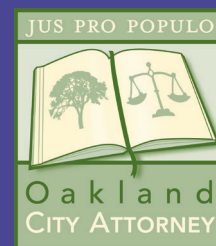


OAKLAND CITY ATTORNEY'S OFFICE



Annual Report

FISCAL YEAR 2016-2017



law in the service of the public
jus pro populo

Table of Contents

Message from City Attorney Barbara J. Parker	1
Mission of the City Attorney's Office	2
Office Profile.....	4
Organizational Chart	6
Financial Results	7
Outside Counsel Costs	10
Payouts	14
Litigation Division	18
Advisory Division.....	23
General Government & Finance Unit Highlights	24
Labor & Employment Division.....	42
Affirmative Litigation, Innovation & Enforcement Division	44
Special Programs, Initiatives & Litigation.....	48
Conclusion	49
Contact Information	50

MESSAGE FROM CITY ATTORNEY BARBARA J. PARKER



My Office continued to advocate forcefully to protect and advance the rights of all Oakland residents throughout Fiscal Year (sometimes “FY”) 2016-17.

We prosecuted abusive landlords to protect and uphold tenants’ rights, and we continued lawsuits against Monsanto for contaminating Oakland waterways and against Wells Fargo bank, our country’s largest mortgage lender, for predatory and racially discriminatory mortgage lending practices against African American and Hispanic borrowers.

We represented the City in court and provided critical legal advice to City leaders regarding every aspect of the City laws, services, policies and programs.

We reduced the amount the City paid to resolve claims and lawsuits by millions of dollars. In fact, this FY’s total payouts were the lowest amount since the City Attorney began issuing Annual Reports in FY 2001-02. We brought in more than \$2.36 million in settlements and other payments to the City’s general fund to be used for critical services like police, fire, parks and roads. And we kept outside counsel costs low by strategically using our staff resources.

In accord with our mission to protect the rights and interests of all Oaklanders, we joined other municipalities, counties and states in challenging the current federal administration’s unconstitutional, discriminatory and inhumane actions.

The City Attorney has published an Annual Report every year since Fiscal Year (“FY”) 2000-01 to give residents, businesses and taxpayers a transparent and comprehensive accounting of the work our Office performs on their behalf.

Like prior annual reports, the FY 2016-17 Annual Report details financial results, litigation trends, advisory work, affirmative litigation and special initiatives that the Office undertook during the fiscal year beginning on July 1, 2016 and ending June 30, 2017.

I look forward to hearing your questions and comments about this report and about the services we provide.

Mission of the City Attorney's Office

The City Attorney's Office plays an integral and often behind-the-scenes role in City government.

The City Attorney defends Oakland's interests and resources in court and initiates legal action to secure justice and protect the rights of Oakland residents and taxpayers. We draft and review ordinances and resolutions and sponsor legislation, often with members of the City Council and/or the Mayor. We aggressively and strategically negotiate major agreements and contracts and help to shape Oakland's policies. And we provide expert legal advice to City leaders and officials including the Mayor, City Council, City Auditor, City Administrator and City departments, boards and commissions.

Our mission is to provide the highest quality of legal services, promote open government and accountability to the residents of Oakland and apply the law in an innovative and community-oriented manner to advance Oaklanders' rights and improve the quality of life in Oakland neighborhoods.

We accomplish this mission by constantly pursuing excellence, professionalism and a workforce that values and reflects Oakland's diversity.

TOP PRIORITIES

- Continue to provide the highest quality of legal services to City officials, departments, boards and commissions by negotiating, drafting and reviewing agreements, legislation, regulations, policies and procedures and helping to shape viable, legally sound policies, programs and services for the City.
- Aggressively defend Oakland's interests and resources in court and in administrative proceedings and initiate legal action and other initiatives to protect and enhance the rights, interests and quality of life of our community.
- Uphold transparent, honest and fair government by enforcing the Public Records Act, Sunshine Ordinance and other open government laws, and by ensuring that City officials and employees know and play by the same rules.
- Advocate for equal opportunity, diversity, justice and a level playing field in our community and beyond.
- Continue to explore and identify ways to provide expert and professional legal services in the most efficient and cost-effective manner possible.
- Maintain a staff of highly-qualified and dedicated attorneys and support staff with extensive knowledge of the City of Oakland and municipal law in order to meet demands more efficiently and effectively.

Office Profile

During this fiscal year, the City Attorney's Office announced a major reorganization to enhance, develop and make affirmative litigation and other efforts to secure economic, environmental and social justice, civil rights, equity and fighting discrimination a top priority, and to enhance and more effectively and efficiently coordinate the Office's handling of labor and employment matters, including but not limited to police department policies/procedures and personnel/discipline cases.

Prior to this fiscal year, the City Attorney's Office was divided into two legal divisions: the Advisory Division headed by Chief Assistant City Attorney Doryanna Moreno, and the Litigation Division headed by Chief Assistant City Attorney Otis McGee.

The August 2017 reorganization added two new divisions to the City Attorney's Office: the Labor & Employment Division headed by Special Counsel Ryan Richardson and the Affirmative Litigation, Innovation & Enforcement Division headed by Special Counsel Maria Bee.

The Office also includes an Operations Team headed by Legal Administrative Services Manager Dara Wiseman and an Executive Team headed by City Attorney Barbara J. Parker.

■ EXECUTIVE TEAM

The **Executive Team** includes the City Attorney, Chief Assistant City Attorney (Advisory Division), Chief Assistant City Attorney (Litigation Division), Special Counsel (Labor & Employment Division), Special Counsel (Affirmative Litigation, Innovation & Enforcement Division), the Legal Administrative Services Manager (Operations) and the Chief of Staff (Policy, Open Government & Communications).

■ ADVISORY DIVISION

The **Advisory Division** provides legal services that address the full spectrum of municipal affairs. Examples include drafting legislation and contracts, negotiating real estate transactions and providing advice on housing and economic development projects, labor and employment matters, land use, finance, retirement, benefits, elections, constitutional law, ethics, conflicts of interest and other matters.

■ LITIGATION DIVISION

The **Litigation Division** advocates for the City's interests in claims and lawsuits that are filed against or on behalf of the City, its officers, employees and agencies. Lawsuits are litigated in the state and federal trial and appellate courts. Examples include high value personal injury cases, complex civil rights actions, personnel disputes, eminent domain actions, breach of contract, challenges to constitutionality of Oakland's laws, policies and procedures and inverse condemnation cases. Litigators take an aggressive and strategic approach to manage liability and limit the City's financial exposure. As public servants we advocate for a fair and just resolution when the City's liability is clear.

■ LABOR & EMPLOYMENT DIVISION

The **Labor & Employment Division** advises the City on labor and employment matters with a special focus on advice and counsel to the Oakland Police Department. The division includes Departmental Counsel for the Oakland Police Department to enhance coordination of the City Attorney's handling of police matters, including police department policies and personnel/discipline cases.

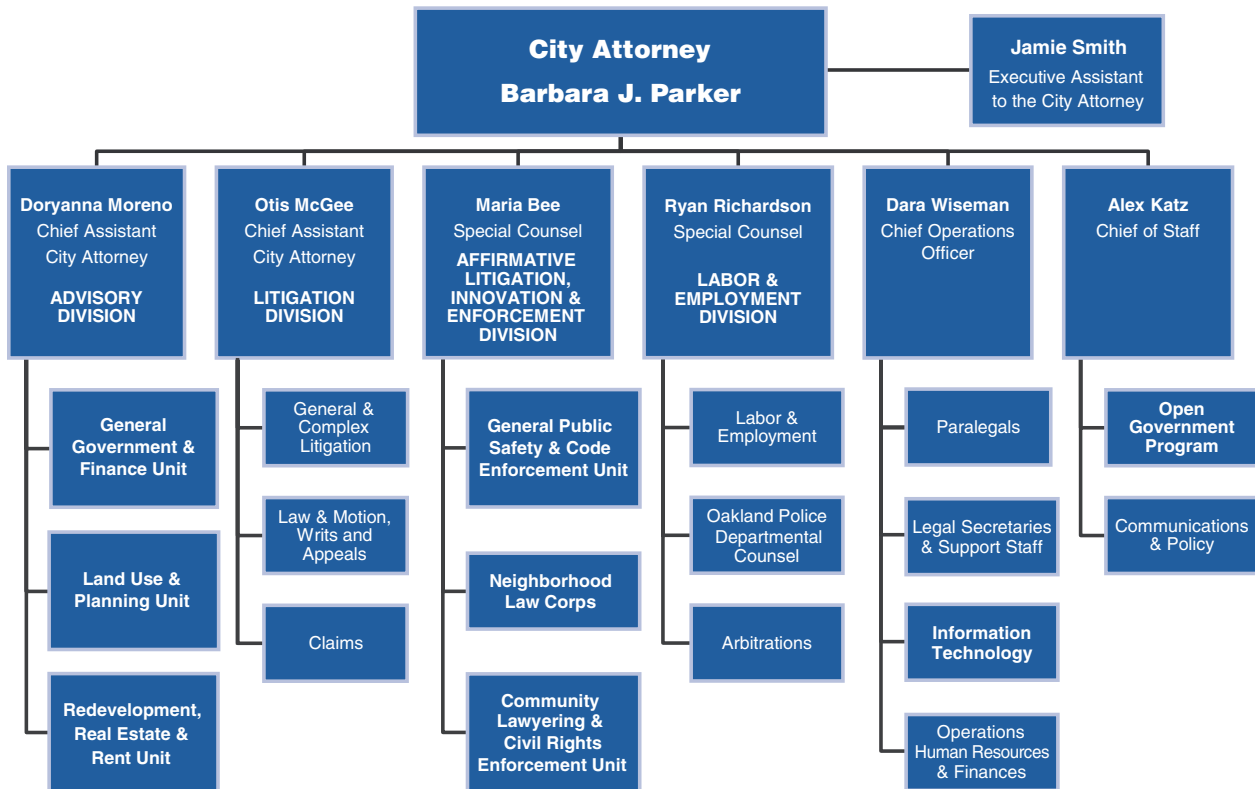
■ AFFIRMATIVE LITIGATION, INNOVATION & ENFORCEMENT DIVISION

The **Affirmative Litigation, Innovation & Enforcement Division** includes affirmative litigation, community lawyering, civil rights enforcement, code enforcement, general public safety and the Neighborhood Law Corps (NLC). The NLC is an award-winning program that in recent years has focused on preventing illegal dumping, suing abusive landlords who violate the rights of Oakland tenants and shutting down hotels, massage parlors and other businesses that collude in human trafficking and the sexual exploitation of minors. In addition to the NLC, the division includes two units: the General Code Enforcement & Public Safety Unit and the Community Lawyering & Civil Rights Unit (CLCR), which focuses on proactive lawsuits and other actions to protect and advance the rights and interests of Oakland residents with a goal of economic, environmental and social justice.

■ OPERATIONS GROUP

The **Operations Group** administers the budget, personnel and support services of the City Attorney's Office. The group includes administrative and information technology staff, legal secretaries, paralegals and an Open Government Coordinator.

Organizational Chart



REFLECTING OAKLAND'S DIVERSITY

The Oakland City Attorney's Office continues to be one of the most, if not the most, diverse legal teams in the country. Our 76-member staff is approximately 62% women and 66% people of color. As of the date of this report, our team of dedicated professionals included:

- 43 attorneys: City Attorney, two Chief Assistant City Attorneys, three Special Counsel, seven Supervising Deputy City Attorneys, 25 Deputy City Attorneys and five Neighborhood Law Corps attorneys.
- Approximately 54% of our attorneys are people of color and 62% of our attorneys are women.
- 33 support staff: three Executive Assistants, eight Paralegals, nine Legal Assistants (commonly referred to as legal secretaries), four Operations Managers, three Public Service Representatives, two Information Technology ("IT") staff, one Claims Investigator, one Analyst, One Accountant and an Open Government Coordinator.

