

ALBANY CALIFORNIA



CITY OF ALBANY
1000 SAN PABLO AVENUE
ALBANY, CA 94706
www.AlbanyCA.org

DATE: May 2, 2022

MEMORANDUM

To: Albany City Council

From: Sub-Committee members- Councilwoman Gary & Vice Mayor Tiedemann

Re: Shuumi Land Tax

RECOMMENDATION

- 1) That the members of Albany City Council direct staff to work with the Sogorea Te' Land Trust, to prepare a budget proposal for the city to formally incorporate annual payment of the Shuumi Land Tax this year and in the future to be funded via either:
 - a. A reallocation of existing funds
 - b. A ballot measure to institute an annual real property tax or a property transfer tax.

BACKGROUND

For thousands of years, the Ohlone people have tended to and cared for the land that is now known as Albany, building a network of villages and Shellmounds, fishing in the Bay and freshwater creeks, cultivating, gathering, and growing foods and medicines, hunting, holding ceremony, seasonal festivals and Big Times, and in many other ways treating this land with respect and reciprocity. Albany lies within the traditional Ohlone territory of Huchiun, where the Ohlone language Chochenyo has been spoken for hundreds of generations and where sacred sites and burial sites remain. Direct descendants of these Ohlone include members of the Confederated Villages of Lisjan and are visibly represented in Albany in the Sogorea Te' Land Trust.

The Ohlone people's way of life was violently disrupted by the Spanish occupation of this land. Ohlone people living in Huchiun were kidnapped and forced to live and work as slaves at Mission

Dolores and Mission San Jose. During the Mexican era, this land was part of the Peralta Land Grant and the enslavement of Ohlone people continued at the ranchos. The Gold Rush brought the arrival of hundreds of thousands of settlers, whose efforts to displace indigenous people were assisted by the policies of the state and federal government.

Despite over two hundred years of colonial occupation and displacement, the Ohlone tribe of the Confederated Villages of Lisjan continues to live here, revitalize their cultural practices, and uphold their responsibilities to protect and care for their ancestral homeland. The Sogorea Te' Land Trust, the first urban Indigenous women-led land trust in the country, seeks to further this work through many programs and initiatives meant to encourage repatriation of land and cultural revitalization in Ohlone territory. Repatriation is Indigenous women led work to restore relationships between Indigenous people and their ancestral land while honoring the matrilineal tradition

The Confederated Villages of Lisjan, like every other Ohlone Tribe, are not federally recognized by the United States government. Federal recognition is a legal status that affirms a tribe's entitlement to land and other legal and economic benefits. Hundreds of thousands of Indigenous people across the United States belong to non-federally recognized tribes. The process to become "recognized" in the United States—the Federal Acknowledgement Process—is an arduous and expensive undertaking that can last decades, requiring tribes to prove their 'authenticity' under criteria designed to severely limit the possibility of success. The Confederated Villages of Lisjan are recognized by the State of California and the California Native American Heritage Commission.

The Sogorea Te' Land Trust calls on native and non-native peoples to heal and transform the legacies of colonization, genocide, and patriarchy in recognition of our place in history. Sogorea Te's programs and initiatives are building a Bay Area in which Ohlone language and ceremony are an active, thriving part of the cultural landscape, where Ohlone place names and history is known and recognized, and where intertribal Indigenous communities have affordable housing, social services, cultural centers, and land to live, work, and pray on.

Previously, the Council directed Staff in Resolution No. 2021-95 to create and install signage acknowledging the history of the land Albany sits on at our major entryways along Marin and San Pablo. These signs were installed in December of last year, and additional locations were recently added as included in the attached map. This resolution also included implementation of a land acknowledgement (which now precedes all public meetings) and direction for the creation of a proposal to fund annual payment of Shuumi.

DISCUSSION

In recognition that the City of Albany lies within the traditional territory of the Confederated Villages of Lisjan and that the civic infrastructure, economic system, public and private development, and consumption of natural resources in our society are all connected to and, in

different ways, built upon the colonial occupation of this land and the violent displacement of the Lisjan, the Sogorea Te' Land Trust invites the City of Albany to pay an annual Shuumi Land Tax. Shuumi means "gift" in Chochenyo, the Lisjan Ohlone language that has been spoken on this land for thousands of years. The Shuumi Land Tax is a powerful way to acknowledge this history and contribute to its healing, as well as to support the Sogorea Te' Land Trust's work of repatriation to create a vibrant future for Indigenous people and everyone in Albany.

