COVID-19 rules which have loosened Alcohol Beverage Control (ABC) in restaurants to continue to provide alcoholic beverages in parklets; the addition would allow for economic strength and support in the business districts; noted Alameda's business districts are supportive of the matter; stated there is no economic development legislative agenda, which he would support staff reviewing; stated finding bills supporting economic rebound will be important.

Councilmember Herrera Spencer expressed support for not using the term Island in reference to Alameda; stated that she would prefer to use across the City instead.

Councilmember Daysog inquired whether the Brown Act allows the two legislative items to be added; whether a vote can occur for SB 271 separately; expressed support for the status quo in relation to SB 271.

The City Attorney responded the matter has been broadly agendized to allow for Council discussion and support of a wide range of bills and is intended for the ability to add or subtract as necessary.

Mayor Ezzy Ashcraft stated that she would like more specificity under the infrastructure and transportation section of the draft legislative agenda; expressed support for

changing the language to: “seek funding and programmatic support for a bike/pedestrian bridge between Alameda and Oakland;” stated Council should always specify that the bridge will not go between Park Street and Webster Street, the bridge will be regional transportation infrastructure; expressed support for the elimination of cash bail.

Councilmember Herrera Spencer expressed support for consistency in using the term unhoused in reference to homeless individuals.

Mayor Ezzy Ashcraft stated SB 271 had been modeled after San Francisco Sherriff Michael Hennessey.

Vice Mayor Vella moved approval of including SB 271 in the legislative agenda.

Councilmember Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Councilmember Knox White moved approval of the legislative agenda with the inclusion of SB 314 and direction for staff to return in the future with an economic development legislative recommendation and the typographical corrections provided by Councilmember Herrera Spencer.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she will not be supporting the matter.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

(\*21-097) Recommendation to Authorize the City Manager to Execute an Agreement with NEMA Construction for the Shoreline Park Pathway Lighting Project, No. P.W. 10-20-38, in a Total Amount Not to Exceed \$653,400. Accepted.

(21-098) Resolution No. 15743, “Appointing an Engineer-of-Work and an Attorney-of-Record for Island City Landscaping and Lighting District 84-2 (Various Locations throughout the City).” Adopted.

Note: Councilmember Daysog recused himself; the resolution carried by the following roll call vote: Councilmembers Daysog: Abstain; Herrera Spencer: Ayes; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Abstain: 1.

(\*21-099) Resolution No. 15744, “Appointing an Engineer-of-Work and an Attorney-of-Record for Maintenance Assessment District 01-1 (Marina Cove).” Adopted.



## REGULAR AGENDA ITEMS

(21-100) Resolution No. 15745, "Appointing Randy Rentschler as a Member of the Transportation Commission." Adopted.

Councilmember Knox White moved adoption of the resolution.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog inquired how Mr. Rentschler will deal with potential conflicts of interest.

The City Attorney responded that he has had a conversation with both Mr. Rentschler and the General Counsel for Association of Bay Area Governments Metropolitan Transportation Commission (ABAG MTC) related to potential appointment; stated that he shares the same view as MTC's General Counsel; under State law, Mr. Rentschler would not be holding incompatible offices; the appointment is lawful and the body is advisory in nature; the General Counsel noted Mr. Rentschler is two levels down from the top Executive Director and further assures that Mr. Rentschler would not be considered an officer of ABAG MTC; noted day-to-day conflicts may require recusal from a small number of items; stated Mr. Rentschler has assured the ability to determine the need for recusal.

Councilmember Herrera Spencer stated Mr. Rentschler is the Director of Legislation and Public Affairs for MTC; noted Council often receives direction from MTC; stated the appointment is not appropriate and that she will not be supporting the nomination.

Stated Mr. Rentschler appears to be an inappropriate choice for the Transportation Commission due to being employed by another transportation agency, which has the potential to create a conflict of interest while making decisions for Alameda citizens; the matter is important to consider while the City considers its ABAG allocation; an impartial Commissioner is needed; urged Council to consider other candidates: Carmen Reid, Alameda.

Councilmember Daysog stated Mr. Rentschler brings many strengths which can add to the Transportation Commission; his position in MTC is a plus; Mr. Rentschler can be depended on to make proper decisions and recuse himself when needed; expressed support for the nomination.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

Mr. Rentschler made brief comments.

The City Clerk administered the Oath of Office.

(21-101) Recommendation to Provide Feedback on City Facility Naming Policy and Procedures.

The Recreation and Parks Director gave a Power Point presentation.

Councilmember Daysog inquired whether each listed Commission provided input.

The Recreation and Parks Director responded not yet; stated staff decided to begin with Council's overall high-level feedback; the Council feedback will be taken to Boards and Commissions for input and further feedback in order to return to Council on the final policy decision.

Mayor Ezzy Ashcraft inquired why the Historic Advisory Board (HAB) has the responsibility for establishing the City's street name list.

The Recreation and Parks Director responded that she does not quite have the answer; stated the background is unknown; the decision falls under City Council; the matter can be considered; noted the current list is focused on historical names.

Mayor Ezzy Ashcraft inquired whether the provision for at least 1,000 Alameda resident signatories applies to determine broad-based community support.

The Recreation and Parks Director responded the Council will determine the provision and process.

Stated there are so many options and potential changes; urged historical context be considered; expressed concern about committees and petitions; stated that he would prefer to see new committees for each proposed renaming; urged the public be better informed: Jay Garfinkle, Alameda.

Stated a different approach should be used following comments about recent committees; ad hoc committees have generated a lot of skepticism; committees should be open and governed by the Brown Act: Erin Fraser, Alameda.