Financial Results

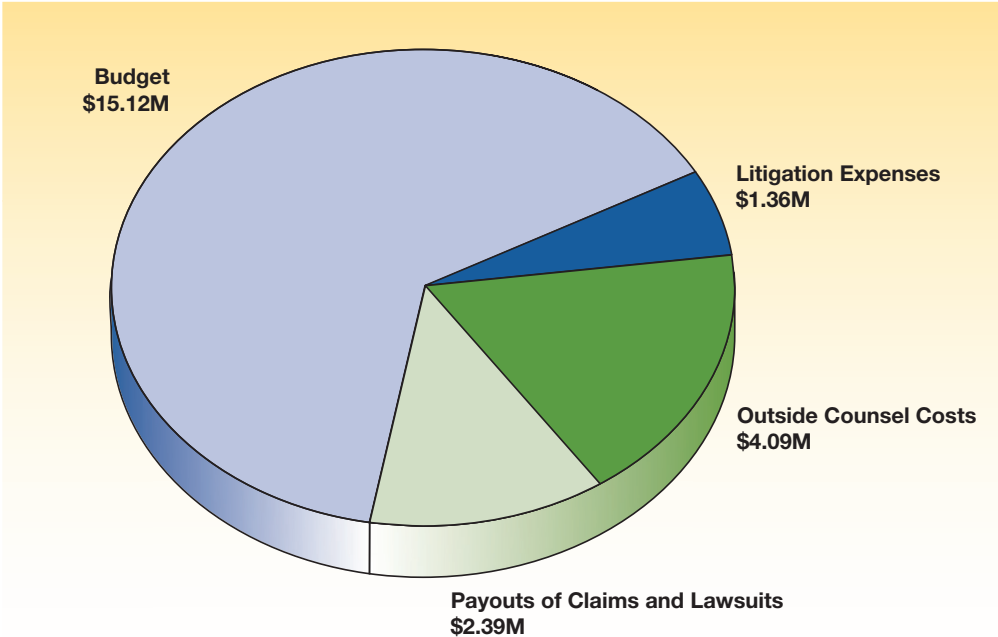


Figure 1

SUMMARY

The City Attorney’s Office strives to safeguard taxpayer dollars by providing the highest quality legal service to the City and its residents in the most efficient and efficacious manner.

The City Attorney’s operating budget was \$15.12 million this year, the same total as the previous fiscal year.

The City spent an additional \$1.36 million on litigation expenses (court fees, retention of experts, arbitration expenses, etc.).

As detailed below, the total cost of outside counsel was \$4.09 million. This amount is **40 percent** lower than the high point in FY 2012-13, before the Council and Mayor began to restore some of the 33 staff (19 attorneys and 14 support staff positions) that the City Council cut from the Office’s budget over the decade beginning in FY 2003-04.

The amount the City pays to resolve claims and lawsuits, including settlements and judgments, varies from year to year depending on the types of cases that are filed against the City and the types of cases the City initiates. In FY 2016-17, payouts for claims and lawsuits filed against the City totaled \$2.39 million, a significant decrease from previous years, when the City paid settlements in high-liability cases involving police use of force and accidents involving infrastructure and City vehicles. The total amount of payouts for claims and lawsuits is **83 percent** lower than it was two years ago (FY 2012-13), when total payments reached an all-time high of \$14.58 million.

Note: The total numbers in this Annual Report may include final tallies from the City’s accounting office that were not available when we published the previous year’s Annual Report. In some cases, totals from previous years have been updated to reflect more recent information.

REVENUE RECOVERED

The Oakland City Attorney's Office seeks to recover the highest possible amount of revenues to fund City services and programs and implement City policies. We join class action lawsuits or other litigation when Oakland's interests are jeopardized, and we pursue affirmative litigation to protect the economic interests and quality of life of the community. Our Office recovered revenues, including attorney's fees and costs, civil penalties, payments for damages, settlement payments and other payments on behalf of the City.

This year, the City Attorney's Office recovered more than **\$2.36 million** for the City, money that helps to pay for vital services such as libraries, police and fire, road repair and parks.

Table 1

Case Name	Jurisdiction	Docket Number	Collected to Date	Collected FY 16-17	Description
Outer Harbor Terminal, LLC	U.S. Bankruptcy Court, District of Delaware	16-10283	\$850,000	\$850,000	Settlement of claim regarding transfer tax.
City of Oakland v. AMBAC Financial Group	San Francisco County Superior Court	CGC 08-479241	\$781,718.77	\$754,888	Settlement in fraud lawsuit against major bond insurance companies.
City of Oakland v. AIG Financial Products Corp.	U.S. District Court, Northern District of California	C08-02116 MEJ	\$1,038,341.75	\$356,466.75	Settlements with defendants in antitrust case involving bid rigging and price fixing in the municipal derivatives industry.
Pacific Renaissance Associates	Alameda County Superior Court	RG03111924/ RG03108416	\$3,632,064.67	\$235,620.53	Settlement resulting from owners overcharging residents and violating terms of contract.
Green Therapy Spa	Alameda County Superior Court	RG15768389	\$44,375	\$44,375	Settlement of prostitution nuisance lawsuit against massage parlor.
City of Oakland v. Oakland JMO (641 W. Grand Avenue)	Alameda County Superior Court	RG14735473	\$65,000	\$30,000	Settlement of public nuisance including blight, code violations, habitability issues.
Hahn v. City of Oakland	California Court of Appeal	A147331/ A148029	\$20,000	\$20,000	Recovery of attorney's fees in inverse condemnation complaint.
4211 Oak Hill Road	Alameda County Superior Court	RG15778866	\$21,500	\$17,500	Settlement of nuisance property case.
City of Oakland v. Lucky Strike	Alameda County Superior Court	RG15754572	\$12,000	\$12,000	Settlement of illegal gambling lawsuit.
Sierra Technician's Institute	Alameda County Superior Court	RG07317917	\$11,145.65	\$11,145.65	Recovery in collections case – delinquent business taxes.
Joyce v. City of Oakland	Alameda County Superior Court	RG15792063	\$9,751.50	\$9,751.50	Recovery of attorney's fees in a trip and fall case.
Value Inn (370 West MacArthur Boulevard)	N/A	N/A	\$6,862.84	\$6,862.84	Reimbursement for the City's costs in administrative drug nuisance abatement case.

Case Name	Jurisdiction	Docket Number	Collected to Date	Collected FY 16-17	Description
Progressive Solutions Inc.	U.S. District Court, Northern District of California	16-cv-04805	\$5,000	\$5,000	Recovery of attorney's fees in trade secrets/contract dispute.
Issuance of Measure DD Bond	N/A	N/A	\$4,295	\$4,295	Refund of attorney's fees for bond issuance.
Kim's Spa	Alameda County Superior Court	RG15781010	\$18,000	\$3,000	Settlement of prostitution nuisance lawsuit against massage parlor.
City of Oakland v. Jaber (1620 Fruitvale Avenue)	Alameda County Superior Court	RG16829447	\$2,000	\$2,000	Court ordered defendants' attorneys to pay sanctions to City for improper use of discovery in this illegal dumping/property habitability case.
Golden State Ventures, LLC	Alameda County Superior Court	RG16834166	\$1,194.54	\$1,194.54	Refund of transcription fees.
Bankruptcy / Collections Cases	N/A	N/A	N/A	\$1,011.80	Recovery based on claims and collections matters.
Total:				\$2,365,111.61	

HIGHLIGHTS

Outer Harbor Terminal, LLC U.S. Bankruptcy Court Case No. 16-10283 (LSS)

The City Attorney's Office obtained \$850,000 for the City in a bankruptcy court settlement with Outer Harbor Terminal, LLC, a company that leased Port of Oakland property and managed shipping and other operations there. Outer Harbor Terminal, also known as Ports America Outer Harbor Terminal, filed for bankruptcy in February 2016. The company had a 50-year lease with the Port of Oakland to run Port operations. In November 2016, the U.S. Bankruptcy Court for the District of Delaware approved the payment of \$850,000 to the City of Oakland to settle a City claim regarding transfer tax (a tax the City imposes when a party sells or conveys an equivalent property interest in real estate).

Green Therapy/Kim's Spa Alameda County Superior Court Case Numbers RG15768389 and RG15781010

As of the date of this report, the City Attorney's Neighborhood Law Corps has sued and closed a total of 13 massage parlors and spas where police investigations found evidence of trafficking and prostitution, including Green Therapy on Hegenberger Road and Kim's Spa on 13th Street. These 13 cases also have resulted in settlements and fines against defendants totaling at least \$518,500, plus several permanent injunctions barring defendants from owning or operating a massage or spa business in Oakland. Most of that total will be reflected in next year's Annual Report. Tragically, human trafficking and the sexual exploitation of women and girls remains an ongoing crisis in Oakland. Disrupting and shutting down the human trafficking industry continues to be a top priority of the City Attorney's Office. The Neighborhood Law Corps is continuing its work with Oakland police to investigate and prosecute businesses that cater to or profit from the sexual exploitation of women and girls in our community, and we continue to exercise the City Attorney's independent power under state law to shut down those businesses and hold operators/owners accountable.

**Oakland v. AMBAC Financial Group Inc. San Francisco Superior Court Case
No. CGC 08-479241**

In 2008, the City Attorney filed this lawsuit against major bond insurance companies. The lawsuit was handled by outside counsel (Renne Sloan Holtzman & Sakai in San Francisco and Cotchett Pitre & McCarthy in Burlingame) on a contingency fee basis meaning the law firm doesn't receive any fees unless the City prevails. Those companies charged California cities and other public agencies millions of dollars to guarantee their debts, while at the same time concealing financial shenanigans that made it impossible for the firms to provide the services they were paid to provide. In FY 2016-17, Ambac Assurance Corporation paid \$754,888 to settle Oakland's lawsuit. The total recovery to date is \$781,718.

Outside Counsel Costs

PROTOCOL

Like other cities and counties, Oakland hires outside counsel to handle legal work (1) when the Office lacks the specific expertise that is needed, (2) when the City, a City board or commission, an employee, the City Attorney or another City official has a conflict of interest, (3) when a particular matter requires dedication of resources that are not available in house, such as a major class action suit that demands full time work of one or more attorneys, or a major case that requires dedication of a team of attorneys and (4) when the Office lacks in-house capacity to handle the volume of legal work.

In FY 2011-12, shortly after the Council appointed Barbara J. Parker as City Attorney to complete the term of the City's first elected City Attorney, the City Attorney established a Request for Qualifications ("RFQ") process to make the hiring of outside counsel more competitive, open and transparent. The City Attorney's Office maintains a database of pre-qualified firms with expertise in a wide range of areas of law. A firm's diversity and whether it is based in Oakland are factors in selection of outside counsel. This is a standing RFQ. In addition, from time to time, our Office issues RFQs for particular matters.

Qualified firms and attorneys who are interested in working for the City can submit a response to the RFQ. A link to the RFQ is on the home page of the City Attorney's web site: <http://www.oaklandcityattorney.org>.

BACKGROUND

Contracting out legal services to more expensive outside attorneys and firms increases the total cost of legal services and reduces the money available for other vital City services such as police, libraries, sidewalks and streets.

Over the ten-year period beginning in FY 2003, the OCA lost more than one-third of its staff (19 attorneys and 14 support staff) due to the City Council's budget cuts.

In that same time period, outside counsel costs rose from \$1.45 million to a highest level of \$6.83 million in FY 2012-13, an increase of about 370 percent.

Because of the loss of in-house staff, the City Attorney had to contract out a far greater amount of Charter-mandated legal work to more expensive and less efficient outside counsel. In fact, the higher cost of outside counsel far outweighed the savings realized by cutting in-house legal staff. For example, during the four-year period of FY 2007-08 through FY 2010-11, staff cuts reduced the Office's budget by \$3 million. However, during that same period the cost of outside counsel rose from \$1.74 million to \$6.18 million, an increase of \$4.44 million. In other words, Oakland spent more on outside counsel than it saved by cutting in-house legal staff.

The City Council has restored some of the positions our Office lost to budget cuts during the decade beginning in FY 2003-04. The new positions made it possible for the City Attorney's Office to handle work in-house that otherwise would have been contracted out to outside counsel at a much higher cost to the City.