The Shuumi Land Tax generates funds to support the Sogorea Te' Land Trust's Repatriation work, returning Indigenous land to Indigenous people. This includes cultivating urban gardens, building community centers and ceremonial spaces, acquiring and stewarding land, engaging in public education and advocacy, and developing community resilience. The funds that the City of Albany contributes to Shuumi will go directly to support Repatriation initiatives in Albany. The Sogorea Te' Land Trust is currently active on multiple projects within the city including land stewardship as a partner at the Gill Tract Community Farm through which they were recently invited to join the UC Gill Tract Community Farm Advisory Committee by Dean David Ackerly of Rausser College of Natural Resources. They are also consulting with the City of Albany on economic development opportunities and the Albany Unified School District on curriculum development and public education opportunities on the Indigenous history of this land. Sogorea Te' consulted with the City on its land acknowledgement statement and the new Welcome to Albany signs that acknowledge Ohlone territory.

The proposed land tax will be used to support these and other programs that further the goals of the Sogorea Te' Land Trust to repatriate indigenous land, educate on the history of the Ohlone people, and act as stewards for their ancestral lands. There is not a program budget or a set of deliverables for this proposal because, unlike a grant request or contract, Albany's contribution will not act as a fee or grant, but a tangible show of our continued commitment to addressing institutional racism and supporting the indigenous members of our community. Inherent in the practice of Shuumi is a demonstration of trust in the Indigenous women leaders who represent the sovereign nation of Lisjan through the Sogorea Te' Land Trust.

The suggested amount of Shuumi to be paid by the City of Albany is \$28,250. This number was constructed based on the amount of city owned land (250 acres) multiplied by the number of years since the City of Albany was incorporated (113 as of 2021 due to incorporation in 1908). As noted previously, this is not an amount meant to pay for any particular service, but an attempt to represent the moral weight of Albany's existence within the larger context of indigenous displacement. Payment of this amount this fiscal year will require reallocation of existing city funds or the use of reserves. Making this amount a part of our annual budget going forward could be accomplished in one of two ways; via reallocation of existing city funds or passage of a ballot measure imposing a property tax to raise the requisite amount of funds. If the Council should direct staff to begin work on the latter suggestion of a ballot initiative for the November 2022 election additional direction

could be provided by the Sub-Committee. The structure of such a measure is also up to council with options for a city-wide real property tax determined by square footage (which should include commercial real estate) or a property transfer tax.

SUSTAINABILITY CONSIDERATIONS

As Indigenous people, the Lisjan Ohlone have been living on this land in balance and reciprocity for hundreds of generations and hold a deep knowledge of sustainable ways to tend the land. The City of Albany would benefit from their perspectives when considering the impact of economic decisions on the environment. Returning land to Indigenous stewardship is one way to not only address historic and ongoing injustices but also to move towards a more sustainable future. For example, sustainable fire management is a traditional sustainable practice used by Indigenous communities specifically in rural areas in California.

SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS

These Rematriation initiatives would help bring attention to and center Indigenous people's history on the land that is now known as Albany and will be one lever for increasing residents' awareness and engagement.

CITY COUNCIL STRATEGIC PLAN INITIATIVES

This supports City Council initiatives on representing and promoting Albany's diverse population.

FINANCIAL CONSIDERATIONS

Annual payment of the proposed Land tax will cost the city \$28,250. The impact of these payments will depend on the method chosen by the council to fund this amount. Reallocation from existing funds will impact City general funding, while a ballot measure will create a new fund for the express purpose of paying Shuumi, but would not address payment of the tax this year, thus some reallocation of existing funds is recommended for payment this year.

Existing Funds

There are two potential funding options with existing revenue that could be utilized, and these options could overlap to minimize overall expense to any single funding source:

1. Establishment of a Reserve Account: utilize a portion of the current surplus funds as reported as part of the FY 2020/2021 Annual Comprehensive Financial Report. Funds from the reserve could then be allocated from the reserve to the Shuumi each year as funding allows. However, as the current surplus is not a recurring fund, future payments would need to be addressed at some future time.

2. Allocation of Sugar Sweetened Beverage Tax funds: this is a general tax that the Council is required to review and allocate annually to programs and services. The funding intent has generally been to help the furthering of healthy lifestyle choices and wellbeing, which could generally include the ongoing education, herbal gardening, and stewardship work of the Sogorea Te’.

Ballot Measure

The cost of placing a measure on the ballot is nominal if placed on a general election ballot that includes a Council election or other City ballot measures, such as November 2022. Should the Council prefer the approach of a ballot measure to fund this land tax, staff would need to prepare a tax model formula and associated ballot measure material including an ordinance for Council review. The tax would be a special tax and require 2/3 voter approval.

Attachments

1. Ohlone Territory Sign Locations Map