Stated the same standard should be used for all facilities, including parks and streets; historical figures whose names should be removed should not be subject to requiring 50% of homeowners to change the street name; action needs to be taken without needing to beg: Josh Geyer, Alameda.

Stated additional input sounds wonderful; renters should be able to vote on street names: Jennifer Taggart, Alameda.

Stated that she was involved with Rename Jackson Park from the beginning; the City Council and Recreation and Parks Commission should provide a statement which

bakes anti-racism, diversity and inclusion into all future renaming efforts; renters should provide input on renaming; a researcher or professional should be hired to handle situations where the community is asked to provide input; expressed concern about polling issues; expressed support for community members being involved, allowing an application process for each renaming effort and overarching consistencies among all renaming efforts: Amelia Eichel, Alameda.

Stated starting a petition is not easy; the petition to rename Jackson Park began in 2018 and never had more than 200 signatures until 2020; renaming processes are an opportunity to define community values, create inclusive public spaces and access public government to feel empowered; there is an opportunity to build relationships should people engage authentically; the rename Jackson Park committee worked to remain transparent and inclusive; processes can be powerful; discussed renaming fatigue: Rasheed Shabazz, Alameda.

Councilmember Daysog stated any process should be fully compliant with the Brown Act due in part to renaming being of Citywide significance; expressed support for respecting different Commissions and processes; stated Council may provide a framework for expectations; expectations may include Brown Act compliance and a set of two to three criteria; expressed support for the current process; stated that he would have preferred the process to rename Jackson Park to Chochenyo Park process to have come to Council for guidance and criteria; that he is confident the process will fix itself in remaining within the status quo.

Vice Mayor Vella stated it is time to look at overarching policy regardless of process; the starting point should ask which questions are to be considered; the process has been multi-year with many dedicated volunteers; meaningful changes will help ensure policy goals are followed; expressed support for reflecting diversity, equity and inclusion in standing criteria and for having an expanded scope; outlined discussions about historical timelines during her time on the Historical Advisory Board (HAB); stated that her interpretation of inclusion and equity is to have a broad historical scope; some local facilities may require a local name or narrower viewpoint; expressed support for allowing flexibility, providing guidance, maintaining that an individual be deceased for a period of time, consulting affected groups, and having a level of defined professional research; stated that she is open to the process; there are existing Committees; that she would like to find a way to allow Committees to establish subcommittees or groups to work on renaming; new projects differ from renaming; the existing process for consideration of new items is fine; however, Council needs to provide a directive and guidelines for Boards and Commissions to review lists frequently; the HAB did not have a specific review timeframe.

Councilmember Knox White expressed support for creating a Committee or task force to identify criteria for when renaming should happen or be considered; stated these matters become difficult very easily; having a broad community group consider thresholds would be valuable; the renaming process is part of thinking through history; the community reflects the people of the community; Council needs to ensure there is a

criteria which says new names should broaden the representation of people in the community; direction should not be given to focus on people, values, parks or history and should have an overarching guidepost of broadening how people see themselves within the community; 1,000 signatures is very high for petitions; 500 should suffice; petitions coming in should not automatically start the renaming process; matters can be brought to Council's attention and Council may recommend action; expressed support for the three years deceased provision; stated renaming should be intentional; expressed concern about the professional research provision; stated Council needs to have a vetting provision; the process for renaming and naming should be the same and names should be given with the same interest and intentionality; expressed support for not naming parks after people; stated Council should question whether the HAB should have any guiding role in naming; renaming should not be in the hands of those preserving a specific type of history; questioned whether a streets name list is needed; outlined the current list and naming process developer use; stated the current naming process is not working well; expressed support for a more intentional process when new names are needed; for identifying a Committee structure and a more holistic approach.

Councilmember Herrera Spencer expressed support for a Brown Act public process with noticed meetings; stated government represents the public and the public has a right to be involved; expressed support for a broad group; stated that she is concerned about the same group of people being involved; expressed support for matters being reviewed by Council at some point with a lower petition threshold of 500 names; stated Council must determine the pacing of renaming; expressed support for having one renaming process at a time, having different people serve on different renaming Committees and the option to randomly draw names to compile Committees; stated park renaming should start with the Recreation and Parks Commission; noted that she does not like staff choosing people for Committees; expressed support for being inclusive and representative of diversity in naming; stated it is important for people of different backgrounds to be represented in the community; outlined concerns for people living on renamed street; expressed support for a fund being developed to help those who incur costs due to deed changes; stated there is rationale behind the 50% plus one stipulation; expressed support for the three years deceased provision, and names which reflect Alameda-specific history and honor people from Alameda; stated the most important part is including as many people as possible in the process.

Councilmember Daysog stated the process should be uniform between naming and renaming; expressed support for the inclusion of combating religious bigotry; stated that he prefers to not prescribe criteria; criteria should come out of the Board review process; once a process is in place, said process will make a judicious situation of all information and provide a recommendation based on a broad view of a widely cast net regardless of the amount of signatures, Council has the ultimate say.

Mayor Ezzy Ashcraft expressed support for a clear scoring system; stated Brown Act bodies are preferable; stated the Chochenyo Park scoring system was not clearly described; expressed support for a process involving the community under the concept of broad based community support and different Committees each time there is a

renaming; stated that she would not favor drawing names out of a hat; a quest for renaming is not needed; expressed support for an emphasis on building community, rather than creating divisiveness; noted the public comment related to disturbing acts of violence toward Asian Americans; stated the present history should also be reflected; that she would like to revisit the reason the HAB oversees street names; noted changing a street name is different from changing a park name due to involving residents and businesses; 50% plus one residents should be in agreement and should include renters.