As a result, the cost of outside counsel fell to **\$4.09 million** in FY 2016-17 from a high of \$6.83 million in FY 2012-13, the year before the Council began to restore positions to the City Attorney's Office. The savings in outside counsel has more than paid for the annual cost of the restored positions.

As we discuss further below, depending upon lawsuits that are filed against the City and catastrophic events, outside counsel costs vary from year-to-year. However, it is well-established that in-house counsel are able to more efficiently and effectively handle the day-to-day work of the City at a lower cost than outside counsel.

COST ANALYSIS

The need for outside counsel varies from year-to-year, sometimes dramatically, depending upon the number of in-house staff in the City Attorney's Office and the volume, complexity and types of legal issues facing the City.

The Council's restoration of in-house positions to the City Attorney's Office in the last two fiscal years was a factor in keeping the total cost of outside counsel relatively low this year.

However, the cost of outside counsel will vary each year depending on the types and number of legal issues and matters before the City, and time constraints given the City Attorney's in-house resources. As the above cost analysis shows, restoring additional staff in future years will decrease outside counsel expenses.

A caveat is in order. In some years the necessity of hiring outside counsel for major cases will increase the City's outside counsel costs. Examples of such cases that were filed against the City or filed on behalf of the City in FY 2016-17 are: (1) the Ghost Ship cases filed on behalf of 51 plaintiffs to date regarding the December 2, 2016 warehouse fire in the Fruitvale District; (2) the Oakland Bulk and Oversize Terminal's ("OBOT") lawsuit challenging the City's coal ban at the former Oakland Army Base, and; (3) the City's lawsuit against California Waste Solutions to enforce the City's exclusive franchise agreement with CWS for recycling. We anticipate that outside counsel costs for these three lawsuits will be significant and will be reflected in next fiscal year's outside counsel costs.

Note: *The cost of outside counsel spiked in FY 2005-06 due to one case (Pacific Renaissance). In this case, the City Council hired outside counsel against the recommendation of the City Attorney, and outside counsel expenses for the case ultimately totaled \$3.26 million in that fiscal year. The outside counsel costs for that year would have been in line with prior and subsequent years without this expenditure.*

COST ANALYSIS: OUTSIDE COUNSEL FOR CITY-APPROVED PROJECTS

In FY 2016-17, the City spent a total of \$4.09 million on outside legal services. However, some of those costs were incurred as part of City projects such as the development of the former Oakland Army Base, and were paid with funds approved for those projects. This year, the City spent approximately \$970,000 on outside legal services for City-approved projects. These costs were paid by City-budgeted project funds.

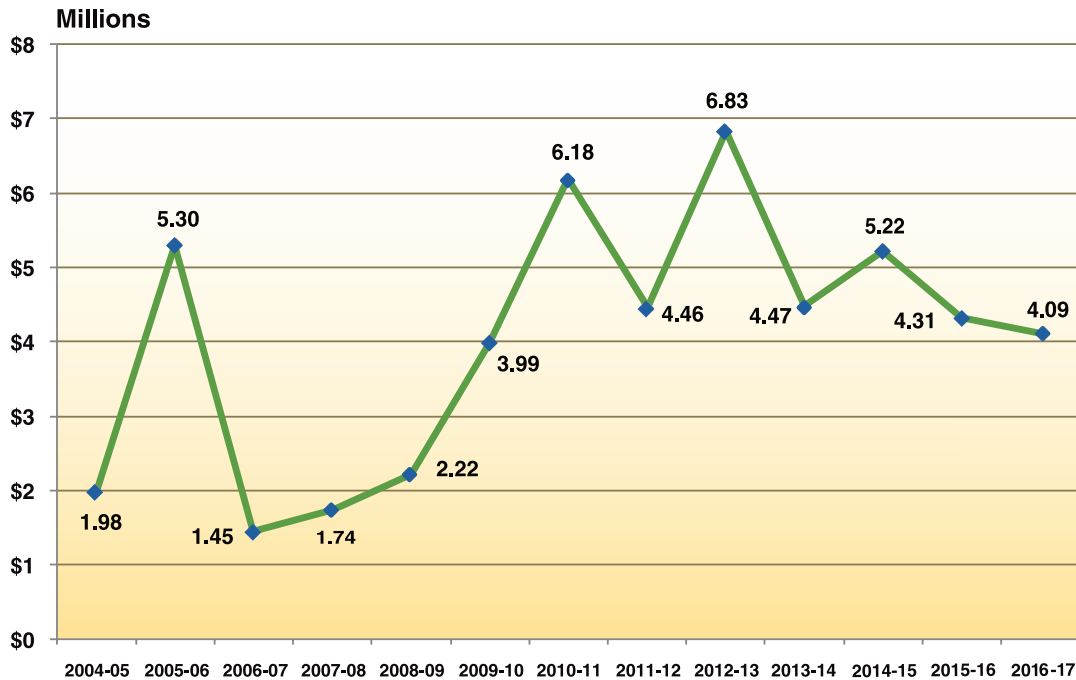


Figure 2: Outside Counsel Timeline

The total cost of outside counsel who were retained by the City Attorney and paid from the City’s Self Insurance Liability Fund (Fund 1100) was \$3.12 million (red graph below). The total cost of outside counsel including payments from Fund 1100 and budgeted project funds was \$4.09 million (blue graph below).

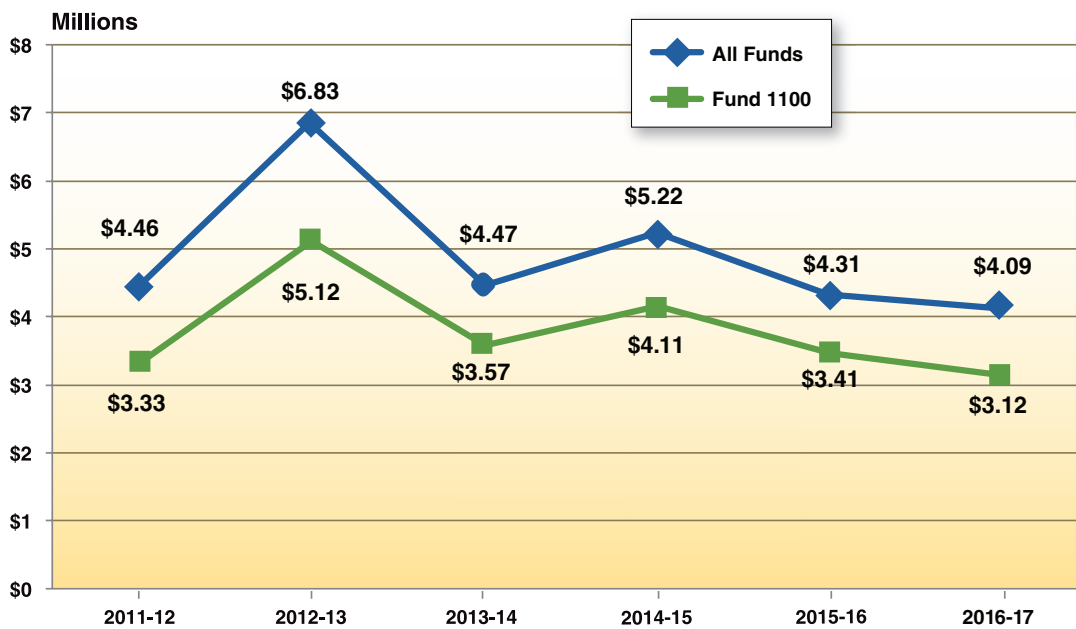


Figure 3: Total Outside Counsel Costs v. Costs Paid by the Self Insurance Liability Fund (Fund 1100)

Payouts

TOTALS

Payouts include settlements of claims, settlements of lawsuits and judgments against the City.

This fiscal year, payouts for claims and lawsuits filed against the City totaled \$2.93 million, the lowest annual total since the City Attorney’s Office issued its first annual report in FY 2000-01. In previous years, major settlements in high-liability cases involving vehicle accidents, employment matters, police conduct and infrastructure problems drove up the total amount of payouts. This year, only three settlements exceeded \$100,000, and no settlements exceeded \$1 million (see Table 3 below). By comparison, last year FY2015-16) 12 settlements exceeded \$100,000.

Note: To be consistent with previous Annual Reports, the chart below tracks total payouts, including payments made by the City and the City’s insurance carrier’s (CSAC Excess Insurance Authority) separate payments. CSAC made no payments during this fiscal year. City pays the first \$3 million for an incident and CSAC pays amounts in excess of \$3 million up to \$25 million per incident.

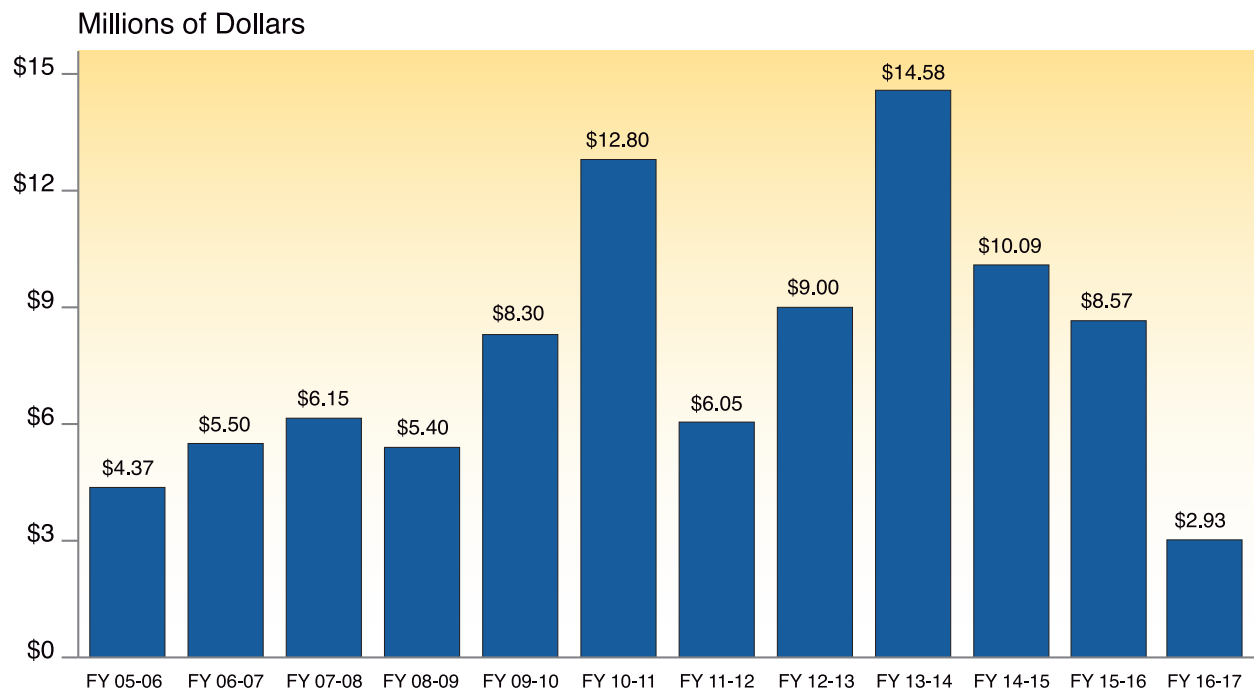


Figure 4: Total Settlements, Judgements & Claim Payments by Year

IMPORTANT INFORMATION ABOUT PAYOUTS

The total amount of payouts varies from year to year depending on many factors, including the types and complexity of claims and lawsuits filed against the City.

The City Attorney’s Office works strategically and aggressively to limit financial exposure. When liability is clear, the City seeks to protect taxpayer resources by settling for the lowest possible amount, thereby avoiding the high risk of an adverse jury verdict that would cost taxpayers a much greater amount.

The City Attorney’s Office provides legal advice and analysis of potential settlements to the City Council. The Council has reserved authority to approve all settlements exceeding \$25,000.

The City’s annual premium for general liability insurance in FY 2015-16 was \$3,723,363.

MAJOR PAYOUTS

This year, settlement of a wrongful death lawsuit accounted for one third of the total payouts for the year. This year, there were only three settlements for amounts over \$100,000, and no settlements for over \$1 million.

Table 2: Payouts of Claims, Lawsuits & Arbitrations of More Than \$100,000 FY 16-17

Case	Type	Total Settlement
Hutchinson (successor to Demouria M. Hogg) <i>et al.</i> v. City of Oakland	Alleged wrongful death as a result of police shooting. In 2015, Oakland police found Mr. Hogg unconscious in a car with a gun visible on the front seat. After attempting to wake him up for more than an hour, police broke the car window, and an officer fatally shot Mr. Hogg as soon as he woke up. Plaintiffs alleged shooting was excessive force.	\$988,753.00
Roe, Jane, a minor; her G.A.L. Janet Roe; Salle Roe v. City of Oakland	Alleged sexual assault against a 5-year-old by a teen employed at City of Oakland recreation center.	\$228,940.28
Addams v. City of Oakland	Plaintiff alleged that he suffered a broken clavicle when he rode his bicycle over an uneven pathway in Mosswood Park and crashed in 2014.	\$135,000.00

PAYOUTS BY CATEGORY

Payouts fell dramatically in every area this year, especially in the category “City Vehicle Accidents.” Last year, total payouts in that category were high due to the \$2.75 million settlement of a wrongful death lawsuit involving a police vehicle accident. This year, there were no payouts over \$100,000 in this category.

Table 3: Payouts – Police Matters

Category	2012-13	2013-14	2014-15	2015-16	2016-17	5-yr average
Conduct: Suspect Chase	\$0	\$721	\$6,800	\$21,652	\$100	\$5,864
Alleged Use of Force	\$1,864,928	\$5,388,500	\$1,400,000	\$9,978	\$5,000	\$1,733,681
Conduct: Non-force	\$0	\$885,764	\$0	\$553	\$309	\$177,325
Conduct: Strip Search	\$4,819,970	\$0	\$0	\$0	\$0	\$963,994
Alleged Wrongful Death	\$275,000	\$0	\$185,000	\$450,000	\$1,200,000	\$422,000
Vehicle Accidents	\$88,907	\$38,300	\$75,365	\$2,904,461	\$102,521	\$641,911
Property Loss/Misc.	\$55,330	\$13,962	\$37,900	\$3,444	\$31,330	\$28,393
Towing	\$0	\$74,750	\$2,600	\$1,717	\$0	\$15,813
Personnel/Labor	\$0	\$1,132	\$0	\$0	\$0	\$226
Other / Admin. Hearings	\$73,800	\$0	\$0	\$0	\$0	\$14,760
Total Paid	\$7,177,935	\$6,403,129	\$1,707,665	\$3,391,805	\$1,339,260	\$4,003,959

Table 4: Payouts – Infrastructure

Category	2012-13	2013-14	2014-15	2015-16	2016-17	5-yr average
City Buildings, Parks, Etc.	\$68,623	\$4,383	\$113,180	\$10,466	\$2,911	\$39,913
Sewers & Storm Drains	\$200,974	\$201,930	\$657,428	\$1,014,024	\$213,767	\$457,625
Sidewalks, Curbs, Etc.	\$278,271	\$354,001	\$1,305,500	\$1,062,300	\$727,205	\$745,455
Street, Signals & Lights	\$125,767	\$3,284,862	\$2,752,573	\$652,288	\$48,000	\$1,372,698
Inverse Condemnation	\$421,252	\$129,384	\$0	\$16,244	\$8,122	\$115,000
Trees	\$107,022	\$59,969	\$27,874	\$14,850	\$33,387	\$48,620
Total Paid	\$1,201,909	\$4,034,529	\$4,856,555	\$2,770,171	\$1,033,392	\$2,779,311

Table 5: Payouts – City Vehicle Accidents

Category	2012-13	2013-14	2014-15	2015-16	2016-17	5-yr average
Police	\$88,907	\$39,021	\$82,166	\$2,904,461	\$102,521	\$643,415
Public Works	\$28,731	\$2,063,890	\$2,130,930	\$97,476	\$84,640	\$881,133
Parks & Recreation	\$6,616	\$13,500	\$3,301	\$1,344	\$5,192	\$5,991
Fire	\$9,262	\$556,821	\$28,828	\$11,864	\$31,782	\$127,711
Other Departments	\$4,014	\$7,500	\$9,367	\$38,749	\$8,574	\$13,641
Total Paid	\$137,530	\$2,680,731	\$2,254,591	\$3,053,894	\$232,708	\$1,671,891

Table 6: Payouts – Personnel/Labor

Category	2012-13	2013-14	2014-15	2015-16	2016-17	5-yr average
Police	\$0	\$1,132	\$0	\$0	\$0	\$226
Parks & Recreation	\$0	\$0	\$0	\$0	\$0	\$0
General Govt. / Other	\$95,000	\$436,000	\$227,795	\$725,000	\$0	\$296,759
Public Works	\$115,000	\$34,663	\$646,999	\$0	\$75,000	\$174,332
Fire Services	\$0	\$0	\$0	\$32,426	\$0	\$6,485
Total Paid	\$210,000	\$471,795	\$874,794	\$757,426	\$75,000	\$477,803

Litigation Division

The Litigation Division advocates for the City’s interests in claims and lawsuits filed against or on behalf of the City, its officers, employees and agencies. Lawsuits are litigated in the state or federal court systems. Examples include high value personal injury cases, complex civil rights actions, personnel disputes, eminent domain actions and inverse condemnation cases.

Litigators take an aggressive and strategic approach to limit the City’s financial exposure and to managing liability at the claims stage to limit expensive lawsuits. Only a very small percentage of claims evolve into lawsuits (only **1.4 percent** in FY 2016-17), underscoring the effectiveness of this strategy.

CLAIMS FILED

Claims fall into four categories: municipal infrastructure (streets, sewers and sidewalks), police matters (conduct, towing, jail and property damage), city vehicle accidents and “other.”

The City received 756 claims this year, a steep rise from last year’s total of 583. Most of that increase was in the category of Municipal Infrastructure, which includes “trip and fall” claims, potholes, etc. Additional risk management, including increased resources dedicated to fixing infrastructure problems, likely would reduce the number of claims, high liability lawsuits and payouts in this area.

Table 7: Types of Claims Received

Category	2012-13	2013-14	2014-15	2015-16	2016-17	5-year average
Municipal Infrastructure*	384	324	366	401	562	407
Police Matters**	86	62	53	77	51	66
City Vehicle Accidents	69	70	75	68	67	70
Other	33	18	20	37	76	37
Total Claims/Year	572	474	514	583	756	580

* Municipal Infrastructure includes sewers, trip & fall, bicycle and auto accidents, etc. on streets and sidewalks.

**Police Matters includes use of force and civil rights cases.

CLAIMS RESOLVED

We resolved a total of 528 claims in FY 2016-17. This year 84 percent of claims were resolved with no payment of money whatsoever, up from 80 percent last year. Less than one percent of claims resolved this year resulted in a payout of more than \$25,000.

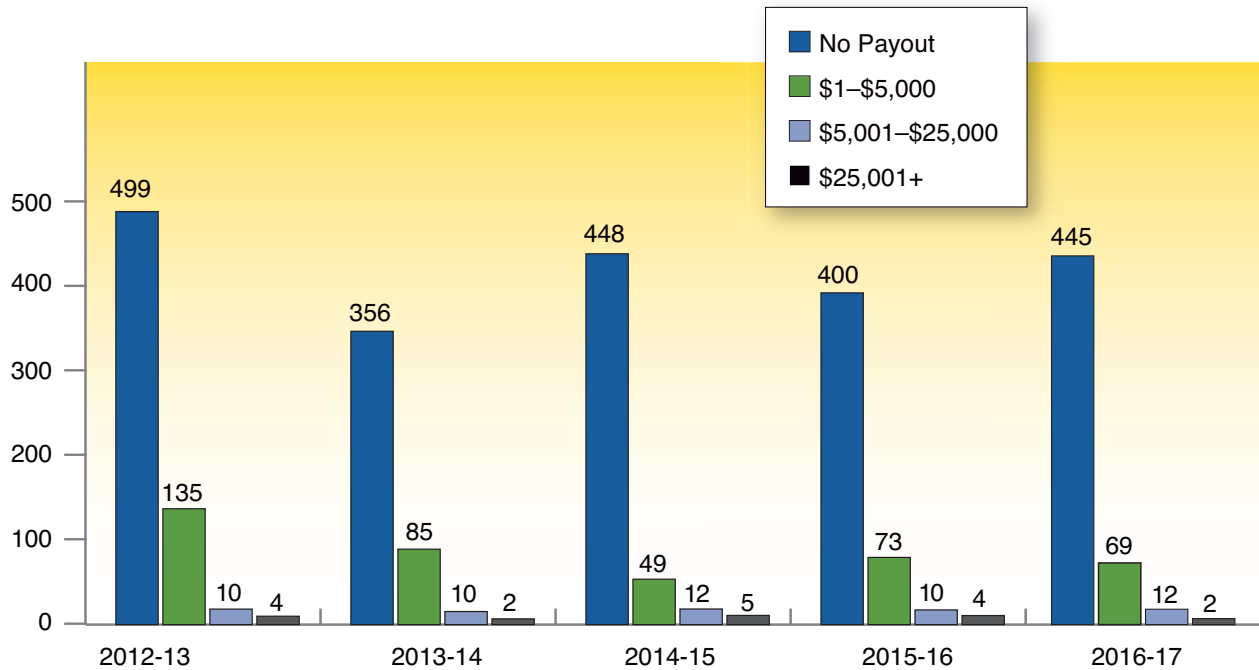


Figure 5: Claims Resolved Over 5 Years

CLAIMS THAT EVOLVE INTO LAWSUITS

The City Attorney’s Office aggressively manages liability at the claims stage to limit expensive lawsuits. When liability is clear, we seek to settle claims early to avoid the higher cost of litigation. The vast majority of claims never evolve into lawsuits, underscoring the effectiveness of this strategy. This year, only 1.4 percent of claims turned into lawsuits.

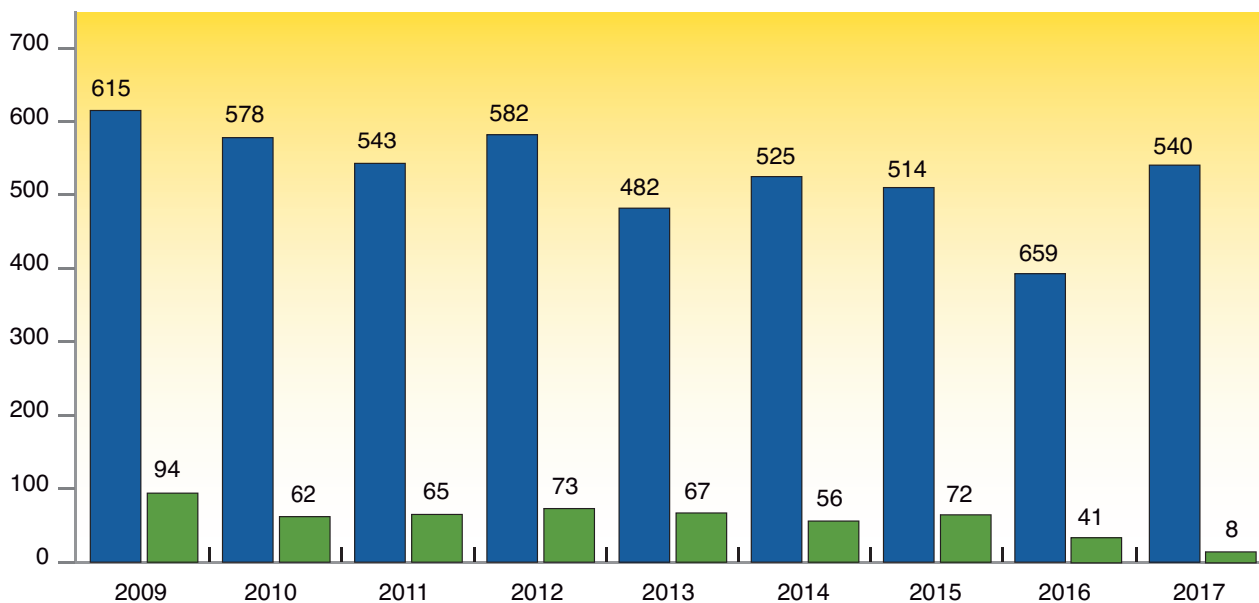


Figure 6: Claims that Evolved into Lawsuits by Year of Incident

LAWSUITS FILED AGAINST THE CITY

Lawsuits primarily arise in the following categories: municipal infrastructure, police matters, City vehicle accidents, personnel/labor, complex contracts and “other.”