Vice Mayor Vella stated notification about costs needs to be provided; many questions arise related to costs passed through to renters; noted there seemed to be no intentionality through the HAB naming process; stated Council desires to be intentional with the process and criteria; the goal is not to have to rename things in the future.

Mayor Ezzy Ashcraft inquired whether the feedback from Council is sufficient and the timeline for returning to Council.

The Recreation and Parks Director responded in the affirmative; stated that she needs to work with team members to present to various Boards and Commissions; the matter could return within four to six months to allow enough time for community input.

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(21-102) Mayor Ezzy Ashcraft called a recess at 9:27 p.m. and reconvened the meeting at 9:43 p.m.

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(21-103) Resolution No. 15746, "Amending Various Sections of Resolution Nos. 15382 and 15697 to Amend the Rules of Order Governing City Council Meetings." Adopted.

Vice Mayor Knox White gave a brief presentation.

Councilmember Herrera Spencer inquired whether there is a plan to have the matter presented to the Open Government Commission.

Councilmember Knox White responded in the negative.

Mayor Ezzy Ashcraft discussed a previous rules committee of herself and former Councilmember Oddie.

Expressed concern about a lack of transparency and accessibility for the public; discussed the magnitude of items on the Consent Calendar; questioned how matters are placed on the Consent Calendar; discussed ceding public comment time; expressed concern about the public comment speaking limit; urged the time limit not be reduced once there are seven speakers Jay Garfinkle, Alameda.

Suggested adjustments to speaker time be reviewed by the Open Government

Commission; stated it is important for the public to have maximum participation and transparency in government: Carmen Reid, Alameda.

Stated the Brown Act does not submit a minimum time; expressed concern about lowering speaking time to one minute; expressed support for following Oakland's lead setting a minimum of two minutes speaking time; discussed cases regarding time limits: Zac Bowling, Alameda.

Stated one minute seems too short; suggested allowing ceding of time with a maximum amount of time to be ceded: Josh Hawn, Alameda.

Stated the one minute time limit is too harsh; expressed support for a one minute thirty second time limit: Jenice Anderson, Alameda.

Mayor Ezzy Ashcraft stated there is a balance to be achieved; discussed Council meetings Consent Calendar discussions extending to 9:00 p.m.; stated Council Referrals have not yet been reached this year due to not extending a meeting past midnight; late meetings do not serve the public and are hard on Councilmembers and staff; noted there are many ways to communicate with Councilmembers; Council can be reached by e-mail, phone call, or via a meeting request; speaking at a public meeting is not the only opportunity; discussed previous public comments for large groups; stated ceding time is not before Council; that she is balancing time to hear presentations, public comment and allow Council deliberation.

Vice Mayor Vella stated there are a number of ways to register a public comment; the City Clerk is able to place correspondence on record and distribute to all Councilmembers; Council does read e-mails; however, it is difficult to respond to all; a balance is to be struck in covering many heavy topics and generally running the City; expressed concern about getting in the way of ensuring the basic needs and regular functions of the City are met; stated that she does not want to create a system where Council is unable to cover everyday matters; one minute is a tight period of time; expressed support for 90 seconds to two minutes; stated that she would like to have a call for speakers to get a true sense of who is speaking; Council needs time to deliberate; however, not all matters may require nine minutes of speaking time; expressed support for combining speaking time on the Consent Calendar; stated the matter is Council rules and having Council decide is appropriate; changes can be made; the guidelines being adopted do not mean votes to extend speaking time cannot happen; expressed support for limiting presentation times; noted requirements for meeting start times; stated the matter is related to making meetings as accessible as possible.

Councilmember Herrera Spencer expressed concern about treating Consent Calendar matters differently than other matters; stated spending extended time on the Consent Calendar means matters should not have been placed on Consent; Consent Calendar matters are to be routine; expressed support for not limiting speaker time for everyone once there are seven speakers; stated the minimum speaking time should be at three

and two minutes; one minute is not sufficient; expressed support for looking at Council speaking time and lowering it where necessary; stated the majority of time is spent on Council comments; Council should try to minimize comments; expressed support for ten minute limits on staff presentations.

Mayor Ezzy Ashcraft outlined staff having uninterrupted presentations; stated Council speaks longer than the public due to being the policy making body, which requires deliberation.

Councilmember Daysog discussed a Norman Rockwell painting "Town Hall;" stated public comment is a moment for individuals to express their ideas; City Hall churns out policies and programs and Council has opportunities to work with City staff; Council meetings provide the opportunity for members of the public to weigh-in on matters; the desire for an efficient Council meeting should not trump the freedoms and liberties residents enjoy; Council has made enough changes to the process; one minute of speaking time is not enough; sometimes three minutes is needed to convey comments; expressed support for reviewing how agendas are set; stated staff needs to estimate the amount of time each matter will take to plan agendas accordingly; expressed concern about incorrect matters being placed on the Consent Calendar; stated the focus and management should be spent on the Council meeting packet.

Mayor Ezzy Ashcraft stated when Council is unable to finish an agenda by midnight, remaining matters are carried over to the next meeting agenda; matters add up when carried over; noted Council has yet to reach the end of the regular agenda before midnight; Council is trying to achieve balance, not curtail public comment; stated many Councilmembers had one minute of response time during public forums while running for office; inquired about the amount of public speakers being unknown causing inconsistent time limits.

The City Clerk responded a placeholder was noted in the staff report so the matter could return for further consideration; noted other cities do call for speakers and set cut-off times; stated there is concern for cutting off those attempting to join a meeting quickly; people do raise and lower hands in an attempt to be the last speaker or to keep speaking time high.

Councilmember Herrera Spencer moved approval of limiting presentations to ten minutes, uninterrupted, and for seven minutes of Council speaking time.

Councilmember Knox White seconded the motion.

Under discussion, Vice Mayor Vella stated there has been a lot of focus on the Brown Act; the Brown Act limits the ability for Councilmembers to discuss matters as a deliberative body to Council meetings; having a decent amount of time to ask questions of staff and discuss among Councilmembers is important; Councilmembers cannot legally discuss matters with more than one other member; expressed concern about creating further problems in the future by suppressing the ability to publically deliberate;

stated significant amounts of time are used to allocate additional speaking time for Councilmembers.

Mayor Ezzy Ashcraft stated the public has the right to hear Council deliberate and vote; noted Council has been doing better staying within speaking time limits; stated rules may be suspended by four affirmative votes.

Councilmember Knox White expressed support for the ten minute presentation limit; stated seven minutes of Council speaking time tends to work fine; he recommends and proposes keeping the nine minute speaking time while trying to keep speaking time to seven minutes; stated the matter can return for further consideration should the full nine minutes be used on average; lowering Council speaking to seven minutes is not likely to impact the length of meetings; the Brown Act allows people to hear Council make decisions and understand the reason behind decisions; the Brown Act is not designed to allow for unlimited public comment with limited Council discussion; expressed concern for cramping Council ability to have discussions.

Councilmember Herrera Spencer stated a big part of the Brown Act is hearing from the public and the public gets to hear Council; noted that she will not support a one minute public comment time limit; stated the limit needs to be a two minute minimum; there is a difference between Council comments and public comments; it is unfair to request concise public comments be condensed into one minute; pressure should be placed on Council to make points within the time.

Vice Mayor Vella stated members of the public are at liberty to e-mail Councilmembers and share thoughts publically ahead of the meeting; some Councilmembers will not take certain meetings with members of the public or interested parties ahead of Council meetings; the first time she hears from colleagues is at the Council meeting, after hearing from members of the public; Councilmember free speech is limited by the Brown Act where members of the public are not curtailed; Council is attempting to create a succinct as possible process for a functional meeting; noted there have been dysfunctional Council meetings; stated rules have been put in place to provide expectations for working through the agenda; expressed concern about creating a false equivalent.

On the call for the question, the motion failed by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: Aye; Knox White: No; Vella: No; and Mayor Ezzy Ashcraft: No. Ayes: 1. Noes: 4.

Councilmember Knox White moved approval Staff Report Items 1 [under Oral Communications, speakers would have two minutes to comment], 2-A [members of the public would comment once on the entire Consent Calendar and not be able to withdraw items for discussion], 2-C [Councilmembers would not pull items simply to record a non-affirmative vote and would have up to five minutes to speak on each item pulled for discussion] and 4 [all presentations would be limited to 10 minutes].



Councilmember Knox White stated many meetings are not intended to be public hearings and are the end of a process; outlined the Density Bonus process; stated process problems can be addressed; many matters are significantly less deliberative due to being at the end of the process.

Mayor Ezzy Ashcraft inquired whether the Regular Agenda public comment speaking time is being reduced to two minutes.

Councilmember Knox White responded the time is reduced at seven or more speakers; noted that he is getting rid of Staff Report Item 3 [12 or more speakers having one minute on Regular items] and 2B [twelve or more speakers having one minute on Consent Calendar items] .

Mayor Ezzy Ashcraft requested a friendly amendment to the motion to have 90 seconds for 12 or more speakers; stated there have been numerous matters with many speakers.

Councilmember Knox White stated that he would like to have the discussion separately.

The City Clerk stated the changes are encompassed within one resolution; adoption of the resolution would include the complete set of changes, not an itemized list.

Mayor Ezzy Ashcraft requested clarification of the matters being approved.

The City Clerk stated Councilmember Knox White has moved approval of lowering the Oral Communications speaker time to two minutes, having the public comment once on the entire Consent Calendar, Councilmembers can record a non-affirmative vote on Consent Calendar matters without pulling the matter, and presentations are limited to ten minutes.

Vice Mayor Vella seconded the motion; stated that she is open to trying 90 seconds of speaker time; changes can be made in the future.

Under discussion, Councilmember Knox White stated that he would prefer to straw poll the 90 second speaker time.

On the call for the question, the motion carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Mayor Ezzy Ashcraft inquired whether Council would like to consider 90 minutes.

Councilmember Knox White stated that he would like to hold off at this time.

The City Clerk stated the resolution would be amended to eliminate reducing the time to one minute.

(21-104) Public Hearing to Consider Resolution No. 15747, "Calling Special Election Regarding Alteration of the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 17-1 (Alameda Point Public Services District)." Adopted.

The Base Reuse Manager gave a brief presentation.

Councilmember Daysog inquired whether the proposed fees are on top of the 1% ad valorem property tax and any other add-on property tax, to which the Base Reuse Manager responded in the affirmative.

In response to Councilmember Herrera Spencer's inquiry, the Base Reuse Manager stated the five acres of apartments are within the Site A property; the calculation is per acre; however, most Community Facilities Districts (CFD) within the City are per unit; calculations in the future will be per unit.

Councilmember Herrera Spencer inquired whether the property within Site A will ever be taxed on a per unit basis or whether the area will always be taxed on a per acre basis, to which the Base Reuse Manager responded areas [that already have land use entitlements] will stay at a per acre basis.

Councilmember Herrera Spencer inquired the reasoning to not be taxed on a per unit basis.

The Base Reuse Manager responded calculations are not to be retroactive; stated the original tax method is to stay.

The Interim Community Development Director stated the original expectation for apartment owners is per acre and the expectation should not be modified; staff is resetting the calculation for the future.