In FY 2016-17, plaintiffs filed **149** lawsuits against the City of Oakland. Notably, lawsuits filed against the City were down in every category except Police Conduct Matters, which increased slightly from the previous year.

Note: In this table, “Police Conduct Matters” do not include police-related vehicle accidents or personnel/labor matters.

Table 8: Types of Lawsuits Filed

Category	2012-13	2013-14	2014-15	2015-16	2016-17	5-year average
Municipal Infrastructure*	40	37	53	62	48	48
Police Conduct Matters**	27	25	13	10	14	18
Personnel/Labor (non-lawsuits & lawsuits)	59	30	42	27	16	35
City Vehicle Accidents	6	6	13	10	9	9
Other	21	32	56	77	62	50
Total Lawsuits/Year	153	130	177	186	149	159

LAWSUITS RESULTS

When lawsuits are filed, our litigators work aggressively and strategically to protect taxpayer resources, reduce litigation costs and limit potential exposure by filing motions to dismiss defendants and causes of action, thereby narrowing the scope of defense. When liability is clear, we seek to resolve the matter early to limit the cost to taxpayers.

This year, the City Attorney’s Office resolved 113 lawsuits. The large majority (58 percent) were resolved with no payment of money whatsoever. Only 2 percent of the lawsuits resolved this year resulted in a payout of more than \$100,000.

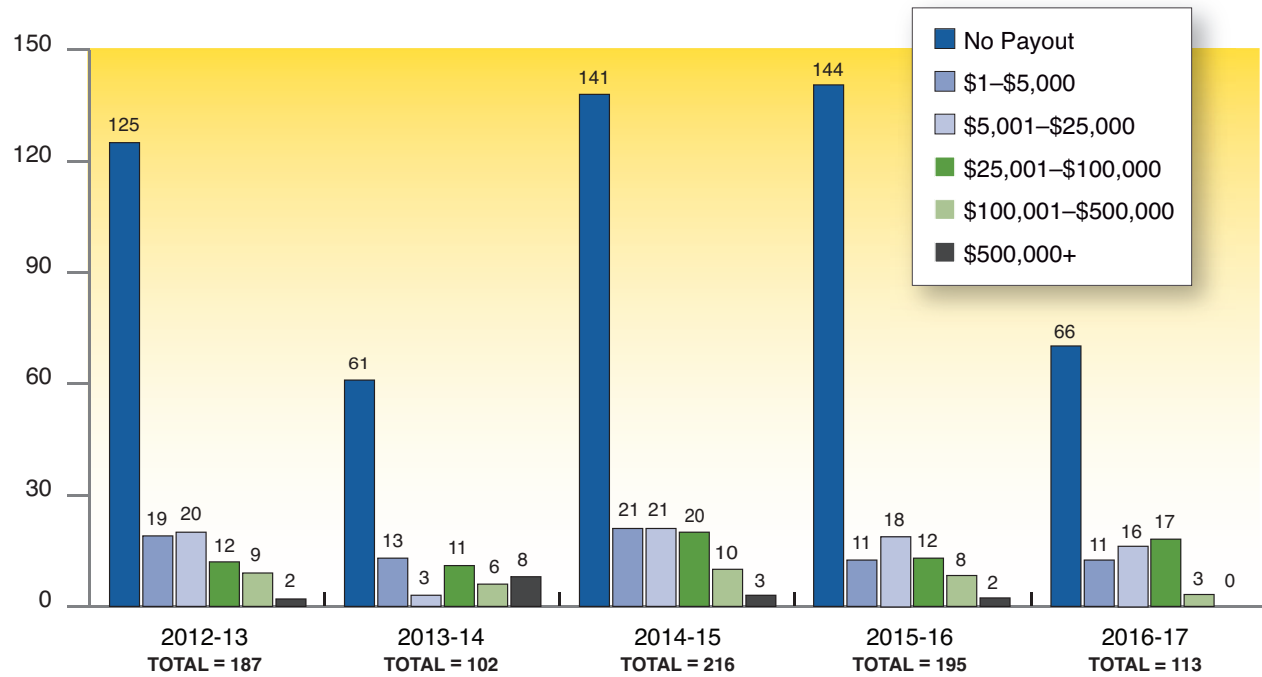


Figure 7: Lawsuits Results

DEFENSE VERDICTS

The City prevailed in a number of high profile cases in FY 2016-17. Examples include:

Brown v. City of Oakland Alameda County Superior Court Case No. RG09455950

In FY 2016-17, the City Attorney's Office litigated this case regarding a dispute over a contract awarded more than 10 years ago for general contracting services. In 2006, the plaintiff, Mr. Brown, was a general contractor who received a one-year contract to perform various "as needed" construction projects for the City. Mr. Brown sued the City in 2009, claiming that the City failed to pay all he was owed. He also sued a former City employee, alleging that the employee made deceptive statements that caused Mr. Brown to underestimate costs of the construction projects and eventually led to the loss of his construction business. The trial court jury rejected Mr. Brown's claim. Mr. Brown appealed, and in July 2017 the California Court of Appeal rejected Mr. Brown's appeal in its entirety.

Kavanagh v. City of Oakland Alameda County Superior Court Case No. RG16808127

Mr. Kavanagh alleged that he was riding his motorcycle when he hit a pothole on the off-ramp of Highway 24 at the Broadway exit. As a result of the accident, Mr. Kavanagh suffered major injuries. He filed a lawsuit against the City and the State of California (CalTrans) seeking compensatory and general damages. The City moved for summary judgment on Mr. Kavanagh's claims asserting that the City could not be held liable because the pothole was not located on the City's property. CalTrans acknowledged that it owned the property where the accident occurred. But CalTrans attempted to persuade the court that the City "controlled" the off-ramp and therefore was liable for his injuries. After briefing and oral argument, the Court dismissed the case against the City in 2017.

Advisory Division

The Advisory Division provides legal services that address the full spectrum of municipal affairs. Examples include drafting legislation and contracts; negotiating complex contracts in matters including information technology, energy systems, garbage and cable franchises; providing advice on housing and economic development projects; providing advice on labor and employment matters and union negotiations; representing and defending the City in arbitrations challenging disciplinary actions against City employees and interpretations of labor agreements; negotiating real estate transactions; issuing municipal bonds; providing advice about finance, bonds, retirement, benefits, elections, ethics and conflicts of interest; providing advice on police, fire and emergency services policies, procedures and practices; defending the City’s ordinances against challenges in court; and initiating legal proceedings to address public nuisance/quality of life issues in Oakland neighborhoods.

In FY 2016-17, the Advisory Division was comprised of three main units. Examples of practice areas and responsibilities of each unit are included in Tables 8-10.

Table 9: General Government & Finance Unit

Practice Areas & Responsibilities	
<ul style="list-style-type: none"> • City Clerk including Elections • Government Ethics/Conflicts of Interest • Libraries • Oakland Zoo • Public Works Agency • Streets, Sewers & Infrastructure • Garbage, Waste & Recycling Contracts • Cable Franchise • Utility & Energy Franchises • Information Technology Department • Assessment Districts (LLAD, BIDs, Wildfire) • Arts Agreements and Grants • Department of Transportation 	<ul style="list-style-type: none"> • Finance Agency including Controller • Ethics Commission • Finance & Management Committee • Public Works Committee • Life Enrichment Committee • Municipal Finance • Taxes & Revenue • Parks & Recreation Department • Purchasing & Grants • Health and Human Services • Measure Y • Retirement Systems • Public Contracting

General Government & Finance Unit Highlights

MUNICIPAL FINANCE

- Advised the City's Tax Administrator regarding enforcement and interpretation of Oakland's tax ordinances, including the business tax, parking tax, transient occupancy tax, real property transfer tax and utility users' tax.
- Advised the City Administrator and various City departments regarding the use of monies including grants proceeds, tax-exempt bond proceeds, special tax revenues and other restricted funds.
- Advised and assisted the Revenue and Management Agency in matters relating to debt collection, placement and enforcement of liens citywide.
- Advised various City tax boards of review.
- Provided legal analysis and advice to the Budget Department and Controller in matters relating to the City budget, fund transfers and expenditures, and use of restricted funds
- Provided ongoing legal advice to the City's Deferred Compensation Committee regarding administration of the Deferred Compensation Program.
- Advised the City Administrator on various issues regarding the Police and Fire Retirement System.
- Advised the Police and Fire Retirement System regarding various issues such as the Brown Act, Public Records Act, and division of pension benefits upon divorce.
- Managed outside counsel in continuing litigation between the City and the Retired Oakland Police Officers' Association relating to the amount of monthly benefits payable to retired police officers.
- Advised the Treasury Division regarding various financing transactions including tax exempt equipment lease agreements for new police, fire and public works radio-related infrastructure, vehicle financing, and information technology hardware and software for the Oracle budgeting system upgrade.
- Supervised the City's litigation against municipal bond guaranteed investment contract (GIC) brokers and issuers for bid-rigging.
- Supervised the City's litigation against municipal bond insurers.
- Advised the Treasury Division regarding questions and issues relating to banking contracts, outstanding financial obligations, mandated disclosures and reporting, responses to public records requests, and other issues relating to the City finances.
- Advised the Treasury Division regarding banking agreements for City of Oakland Army Base project funding.
- Advised the City Administrator and City Council regarding investigation relating to potential debarment proceedings.

- Assisted the public in resolving contested parking citations and guided citizens in the appeals process.
- Advised and represented the Police and Fire Retirement System on estate and probate issues regarding amounts due from or owing to members or survivors upon death.
- Advised the Police and Fire Retirement System on the effect of California State Law amendments (PEPRA) on Oakland's PFRS system financing.

GENERAL GOVERNMENT

- Provided regular oral and written advice to over 30 departments, commissions, divisions and agencies.
- Staffed and provided legal advice to the City Council's Life Enrichment Committee, Education Partnership Committee, Finance and Management Committee, and Public Works Committee.
- Provided legal advice to numerous Oakland boards and commissions, including the new Bicycle Advisory Commission, the Cultural Affairs Commission, the Public Art Advisory Commission, the Commission on Persons with Disabilities, the Wildfire Prevention Assessment District Commission, the Violence Prevention and Public Safety Oversight Committee, the Public Safety and Services Violence Prevention Commission, the Commission on Aging, the Youth Advisory Commission, the Children's Fairyland Board, the OFCY Planning and Oversight Commission, the Parks and Recreation Advisory Commission, the Library Commission, the Alameda County-Oakland Community Action Partnership Administering Board, the Bicycle & Pedestrian Advisory Commission and the Head Start Advisory Board.
- Provided advice and training to the City Council, boards and commissions, and City staff on open meetings laws, including the California Brown Act and Oakland Sunshine Ordinance.
- Provided advice and training to staff and officials on public records laws, including the California Public Records Act and Oakland Sunshine Ordinance.
- Provided advice and legal opinions to staff and officials on a variety of public ethics issues, including conflicts of interest, gifts, mass mailings, incompatible activities, and post-employment activities.
- Advised and assisted in drafting for the November 2016 election ballot measures proposing the issuance of \$600,000,000 in infrastructure and affordable housing bonds, and a general tax on the distribution of sugar-sweetened beverages.
- Advised the City Auditor on various legal issues concerning Auditor authority and operations.
- Advised the City's hearing officer on administrative hearings over vicious and potentially dangerous dogs.

- Reviewed contracts, grant agreements, resolutions, ordinances and staff reports for the Parks and Recreation Department, including programs and services that provide Oakland residents greater access to nature, wildlife, and recreation, such as Oakland's Feather River Camp, Woodminster Theatre, Metropolitan Golf Course, Lake Chabot Golf Course, wildlife programs at Peralta Hacienda Historical Park, boating and sailing activities, equestrian activities, and a variety of programs for Oakland's after-school programs and recreation centers.
- Advised the Parks and Recreation Department on the Lake Chabot Golf Course Driving Range Improvement Project contract dispute.
- Advised the Parks and Recreation Department on gifts in place, donation of in-kind services and materials, and project construction agreements for improvements to sports fields and facilities, such as new basketball courts, baseball fields, soccer fields, and children's playgrounds.
- Advised the Parks and Recreation Department on joint projects with the Oakland Unified School District.
- Drafted a grant agreement for funding of the Chabot Space and Science Center.
- Advised staff on use of Measure WW funds for improvements at the Chabot Space and Science Center.
- Advised the Parks and Recreation Department on updating park use regulations.
- Advised staff on legislation and balloting related to the 10-year renewal of the Koreatown/Northgate Community Benefit District.
- Reviewed hundreds of contracts, grant agreements, staff reports, ordinances and resolutions for the Human Services Department, including Kids First grant agreements, Oakland Unite grant agreements, numerous services contracts and grant agreements for programs for children and families, Head Start, youth, adults and seniors, paratransit services, and homeless programs.
- Reviewed contracts, grant agreements, resolutions and staff reports for the Oakland Public Library to provide Oakland residents' greater access to library services and other youth programs.
- Reviewed contracts, grant agreements, resolutions and staff reports for City funding of local artists and nonprofit arts and cultural organizations, and for public art projects throughout the City, including graffiti abatement and murals.
- Provided advice to the ADA Programs Division on matters of ADA compliance in City programs and on City property.
- Assisted the City Administrator in extending a contract to provide security services in the downtown area.
- Drafted ballot titles, summaries, and impartial legal analyses on several ballot measures proposed for the November 2016 ballot.

- Drafted legal opinions and trained and advised staff on various issues regarding the use of City resources for campaign purposes.
- Advised the Planning Department and the City Council regarding the threatened referendum on the Oakland Zoo expansion project.
- Provided advice to the City Clerk and staff as needed in connection with administering the November 2016 general election.
- Worked with outside counsel in litigation against Wells Fargo Bank for engaging in discriminatory home lending practices in violation of the Federal Fair Housing Act and the California Fair Employment and Housing Act.
- Drafted resolutions to support state legislation to control or limit guns and ammunition.
- Advised the City Council and the City Administrator on contract issues with respect to the implementation of a new municipal identification system and the extension of the program.
- Advised the City Clerk and KTOP on copyright licensing issues arising from the ongoing production of a documentary feature-length work.

PUBLIC WORKS, TRANSPORTATION, INFORMATION TECHNOLOGY, CONTRACT COMPLIANCE, AND CONTRACTING

- Reviewed over a hundred construction and professional services contracts for the Public Works Contracting Division and advised Public Works on contract claims and disputes
- Developed a Term Sheet and Term Sheet Instructions for IT's and Contract Compliance's use for Software as a Service ("SaaS") project/applications/contracts, the emerging cloud-based approach to IT contracting for licensing, software, maintenance , support and services, and data storage and retrieval.
- Reviewed hundreds of Schedule M-Independent Contractor Schedules for City professional services contracts and advised staff on independent contractor status issues.
- Advised the Public Works Agency, the Department of Transportation and the Contracting and Compliance Department with respect to over a hundred professional services contracts and construction contracts.
- Advised the Contracting and Compliance Department with respect to the Local Employment Program in connection with the Army Base redevelopment project and the proposed City Infrastructure Bond.
- Advised the Contracting and Compliance Department in updating the City's Local Business Enterprise Program.
- Advised the Council and the Contracting and Compliance Department on the proposed Border Wall Ordinance that would prohibit the City from doing business with contractors that work on the border wall.
- Advised the City Council on legal procedures for debarment of public works contractors.

- Advised the Public Works Agency with respect to a consent decree and settled litigation against the City by the U.S. Environmental Protection Agency, California State/Regional Water Board and environmental groups involving Oakland's aging sewer collection system, and provided on-going advice with respect to implementation and compliance with the consent decree
- Advised the Public Works Agency with respect to storm drain compliance with the Clean Water Act and the State's National Pollution Discharge permit issued by the California/Regional Water Board.
- Advised the Public Works Agency and the City Council with respect to the implementation of the solid waste collection, recycling and site disposal franchises (over \$1 billion in total contract value) for providing solid waste collection, recycling and site disposal services to Oakland residents and businesses, and amendments to those agreements.
- Advised the Public Works Agency with respect to ongoing contract issues related to the Waste Management of Alameda County's solid waste collection and site disposal franchise agreements and the California Waste Solutions recycling franchise agreement.
- Advised the Public Works Agency with respect to the negotiation, award and implementation of a franchise agreement in the City's public right of way for the Bike Share Program with Bay Area Motivate, LLC.
- Advised the Public Works Agency with respect to implementation of the LED lighting conversion project, RFP procurement and contract negotiation and execution, and implementation/installation of LED lights City-wide, and with respect to settlement of contract disputes.
- Advised the Public Works Agency on a negotiated settlement of take-over by project contractor's surety, and project completion and close-out of the City-wide LED lighting project due to contractor default.
- Advised the Public Works Agency with respect to the lease/purchase of new fleet of public works truck vehicles.
- Advised the Public Works Agency on RFP and agreements for proposed installation of solar power panels on City buildings.
- Advised the Public Works Agency on solar power purchasing agreements/procurement program with the County of Alameda, including applying City community benefit programs, and advised and negotiated agreement with the contractor for the installation of solar panels on City buildings.
- Advised the Public Works Agency with respect to the City joining the Community Choice Energy Joint Powers Authority being formed by the County of Alameda and cities in Alameda County, and negotiated the East Bay Community Energy JPA agreement.
- Advised the Public Works Tree Division regarding tree removal permits and appeals.
- Advised the Information Technology Department on the transfer of City data to the Business Intelligence Cloud Service.

- Advised the City Administrator, the Information Technology Department, and Police Department with respect to police radio communications problems and contract issues resulting from radio upgrade project and the purchase of new radios for Police, Fire and Public Works, including possible alternatives for system, and advised the City on joining the EBRICS regional radio communications system.
- Advised the Public Works Agency on new parking program initiatives.
- Advised the Building Department with respect to the proposed building permit tracking program.
- Advised the Information Technology Department, OPD and OFD on the upgrade of the City's Computer Assisted Dispatch IT system by Motorola.
- Advised the Information Technology Department on complex information technology, cyber and cloud-based business transactions and contracts.
- Advised the Information Technology Department with respect to the Enterprise Agreement Renewal with Microsoft
- Advised Budget and Treasury on the upgrade and successful implementation of the City's Oracle R12 Financial System/Reimplementation Project,
- Advised Budget and Treasury on the new Business Tax revenue collection system.
- Advised Budget and Treasury on the new Parking Citation System with HDL.
- Advised the Fire Department and reviewed professional services contracts, including the Accela contract for a new fire module information technology contract.
- Advised the Oakland Police Department, Fire Department, Public Works Agency and Information Technology with respect to the major purchase of mobile radios and implementation of the mobile radio replacement and EBRICSA integration project.
- Advised the Information Technology Department on the Data Center Modernization Project (Phase I), the BIAS contract and the Horizon contract (for system implementation of the City's data storage migration to the cloud).
- Advised Treasury on the Park Mobile contract.
- Advised the Information Technology Department with respect to City broadband fiber optic communications study and City conduit dark fiber system.
- Advised the Information Technology Department, the City Administrator, with respect to the updating and redesign of the City of Oakland website contract with Comrade, Inc.
- Advised the Information Technology Department, the City Administrator, with respect to the contract with Aviat, Inc. for Site Decommissioning and Survey of Fire Station 25.
- Advised the Information Technology Department, the City Administrator, with respect to the Horizon, Inc. contract.

- Advised the Information Technology Department, the City Administrator, with respect to the Innofin PBS Support Contract
- Advised Information Technology on the Outsystems Application Development contract.
- Advised Information Technology on the Fiber Reciprocity Agreement with BART.
- Advised Information Technology on the Insight Global IT temporary staff support.
- Advised Information Technology on the Rotocraft (OPD Helicopter Radio retrofit) contract.
- Advised Information Technology on the Ving's Technology (training for Oracle R12 Financial System upgrade project) contract.
- Advised Information Technology with respect to the Horizon (Project Management Services for HDL project in Revenue Dept).
- Advised Information Technology with Federal Signal (Siren Restoration/Upgrade Project) contract.
- Advised Information Technology with respect to the Geo-comm (Implementation of 911 Dispatch Mapping System).
- Advised Information Technology with respect to the Upgrade and Maintenance Agreement with Xtelesis for ShoreTel Telephone System.
- Advised the Information Technology Department, the City Administrator, the Public Works Agency and the Economic Development Department with respect to the updating of the City's broadband/wireless master plan for the laying of fiber optic cable in Oakland's public right of way by private companies and by public agencies such as BART and the need for a comprehensive policy for Oakland's participation in these systems.
- Advised the Information Technology Department with respect to dozens of IT software and maintenance agreements including agreements with Microsoft (PMA) and Oracle for implementation of a new citywide 360 operating system.
- Advised the Finance Department and the Information Technology Department on Oracle R-12 upgrade, and AST Public Sector Budgeting IT contracts.
- Advised the Finance and Treasury Department with respect to a Request For Proposals and contract negotiations for a new Parking Citation Information Technology System.
- Advised the City Administrator with respect to negotiation and execution of the Next Request contract, which is upgrading the RecordTrac public records request system.
- Advised the Economic Development Department on the Open Counter contract which is a Software-as-a-Service ("SaaaS") project/application for small business owners to use in getting information regarding needed permits and other requirements needed to open a business in Oakland.
- Advised the Police Department on police monitors professional services contracts with respect to Riders settlement and the "Occupy Oakland" events.

- Advised the Information Technology Department and negotiated agreement with Microsoft for the IPass Phase 2 Police Officer Tracking software system for the City for compliance with federal consent decree.
- Advised the Information Technology Department and OPD on the implementation of a computerized relational database for maintaining, integrating, and retrieving data necessary for the supervision, management, and assessment of police officer behavior as part of a Federal Court mandate.
- Advised on Oakland Army Base Design-Build Agreement, Owner Controlled Insurance Program, maintenance of public improvements, permitting and plans/specification sign-offs, role and structure of Public Works staff involvement, and implementation of horizontal project construction.
- Advised the City Council with respect to illegal dumping matters, including review of existing maintenance agreements and Caltrans/City Letter of Understanding.
- Advised the Public Works Agency and negotiated with AC Transit with respect to Conditions of Approval, City/AC Transit Cooperative Agreement and Implementation Agreement, and Memorandum of Understanding on the Business Sustainability Program and Business impact consultant contracts, for proposed AC Transit Bus Rapid Transit system in City's right of way.
- Advised the Public Works Agency on the Piedmont Pines Undergrounding project and advised the Mayor and the Councilmember with respect to PG&E's obligations for Phase 2 of the project
- Advised the Public Works Agency with respect to the new County septic tank policy and new state law mandating the elimination of septic tanks in the Oakland hills and connection to the Oakland public sewer system, and related private property owner concerns with respect to extending the City sewer main to accommodate conversion from septic tanks to City sewer main connections.
- Advised the Public Works Agency on new City-wide electronic parking meter system that replaced all standard metered parking to state-of-the-art parking meters.
- Advised the Public Works Agency on award and implementation of a new City-wide parking management agreement.
- Advised the City Clerk's Office on Netfile electronic public disclosure statement filing, and upgrade of the Granicus video recording of City Council meetings.
- Advised KTOP with respect to extension of the captioning services agreement and purchase of new video equipment.