Councilmember Herrera Spencer inquired whether all units will eventually have the same calculation and whether per acre calculation will provide less tax dollars overall.

Sara Mares, NBS, responded the calculation depends on the number of units develop and the acreage; the math will determine whether the rate per acre ends up being less or more than a rate per unit on the same property.

Councilmember Daysog noted part of the report shows a conversion from per acre to per unit; stated it is possible the apartments could pay as much in a per unit basis depending on the square footage of apartments.

Councilmember Herrera Spencer stated the number of units on the site is known; expressed concern about different tax schedules in different areas.

The Interim Community Development Director stated staff was incorrectly informed to not go retroactive.

Paul Thimmig, Bond Counsel, Quint & Thimmig, stated his legal opinion is a change cannot occur once a special tax is applied; people purchase property assuming a specific tax; staff recommends changing the tax to per unit [for new construction] moving forward; it is unfair to change a methodology for a current owner; outlined the process and analysis; stated the changes are subject to two-thirds voter approval.

Mayor Ezzy Ashcraft inquired whether Council is approving the matter be sent to voters, to which Mr. Thimmig responded in the affirmative.

Vice Mayor Vella moved adoption of the resolution.

Councilmember Knox White seconded the motion.

Under discussion, Councilmember Daysog stated it is important to have add-on fees; many new developments at Alameda Point will be in a position for the City to collect ad valorem property tax and add-on property tax; outlined a 1999 CFD development pass-through process; noted Alameda is in a great position in receiving property tax; expressed support for the matter.

On the call for the questions, the motion carried by the following roll call vote: Councilmembers Daysog: Aye; Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(21-105) Public Hearing to Consider Approving the Housing and Community Development Needs Statement for the Community Development Block Grant (CDBG) Annual Plan for Fiscal Year 2021-22.

The Community Development Program Manager gave a Power Point presentation.

Discussed the importance of uplifting gender equity and gender based violence particularly during and in the aftermath of a pandemic; expressed support for the Social Services Human Relations Board (SSHRB) for featuring domestic violence and the importance of gender equity issues in the needs statement; outlined reports related to gender based violence and legal problems; urged Council to look at intersecting issues of gender and race equity and impacts to the community: Erin Scott, Family Violence Law Center.

Gave a Power Point presentation outlining 2-1-1 calls for Alameda County: Alison DeJung, Eden Information and Referrals.

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(21-106) Mayor Ezzy Ashcraft inquired whether Council would consider providing Ms. DeJung an additional one to two minutes of speaking time to finish her presentation.

Councilmember Daysog moved approval of allowing Ms. DeJung two minutes to finish her presentation.

Mayor Ezzy Ashcraft seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 4. Noes: 1.

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Ms. DeJung concluded her Power Point presentation.

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(21-107) Mayor Ezzy Ashcraft announced a vote is required to consider new items after 11:00 p.m.

Vice Mayor Vella moved approval of hearing the budget resolution [paragraph no. 21-108] and then stopping the meeting.

Councilmember Knox White seconded the motion.

Under discussion, Mayor Ezzy Ashcraft inquired whether the motion includes the stopping time of 12:00 a.m., to which Vice Mayor Vella responded in the affirmative.

On the call for the question, the motion failed by the following roll call vote: Councilmembers Daysog: No; Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

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Expressed support for the needs statement; stated issues which have previously been seen are now exacerbated; expressed support for the addition of housing security and homeless prevention; stated communication and support can be worked on in the coming year; people are hungry for information and support through this difficult time:  
Liz Varela, Building Futures for Women and Children.

Councilmember Herrera Spencer moved approval of the staff recommendation.

Councilmember Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

(21-108) Adoption of Resolution Amending the Fiscal Year (FY) 2020-21 Budget and Authorizing the City Manager to Redistribute Budget Appropriations between Similar Capital Projects; and

(21-108 A) Adoption of Resolution Amending the Salary Schedules for the Management and Confidential Employees Association (MCEA) and for Executive Management

Employees (EXME) and Approving Workforce Changes for FY 2020-21. Not heard.

#### CITY MANAGER COMMUNICATIONS

(21-109) The City Manager announced COVID-19 vaccinations are being made available.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

(21-110) Consider Establishing a New Methodology by which the Number of Housing Units are Calculated for Parcels Zoned C-2-PD (Central Business District with Planned Development Overlay). (Councilmember Daysog) Not heard.

(21-111) Consider Directing Staff to Provide an Update on a Previously Approved Referral regarding Free Public WiFi throughout the City. (Councilmember Spencer) Not heard.

(21-112) Consider Directing Staff to Extend Webster Street Physical Improvements/ Beautification. (Councilmember Daysog) Not heard.

#### COUNCIL COMMUNICATIONS

(21-113) Mayor's Nominations for Appointments to the Housing Authority Board of Commissioners and Recreation and Park Commission. Not heard.

(21-114) Councilmember Daysog discussed an AC Transit Interagency Liaison Committee (ILC) meeting that he attended with Councilmember Knox White.

(21-115) Vice Mayor Vella discussed a report about baby food contents being high in heavy metal contents; stated that she has requested the matter be agendized at the Lead Abatement Joint Powers Authority; noted the agenda for the meeting is posted on the Alameda County website and the meeting will be held remotely; announced Alta Bates' Summit Medical Center Hospital closure.

(21-116) Councilmember Knox White discussed Zoom procedures for Council meetings; recommended members using the "raise hand" feature to indicate the desire to speak.

(21-117) Councilmember Daysog discussed a Zoom theatre production about Brown v. Board of Education by Alamedan Dr. Cindy Acker.