Table 10: Real Estate, Economic Development & Rent Unit

Practice Areas & Responsibilities	
<ul style="list-style-type: none"> • Community & Econ Development Committee • Real Estate • Redevelopment Successor Agency • Oakland Army Base Project • Economic & Workforce Development • Neighborhood Preservation 	<ul style="list-style-type: none"> • Affordable Housing • Environmental Remediation • Economic & Workforce Development • Port of Oakland • Zoning • Rent Matters

REAL ESTATE, ECONOMIC DEVELOPMENT & RENT UNIT HIGHLIGHTS:

- Advised staff and City Council on numerous complex issues arising from continuing state legislation eliminating redevelopment agencies, including proposed amendments to such legislation.
- Advised on issues related to implementation of multi-use 3100 unit Brooklyn Basin (Oak to Ninth) redevelopment project.
- Continued to advise staff on annual Recognized Obligation Payment Schedules (“ROPS”), and issues raised during review by the California Department of Finance.
- Attended Oakland Oversight Board meetings to represent the City’s and ORSA’s interests before the Board.
- Monitored and advised staff on state legislative proposals to enact new economic development programs.
- Secured \$40 million in funding through negotiations with the California Department of Finance for the development of 465 units of affordable housing at the Brooklyn Basin project.
- Participate in ongoing negotiations with the Oakland Housing Authority and MidPen Housing Corporation to further development of affordable housing at Brooklyn Basin.
- Successfully closed on an exchange of parcels for affordable housing development at Brooklyn Basin.
- Provide ongoing advice and draft disposition documents and legislation regarding development of an affordable housing and mixed-use commercial project at 7th and Campbell in West Oakland.
- Closed affordable housing development loans on several projects, including: new construction of 87 rental units at 3706 San Pablo Avenue; new construction of 28 rental units at the Redwood Hill Townhomes; and rehabilitation of 96 rental units at Empyrean Towers.

- Advise staff and participate in ongoing negotiations over transition of affordable units at E.C. Reems Garden Apartments to new ownership.
- Assisted staff and drafted documents for adoption and implementation of \$100 million in affordable housing bonds under Measure KK.
- Drafted and reviewed legislation and administrative regulations for an affordable housing impact fee.
- Participate in ongoing meetings with affordable housing advocates and other community stakeholders to reform the City's land disposition policies.
- Advised staff and drafted legislation establishing residency and displacee preferences for affordable housing unit.
- Advised staff and drafted amendments to the Linked Banking Services Ordinance limiting City contracts to banks that engage in socially-responsible banking practices.
- Assisted in fair housing litigation challenging the predatory and racially discriminatory home mortgage lending practices of Wells Fargo against African American and Hispanic applicants.
- Provide ongoing legal services to the Oakland Workforce Development Board ("WDB") and WDB staff.
- Drafted and negotiated numerous funding contracts with providers of workforce development services to adults and youth.
- Advised staff to facilitate ongoing administration of the West Oakland Jobs Center and establish the Jobs Center as a City-controlled tax-exempt nonprofit.
- Closed on a ground lease and financing for the Seminary Point mixed-use project.
- Closed on disposition of Caltrans property through the City for the 500 Kirkham mixed-use project.
- Advised staff on agreements related to the Broadway Shuttle service.
- Advised staff on continuing issues arising from complex Lease Disposition and Development Agreement and related documents with the Master Developer for an estimated half-billion dollar development on the City-owned Gateway portion of the former Oakland Army Base.
- Continued to advise staff in ongoing issues regarding Army Base Gateway development matters, such as the design-build contract for the City's public improvements, a Project Labor Agreement, Army Base Oversight Commission, West Oakland Jobs Resource Center, public records requests and miscellaneous jobs monitoring issues.
- Finalized an amended long-term ground lease and related documents for a phased closing for development at the former Oakland Army Base.

- Consulted as needed with litigation unit on lawsuits arising from proposed rail transport of coal through Oakland to the former Army Base.
- Continued to advise staff re implementation of a Lease Disposition and Development Agreement with Oakland Maritime Support Services, Inc., for development of a truck-serving facility on the former Oakland Army Base that will ultimately relocate significant truck traffic from West Oakland neighborhoods to the former Base.
- Assisted staff in negotiations regarding proposed conveyance of Army Base North Gateway properties to relocate recyclers from West Oakland residential neighborhoods.
- Continued to advise on legal issues arising from a negotiated Cost Sharing Agreement with the Port of Oakland for coordinated development of the former Oakland Army Base, including issues over joint Port/City public infrastructure matters; grants and funding, environmental cleanup and rail track issues.
- Advise City staff regarding contracts for various services at the Army Base including utilities and telecommunications.
- Assisted staff in implementing a Memorandum of Understanding with EBMUD regarding the former Army Base development.
- Continued complex negotiations with the State Department of Toxic Substances Control regarding environmental remediation issues at the former Oakland Army Base.
- Continued to pursue additional phase of the tidelands trust exchange at the former Oakland Army Base, which will allow certain portions of the base to be developed free of trust restrictions.
- Staffed City-Port meetings on behalf of the City Attorney's Office.
- Assisted City Collection staff in dealing with persons who owe money to the City who file bankruptcy.
- Negotiated, revised and executed a number of leases/licenses and amendments in which City leases property to private parties, and in which the City leases property as a tenant.
- Negotiated, drafted and executed many rights of entry to facilitate beneficial use of City properties.
- Assisted staff in effectuating an assignment of the Marriott Hotel to a new owner that intends to upgrade the facility, and in negotiating terms for new management agreement for Scotlan Convention Center.
- Advised staff on several transactions related to the City's business incentive program.
- Advise staff and review loan documents regarding implementation of the Broadway Basement Backfill program.
- Advised on leases with telecommunication companies on City property.

- Staffed regular and special meetings of the Community and Economic Development Committee and attended City Council meetings on numerous real estate and redevelopment matters.
- Advised staff, drafted proposals, documents, and legislation, and participated in negotiations with the County, the National Football League, developers, and investors over proposed development of a new football stadium in the Coliseum area.
- Assist staff to facilitate ongoing consideration of alternative sites for a new ballpark for the Oakland A's.
- Advised staff and the City Council on issues related to the Warriors Basketball Team License Agreement at the Oakland Arena.
- Assisted staff in finalizing loan for development of the Coliseum Transit Village project.
- Advised staff on legal issues relating to proposals for the development of 1901 Telegraph and 1911 Telegraph.
- Reviewed contract extensions of several tenant/supplier entities.
- Reviewed and revised a number of Temporary Construction Easements to allow for completion of important public works projects.
- Drafted and negotiated an easement in favor of local Oakland restaurant to facilitate its local business operations.
- Reviewed and advised on Economic Development Activities Quarterly informational reports.
- Advised staff regarding and negotiated terms of a DDA amendment for proposed re-start of development of the T-12 parcel, a major development site in Downtown Oakland; negotiated terms of assignment of DDA to a new developer entity and parking license agreement.
- Negotiated amendment to Disposition and Development Agreement for a multi-use development at 2330 Webster and 2315 Valdez Streets; provided ongoing advice to staff regarding various pre-closing issues, including the amendment of third-party parking licenses on the property; closed transfer of property to the Developer.
- Advised staff regarding issues related to development of City-owned 12th Street Remainder Parcel; negotiated terms for and finalized a Disposition and Development Agreement for the 12th Street Project.
- Advised on redevelopment of Kaiser Convention Center and negotiated terms for a Lease Disposition and Development Agreement with prospective developer.
- Advised staff regarding various pre-closing issues associated with implementation of a Disposition and Development Agreement for a two-phase mixed-use residential and hotel project on the vacant parcel of land bounded by Broadway, 11th Street, 12th Street and Clay Street, commonly known as T-5/T-6.

- Advised staff and negotiated terms for a Disposition and Development Agreement for property located at 3455 and 3461 Champion Street.
- Advised staff and negotiated facilities agreements with wireless service providers.
- Advised staff on sale versus ground leasing of City-owned properties regarding specific proposed City-owned projects.
- Advised on real estate issues pertaining to bond financing.
- Advised on an Exclusive Negotiating Agreement for City land disposition at the Oak Knoll project.
- Advised on continuing issues regarding development of a Caltrans-owned Mandela Parkway parcel for a proposed residential project by a local developer.
- Advised staff regarding various issues arising out of the Fruitvale Transit Village project.
- Advised staff regarding developer issues for the Macarthur Transit Village Project and the sale of parcels A and C-1. Assisted staff in closing on a phase of the project.
- Reviewed several Head Start Program Leases, located throughout the City of Oakland.
- Advised staff and assisted with issues arising from City lease at 5050 Coliseum Way.
- Advised and assisted staff and advised Council on issues relating to Surplus Land Act matters.
- Advised and assisted staff with the review of several License Agreements for access at various locations throughout the City.
- Assisted staff of the CDBG Commercial Loan Default Program.
- Continued to advise City staff and reviewed contracts Under the Façade and Tenant Improvement Program for grants to businesses.
- Advised and assisted staff regarding the proposed development on City-owned land on Derby Avenue as affordable housing and a charter school.
- Finalized a disposition and development agreement for City-owned Oakport Street property for development as an Acura automobile dealership.
- Assisted staff regarding several issues on the development of 2100 Telegraph.
- Assisted regarding potential sale of Hillside Street Properties (8603 and 8701) in compliance with City Settlement agreement.
- Advised staff on Below Market Rate Rents Policy for Arts & Cultural Uses in City-owned Real Estate.
- Consulted with Council Member Annie Campbell Washington reestablishment of Small/I Business Task Force.

- Advised staff regarding reuse of takeout packaging for Small Business Enterprises, dba Go Box SF Bay
- Advised rent program staff on professional service contract to provide workshops and counseling for small landlords.
- Advised rent program on implementation of new Rent Adjustment Ordinance and Regulations changes and implementing forms.
- Staffed rent board and appeal panel meetings up to four times a month. Review all draft appeal opinions issued by Rent Board.
- Advised staff and City Council on amendments to relocation ordinance to cover additional tenants and increase relocation amounts.
- Advised rent board in passing amendments to Just Cause for Eviction regulations to monitor no-fault evictions.
- Advised Councilmember Kalb on potential changes to condo conversion ordinance.
- Participated in drafting City’s amicus brief in Upside Gading v. Del Hoyo on Hayward City Attorney and Council’s authority in interpreting a city ordinance passed by a prior council.
- Advised Rent Program on potential solutions to backlog of petitions and appeals.

Table 11: Land Use & Planning Unit

Practice Areas & Responsibilities	
<ul style="list-style-type: none"> • Natural resources/creeks/species • Land Use • Subdivisions • Oakland Base Reuse Authority (OBRA) 	<ul style="list-style-type: none"> • Building Services & Planning • Zoning • Environmental Laws (CEQA/NEPA) • Eminent Domain

LAND USE & PLANNING UNIT HIGHLIGHTS

- Advised on the implementation of master land use plans and associated environmental review for five major planning areas of the City, all of which were adopted: Broadway-Valdez, Lake Merritt BART Station, Coliseum area and West Oakland.
- Advised staff, the Planning Commission and the City Council on the implementation of the various adopted master plans (including processing development applications).
- Advised on legal issues regarding potential new baseball stadium for Oakland A's.
- Advised staff and City Council on legal requirements for various activities at the former Oakland Army Base, including on California Environmental Quality Act ("CEQA") environmental review related to the Master Developer, parcel maps, coal-related issues and ongoing advice relating to implement of various standard conditions/mitigation measures.
- Advised staff, Planning Commission and City Council on land use approvals and CEQA review related to master planned development for redevelopment of the former Oak Knoll Naval Hospital site.
- Advised staff on development of numerous sites in Uptown and Downtown Oakland, including major development projects at 2015 Telegraph Avenue, (14 story, 2446 sq. ft. commercial, 114 residential units and 40 underground parking spaces at 20th and Telegraph), 2016 Telegraph (18 story, 5304 sq. ft. commercial, up to 230 residential units and 90 underground parking spaces); 2044 Franklin (400 foot high rise with residential, office and civic uses).
- Advised staff on historical resource, tax credit, environmental and land use issues for proposed reuse of Henry J. Kaiser Convention Center.
- Advised on development project at 5110 Telegraph, including 204 apartments over 34,000 square feet of ground floor retail space, including 28,000 square feet for a full-service grocery store.
- Advised on land use issues and CEQA review for a commercial office development at 2 Kaiser Plaza, consisting of up to 33 floors of office space and ground floor retail uses.
- Advised on land use issues and CEQA review for a new 18 story commercial office building at 1100 Broadway, on a vacant portion of a ½ acre site adjacent to existing historic resource Key Building and consisting of both new construction and rehabilitation of the Key Building for commercial re-use.
- 2401 Broadway: A mixed use development on four parcels, proposing up to 27,000 square feet of hotel space, 75,000 square feet of adjacent residential space within 72 residential units.
- Advised on proposal for Mandela Parkway Hotel project located in West Oakland.
- Advised on legal issues regarding development of mandatory seismic strengthening requirements.