(21-118) Mayor Ezzy Ashcraft announced the Alameda County Transportation Commission (ACTC) unanimously decided to award the City of Alameda \$1.55 million

for the Bicycle-Pedestrian Bridge project study report; discussed COVID-19 vaccines; stated information is available at the state website: [myturn.ca.gov](https://myturn.ca.gov); announced a COVID-19 Vaccine Task Force has been formed.

#### ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 11:14 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Sunshine Ordinance.

**SENATE BILL**

**No. 271**

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**Introduced by Senator Wiener**

(Principal coauthors: Assembly Members Kalra and Wicks)

**(Coauthor: Senator Skinner)**

(Coauthors: Assembly Members Lee, McCarty, and Ting)

January 28, 2021

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An act to amend Section 13.5 of the Elections Code, and to repeal Section 24004.3 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 271, as introduced, Wiener. County sheriffs: eligibility requirements.

The California Constitution requires the Legislature to provide for an elected county sheriff in each county. Existing statutory law specifies that a person is not eligible to become a candidate for the office of sheriff in a county unless the person has an advanced certificate issued by the Commission on Peace Officer Standards and Training or meets a combination of certain educational degree and full-time, salaried law enforcement experience requirements, as specified. Existing law deems a person holding the office of sheriff on January 1, 1989, to have met those qualifications.

This bill would repeal those eligibility provisions, and would make other conforming changes.

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

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

1     SECTION 1. Section 13.5 of the Elections Code is amended  
2     to read:

1 13.5. (a) (1) Notwithstanding subdivision (a) of Section 13,  
2 no person shall be considered a legally qualified candidate for any  
3 of the offices set forth in subdivision (b) unless that person has  
4 filed a declaration of candidacy, nomination papers, or statement  
5 of write-in candidacy, accompanied by documentation, including,  
6 but not necessarily limited to, certificates, declarations under  
7 penalty of perjury, diplomas, or official correspondence, sufficient  
8 to establish, in the determination of the official with whom the  
9 declaration or statement is filed, that the person meets each  
10 qualification established for service in that office by the provision  
11 referenced in subdivision (b).

12 (2) The provision of “documentation,” for purposes of  
13 compliance with the requirements of paragraph (1), may include  
14 the submission of either an original, as defined in Section 255 of  
15 the Evidence Code, or a duplicate, as defined in Section 260 of  
16 the Evidence Code.

17 (b) This section shall be applicable to the following offices and  
18 qualifications therefor:

19 (1) For the office of county auditor, the qualifications set forth  
20 in Sections 26945 and 26946 of the Government Code.

21 (2) For the office of county district attorney, the qualifications  
22 set forth in Sections 24001 and 24002 of the Government Code.

23 ~~(3) For the office of county sheriff, the qualifications set forth~~  
24 ~~in Section 24004.3 of the Government Code.~~

25 ~~(4)~~

26 (3) For the office of county superintendent of schools, the  
27 qualifications set forth in Sections 1205 to 1208, inclusive, of the  
28 Education Code.

29 ~~(5)~~

30 (4) For the office of judge of the superior court, the  
31 qualifications set forth in Section 15 of Article VI of the California  
32 Constitution.

33 ~~(6)~~

34 (5) For the office of county treasurer, county tax collector, or  
35 county treasurer-tax collector, the qualifications set forth in Section  
36 27000.7 of the Government Code, provided that the board of  
37 supervisors has adopted the provisions of that section pursuant to  
38 Section 27000.6 of the Government Code.

39 SEC. 2. Section 24004.3 of the Government Code is repealed.



1     ~~24004.3.— (a) No person is eligible to become a candidate for~~  
2 ~~the office of sheriff in any county unless, at the time of the final~~  
3 ~~filing date for election, he or she meets one of the following~~  
4 ~~criteria:~~

5     ~~(1) An active or inactive advanced certificate issued by the~~  
6 ~~Commission on Peace Officer Standards and Training.~~

7     ~~(2) One year of full-time, salaried law enforcement experience~~  
8 ~~within the provisions of Section 830.1 or 830.2 of the Penal Code~~  
9 ~~at least a portion of which shall have been accomplished within~~  
10 ~~five years prior to the date of filing, and possesses a master's degree~~  
11 ~~from an accredited college or university.~~

12     ~~(3) Two years of full-time, salaried law enforcement experience~~  
13 ~~within the provisions of Section 830.1 or 830.2 of the Penal Code~~  
14 ~~at least a portion of which shall have been accomplished within~~  
15 ~~five years prior to the date of filing, and possesses a bachelor's~~  
16 ~~degree from an accredited college or university.~~

17     ~~(4) Three years of full-time, salaried law enforcement experience~~  
18 ~~within the provisions of Section 830.1 or 830.2 of the Penal Code~~  
19 ~~at least a portion of which shall have been accomplished within~~  
20 ~~five years prior to the date of filing, and possesses an associate in~~  
21 ~~arts or associate in science degree, or the equivalent, from an~~  
22 ~~accredited college.~~

23     ~~(5) Four years of full-time, salaried law enforcement experience~~  
24 ~~within the provisions of Section 830.1 or 830.2 of the Penal Code~~  
25 ~~at least a portion of which shall have been accomplished within~~  
26 ~~five years prior to the date of filing, and possesses a high school~~  
27 ~~diploma or the equivalent.~~

28     ~~(b) All persons holding the office of sheriff on January 1, 1989~~  
29 ~~shall be deemed to have met all qualifications required for~~  
30 ~~candidates seeking election or appointment to the office of sheriff.~~

## **Resolution in Support of Senate Bill 271 (Wiener)**

**Whereas**, Sheriffs in California are constitutionally elected officials that exercise great authority in their respective County jurisdictions. All 58 counties in California have a Sheriff's department, and 41 counties provide for the Sheriff to assume the role of Coroner. The Sheriff has three primary duties: keep the peace, attend to the courts, and operate the county jail. Generally, the Sheriff has six functional operations: patrol, detention, civil, court services, records, coroner, administrative, and investigative; and

**Whereas**, prior to 1988, the California constitution required no special qualifications to run for the office of Sheriff. After former prisoner rights' attorney Michael Hennessey was elected to Sheriff of San Francisco county, the California State Sheriff's Association successfully lobbied for a bill that restricted candidates to those with current and former law enforcement experience, codified at Government Code Section 24004.3. As a result, the pool of candidates grew smaller and many Sheriffs are unopposed when seeking reelection. In 2014, only 19 of the 58 counties in California had a contested race for the office of Sheriff, and in 2021, forty-nine of the sitting Sheriffs are white males, which does not reflect the demographics of the diverse constituents most Sheriffs represent<sup>1</sup>; and

**Whereas**, San Francisco Sheriff Michael Hennessey enacted many successful reform and anti-recidivism programs and was reelected seven times, becoming widely respected and the longest tenured Sheriff in California history; and

**Whereas**, protests against police brutality have called for elected officials to "reimagine public safety", by shifting some duties away from armed officers to unarmed civilians and social workers; and

**Whereas**, several counties including Los Angeles, Santa Clara, and San Diego have created civilian oversight boards due to reports of horrific conditions in their jails, and misconduct by their Sheriff's department. In Dibb v. County of San Diego (1994), the California Supreme Court upheld the authority to create such boards; and

**Whereas**, the restrictions limiting candidates to those with law enforcement experience has resulted in Sheriffs that are generally not well suited to reimagining public safety, as they lack de-escalation training, rehabilitative and restorative justice backgrounds, and mental health crisis intervention training as these are typically not provided by police and sheriff's training academies; and

**Whereas**, Sheriffs in counties with larger populations manage thousands of employees, most of which are unarmed civilian employees. Such employees outnumber armed sworn employees in each of the 58 California counties; and

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<sup>1</sup> \*\*\*\*\*[theappeal.org/politicalreport/california-overturn-sheriff-requirements/](https://theappeal.org/politicalreport/california-overturn-sheriff-requirements/)

**Whereas**, Sheriffs in California formally opposed the sanctuary protections provided by SB 54 (California Values Act) enacted into law in 2018, and many continue to cooperate with Immigrations and Customs Enforcement (ICE)<sup>2</sup>; and

**Whereas**, in 2017 Alameda County Sheriff Ahern invited The Oath Keepers to participate in his Urban Shield “war games” and allowed them to distribute propaganda. Members of The Oath Keepers have since been investigated and/or arrested by the FBI for participating in the January 6, 2021 “Trump Insurrection” challenging the certification of President Joe Biden’s election results<sup>3</sup>; and

**Whereas**, in July 2017, a woman gave birth alone while confined to solitary confinement at Santa Rita Jail, despite screaming for hours for medical attention. Alameda County and Sheriff Ahern are now the subject of a federal civil rights lawsuit<sup>4</sup>; and

**Whereas**, after paying \$149 million in just five years due to civil rights violations, sexual assault, excessive force, and killings, and due to resisting oversight and reform efforts, in 2020 the Board of Supervisors for the County of Los Angeles voted to explore removing Sheriff Villanueva and making the office of Sheriff an appointed position<sup>5</sup>; and

**Whereas**, Sheriffs have resisted calls to release or socially distance inmates and employees suffering from Covid-19 outbreaks in their respective jails, even as their own staff began to suffer the negative health consequences of the coronavirus, including death<sup>6</sup>. San Diego Sheriff Gore’s response to the crisis has been to prioritize privatization of the county jail’s health care services, which could eliminate 350 county employee positions<sup>7</sup>; and

**Whereas**, an independent internal San Diego County review found that a woman was left alone to die, after striking her head in jail. According to records cited by the San Diego Union-Tribune, more than 150 people have died in custody in San Diego County jails since Sheriff Gore took office. The Union-Tribune also reported that San Diego County has the highest jail mortality rate of the state’s six most populous counties<sup>8</sup>; and

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2 \*\*\*\*\* [.latimes.com/california/story/2020-10-08/ice-sanctuary-policies-arrest-san-diego](https://www.latimes.com/california/story/2020-10-08/ice-sanctuary-policies-arrest-san-diego)

3 \*\*\*\*\* [.washingtonpost.com/national-security/oath-keeper-three-percenter-arrests/2021/01/17/27e726f2-5847-11eb-a08b-f1381ef3d207\\_story.html](https://www.washingtonpost.com/national-security/oath-keeper-three-percenter-arrests/2021/01/17/27e726f2-5847-11eb-a08b-f1381ef3d207_story.html)

4 \*\*\*\*\* [.eastbaytimes.com/2018/08/21/woman-who-gave-birth-alone-in-alameda-county-jail-screaming-for-hours-sues-county/](https://www.eastbaytimes.com/2018/08/21/woman-who-gave-birth-alone-in-alameda-county-jail-screaming-for-hours-sues-county/)

5 \*\*\*\*\* [.latimes.com/california/story/2020-11-10/supervisors-seek-sheriff-removal-options](https://www.latimes.com/california/story/2020-11-10/supervisors-seek-sheriff-removal-options)

6 \*\*\*\*\* [.kpbs.org/news/2020/dec/22/covid-19-cases-surge-san-diego-jails-detention/](https://www.kpbs.org/news/2020/dec/22/covid-19-cases-surge-san-diego-jails-detention/)

7 \*\*\*\*\* [.sandiegouniontribune.com/news/watchdog/story/2020-11-16/new-covid-19-outbreak-forces-transfer-of-dozens-of-county-jail-inmates](https://www.sandiegouniontribune.com/news/watchdog/story/2020-11-16/new-covid-19-outbreak-forces-transfer-of-dozens-of-county-jail-inmates)

8 \*\*\*\*\* [.sandiegouniontribune.com/news/watchdog/story/2021-02-07/woman-left-alone-to-die-after-striking-her-head-while-collapsing-in-jail-independent-review-finds?fbclid=IwAR2XsvDnrtj91GSv1ih1Yd5zN5tGhrqfIWKPdUIMUhyE0r8KUASq9vSmSEQ](https://www.sandiegouniontribune.com/news/watchdog/story/2021-02-07/woman-left-alone-to-die-after-striking-her-head-while-collapsing-in-jail-independent-review-finds?fbclid=IwAR2XsvDnrtj91GSv1ih1Yd5zN5tGhrqfIWKPdUIMUhyE0r8KUASq9vSmSEQ)

**Whereas**, in January 2021, California Attorney General Becerra launched an investigation into the Los Angeles County Sheriff's department for "pattern and practice" civil rights violations<sup>9</sup>;

**Whereas**, Senator Wiener, along with colleagues Senator Skinner, Assembly Member McCarty, Assembly Member Kalra, Assembly Member Lee, Assembly Member Wicks, and Assembly Member Ting, has introduced Senate Bill 271 ("The Sheriff Diversity and Democracy Act") to return California to its original constitutional language for candidates seeking the office of County Sheriff, which if enacted would no longer require law enforcement experience to seek the office of Sheriff; now therefore be it

**Resolved**, the City Council of Berkeley expresses its support for Senate Bill 271 (Wiener), and the California legislature to pass and Governor Gavin Newsom to sign into law Senate Bill 271; and

**Further Resolved**, that copies of this Resolution will be sent to the Office of California Senator Wiener, along with a copy of the letter referenced below; and

**Further Resolved**, the Mayor of the City Council of Berkeley shall submit a letter of support for Senate Bill 271 to the Office of Senator Wiener, using the attached template as a reference.

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<sup>9</sup> \*\*\*\*\*[ktla.com/news/local-news/california-ag-launches-civil-rights-investigation-into-l-a-county-sheriffs-department/](https://www.ktla.com/news/local-news/california-ag-launches-civil-rights-investigation-into-l-a-county-sheriffs-department/)

City of Alameda



OPEN GOVERNMENT COMMISSION  
2263 Santa Clara Avenue, Suite 380  
Alameda, CA 94501  
(510) 747-4800

FILED  
FEB 25 2021

CITY OF ALAMEDA  
CITY CLERK'S OFFICE

**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or Commission: Alameda City Council

Name of individual contacted at Department or Commission: N/A

☒ Alleged violation of public records access.

☒ Alleged violation of public meeting. Date of meeting: February 16, 2021

Sunshine Ordinance Section: Violation of the Brown Act  
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach all relevant documentation supporting your complaint. Documentation is required.

See attached re Item 5E on the Consent Calendar of the Agenda for the February 16, 2016 City Council meeting:

**A complaint must be filed no more than fifteen (15) days after an alleged violation of the Sunshine Ordinance.**

Name: Jay Garfinkle Address: \_\_\_\_\_

Telephone No: 5 10-521-5 071 E-mail Address: garsurg@comcast.net

Date: February 25, 2021

\_\_\_\_\_  
Signature

February 25, 2021

Attachment to Complaint:

RE: Item 5E on February 16, 2021 City Council Agenda

A motion was made and passed which called for adding support for SB-271 to the City's Legislative Agenda. This item was not listed on the meeting agenda and, the City Attorney's opinion notwithstanding, I believe that discussion and passage of this motion constituted a violation of the Brown Act. And given that SB-271 has the potential of leading to significant political ramifications about which many voters may have reasonable concerns, it seems obvious that the public should have been informed of the plan to pull this item from the Consent Calendar in order to present and discuss this motion. The Brown Act was passed into law so that the public would have the opportunity to participate in discussions of this sort. In my opinion, while the City Attorney's opinion may possibly have been correct in terms of the letter of the law, it appears, in my opinion, to be contrary to the spirit of the law, to wit: The Brown Act..

I would point out that, based on comments made during the discussion, it appears that this process was prompted by the Council's receipt of an email from a person or persons who support SB-271. My concern regarding this issue is amplified by the appearance that outside political influence was in play as demonstrated by my observation that only a single person, who quite likely was not an Alameda resident and who just coincidentally was aware of this plan in advance of the Council meeting and who was prepared to address it during the public comment period and who, just as coincidentally, represented an Oakland based special interest group backing the bill.

Please understand that I am neither in favor of nor opposed to SB-271. My concern is that the City Council appears to have violated the spirit of the Brown Act in lending OUR, the residents of Alameda, support to a State bill without permitting residents the opportunity to participate in the decision making process. It is noteworthy, though possibly irrelevant, that the bill was authored by State Senator Wiener who has a history of working vigorously to take local zoning authority away from individual cities throughout the State. In this regard, two of his current bills, SB-9 and SB-10, if passed, would require that the City permit subdivision of single family lots into as many as six separate parcels plus an ADU and a JADU, at least eight units in all, and would allow our City Council to override our recent vote to preserve Article 26 of our City Charter.

I believe that the Open Government Commission, at the very least, should request that the City instruct its contracted lobbyists not to support SB-271 pending an open review by the residents of Alameda.

I am submitting this complaint as it relates to the about the process and not necessarily to the result.

Jay Garfinkle