- Advised on the environmental review of the Zero Waste Franchise.
- Advised staff on implementation of the City's Development Impact Fee Program.
- Advised on implementation of 3100 unit Brooklyn Basin (Oak to Ninth) redevelopment project, including National Environmental Policy Act review for affordable housing parcels.
- Advised on code compliance and land use issues associated with operation of Head Royce School.
- Advised on environmental review and land use issues regarding development of athletic facilities at Bishop O'Dowd School.
- Advised on land use and environmental review for Lighthouse Charter School.
- Advised staff and City Council on new land use approvals under the Jack London Square development agreement.
- Advised staff on land use approvals to renovate the historic Tapscott Building and constructing new housing at 1900 Broadway.
- Advised on CEQA and environmental issues related to clean up of a former General Electric factory at 5441 International Boulevard.
- Assisted in permitting and legal defense for new hotel at 500 Hegenberger Road.
- Advised on the environmental review and approval of numerous federally-funded affordable housing and other federally-funded projects requiring review under the National Environmental Policy Act (NEPA) and National Historic Preservation Act Section 106 review.
- Advised staff and Planning Commission on letters preventing resumption of alcohol sales in locations that had discontinued operations ("Loss of Deemed Approved Status" letters).
- Advised on the land use issues associated with the Head Royce School and ongoing monitoring/enforcement.
- Assisted staff in preparation of various City protocols implementing the California Environmental Quality Act, including revised Thresholds of Significance and Standard Conditions of Approval.
- Advised staff in updating and streamlining provisions of the Oakland Planning Code.
- Advised staff and City Council on development and adoption of a new public art requirement for private development, and assisted in defending against legal challenge to the requirement.
- Advised staff on development and adoption of reasonable accommodations regulations.
- Advised staff on development and adoption of density bonus regulations to comply with State law.
- Advised staff on development and adoption of emergency shelter regulations and transitional and supportive housing regulations to comply with State law.

- Advised staff on development and adoption of local amendments to the State Building Standards Code.
- Advised staff on land use and environmental issues relating to the International Boulevard Transit Oriented Development plan.
- Advised staff on development of regulations for electric vehicle stations.
- Advised staff on development and adoption of residential solar energy permitting process.
- Advised staff on implementation of new CEQA exemptions for bicycle lanes.
- Advised staff, Planning Commission and City Council on authority relating to telecommunications projects under federal, state and local telecommunications law, including implementation of new FCC regulations, as well as applicability of CEQA exemptions.
- Advised staff on federal, state and local laws relating to medical cannabis, including the recently adopted Medical Marijuana Regulation & Safety Act.
- Staffed all City Planning Commission meetings and provide ongoing legal advice to Commissioners and planning staff.
- Advised on the award of Mills Act contracts, which provides historic preservation tax incentives.
- Advised on various activities related to the MacArthur BART Transit Village, including Phases 1 & 2 of the Final Development Plan and Final Subdivision Map.
- Advised on issues relating to local condominium conversion regulations; assisted in drafting amendments to Oakland's condominium conversion ordinance.
- Advised on issues related to a moratorium on demolitions or conversions of residential hotel rooms to stem a loss of affordable housing.
- Advised the Landmarks Preservation Advisory Board.
- Advised staff and Planning Commission on applicant's conditions of approval requiring participation in Oakland Area Geologic Hazard Abatement District.
- Advised staff on CEQA related issues for implementation of Bike Sharing Policy.
- Advised on a variety of Subdivision Map Act issues, including review of Subdivision Improvement Agreements, parcel map waivers, adequacy of security, and other issues relating to tentative and final tract maps.
- Advised on a variety of Building Services matters, including approval of major, minor, and short term encroachment permits, certificates of compliance, street vacations, and fee disputes.
- Advised on CEQA and NEPA compliance for FEMA and State pre-disaster mitigation funding relating to the Wildfire Assessment District area located in the Oakland hills. Assisted in defending against legal challenges to FEMA's Environmental Impact Statement.

- Advised staff on developing policy guidance on when secondary access roads are required.
- Advised staff on further implementing the City’s billboard amortization program, which removes certain billboards in residential neighborhoods at no cost to the City over a period of time. This latest effort will result in over fifty (50) billboards being removed over the next ten (10) years, at no cost to the City.
- Assisted in defense of legal challenge to City’s regulation of unattended donation/collection boxes (“UDCBs”) to address First Amendment issues and development and adoption of permanent regulations for UDCBs.
- Advised staff, Planning Commission, and City Council the environmental review for expansion of the Claremont Hotel and Resort.
- Advised staff on the environmental review of various tree removal actions, including the Chabot Space and Science Center.
- Advised staff on the environmental review of a proposed driving range at the Chabot Golf course.

Labor & Employment Division

In the FY 2016-17 Fiscal Year, City Attorney Barbara Parker announced a major reorganization of the City Attorney's Office, which included the creation of a Labor & Employment Division to enhance and further prioritize the Office's handling of labor & employment matters, with a special focus on advice and counsel to the Oakland Police Department.

Previously, the City Attorney's Office had two divisions – the Advisory and Litigation divisions. The new Labor & Employment Division has allowed the Office to focus and coordinate our resources in this critical area. The Division includes Departmental Counsel for the Oakland Police Department to enhance the Office's handling of police matters, including police department policies and personnel/discipline cases. Special Counsel Ryan Richardson heads this division.

LABOR & EMPLOYMENT DIVISION HIGHLIGHTS:

- Reviewed staff reports, resolutions and legislation related to personnel issues.
- Assisted and advised in the drafting and submittal, as well as initial implementation, of ballot Measure LL, which was approved by over 83% of Oakland's voters and established a Police Commission ("Commission") to oversee OPD's policies and procedures and a Community Police Review Agency ("Agency") to investigate complaints of police misconduct and recommend discipline.
- Helped implement and interpret Oakland's minimum wage and sick leave initiative (Measure FF).
- Advised City Administration and numerous City Departments (including Police, Fire, Public Works, Employee Relations, Human Resources, and Equal Opportunity Programs Division) on various personnel and labor issues, including leaves of absence, disability accommodations, workplace threats, drug testing, and workplace discrimination.
- Advised OPD Internal Affairs on investigations into police misconduct and reviewed resulting investigative reports, including an in-depth and interactive training for IAD investigators on important aspects of the investigation process.
- Developed and administered multiple trainings for the managers and commanders at both OPD and OFD who handle those department's Skelly hearings.
- Attended Skelly due process hearings on behalf of the City in cases involving serious employee misconduct and advised Skelly officers regarding their recommendations.
- Provided personnel advice to Fire Chief at biweekly meetings and advised the Chief on responses to union grievances.
- Advised City Administration and City Departments on "meet and confer" issues, participated in resulting bargaining sessions, and drafted resulting polices and agreements.

- Managed and resolved disputes with various unions over employee discipline and contract (MOU) interpretation by negotiating settlements and by representing the City at binding, labor arbitration hearings.
- Represented and defended the City before the California's Public Employment Relation Board.
- Represented and defended the City before Oakland's Civil Service Board.
- Reviewed, edited and approved numerous contracts for professional services.
- Advised City Administration and City Departments on numerous Public Records Act requests.

Affirmative Litigation, Innovation & Enforcement Division

As part of the Office's reorganization in August 2016, City Attorney Parker created a new division to make a top priority of affirmative litigation and other actions and initiatives to secure justice and equity for all Oakland residents and workers regardless of their race, gender, sexual orientation, immigration status or economic status. Our affirmative efforts also include actions to protect rights that are being undercut and decimated on a daily basis by the current federal administration.

The Affirmative Litigation, Innovation & Enforcement Division includes three units: the Community Lawyering & Civil Rights Unit (CLCR), the General Public Safety and Code Enforcement Unit (GPSCE) and the Neighborhood Law Corps (NLC).

COMMUNITY LAWYERING & CIVIL RIGHTS UNIT

City Attorney Parker created the CLCR in 2016 to focus and streamline affirmative litigation and other initiatives to secure social, economic and environmental justice and equity for all Oakland residents. The CLCR filed several lawsuits during this fiscal year to prevent abuse of tenants, uphold Oakland's Minimum Wage Ordinance and protect the rights of Oaklanders.

City of Oakland v. Kilpatrick, Alameda County Superior Court Case No. RG16820040

In this case, the CLCR joined a coalition of civil rights organizations and attorneys in suing the owners of a Single Room Occupancy ("SRO") building in Oakland's Chinatown. The lawsuit alleged that the owners have made living conditions unbearable in an effort to force tenants out, renovate the building and make way for higher rents. The owners (1) demolished kitchens and bathrooms, gutting them and rendering them unusable for months, (2) confiscated and discarded tenants' property, and (3) generally harassed tenants to get them to leave. The owners, who purchased the property in 2015, have publicly expressed the hope that remodeling the building will draw a "new demographic" of tenants including tech workers, and will allow the owners to rent the SROs with in-unit bathrooms at a premium. We are pleased to report that the court ordered the owners to fix the facilities at the property and remove surveillance cameras that violated the residents' privacy rights.

Oakland v. Jaber, Alameda County Superior Court Case No. RG16829447

In January 2017, the CLCR and the Neighborhood Law Corps secured an injunction against the owners of a Fruitvale area apartment building where for years tenants have complained that they had no heat, no working smoke detectors, bedbug and cockroach infestations, faulty electrical wiring and other habitability problems, including a fire in July 2016 that caused extensive damage to several units. After buying the Fruitvale Avenue property in 2007, the owners have consistently failed to address tenants' complaints about illegal and inhumane conditions. The City's lawsuit includes a declaration from a family that slept in a closet and on their kitchen floor for nearly a year and a half to avoid being bitten by bedbugs.

Oakland v. Choice Hotels International, Alameda County Superior Court Case No. RG17847671

Also in January 2017, the CLCR partnered with Centro Legal de la Raza to sue an international hotel chain and its affiliate in Oakland for systematically violating state labor laws and Oakland's minimum wage ordinance by refusing to pay overtime, failing to provide sick leave and engaging in other illegal conduct towards employees. This was the City's first lawsuit under the minimum wage ordinance Oakland voters passed in November 2014. The lawsuit is ongoing at the time of this report.

NEIGHBORHOOD LAW CORPS

The Neighborhood Law Corps (NLC), which celebrated its 15th anniversary this year, is a unit of recent law school graduates who tackle quality of life issues and public nuisances including human trafficking, illegal dumping and violations of tenants' rights.

Illegal Dumping Enforcement Program

This year, the City of Oakland continued its campaign to go after individuals who are responsible for one of the worst sources of civic blight in Oakland: illegal dumping.

The Illegal Dumping Enforcement Action initiative – a joint effort by Oakland City Attorney Barbara Parker, the Public Works Agency and the City Administrator's Office – uses photos, videos and other evidence submitted by members of the public to track down illegal dumpers and make them pay for disrespecting Oakland's residents, businesses and taxpayers.

Dumping old mattresses, furniture, construction debris, garbage and other items on sidewalks, in parks and under freeways is a major source of blight in neighborhoods across Oakland. An increasing number of Oakland citizens, many using camera phones, are taking photos and videos of illegal dumping incidents and reporting violators to the Public Works Agency using the Agency's on line service request page or the SeeClickFix mobile application for Oakland.

The NLC uses that evidence to build cases against dumpers, and the City Administrator's Office issues citations. To date the City has issued hundreds of thousands of dollars in fines against illegal dumpers.

Lawsuit against Landlords who Demolished Tenant's Home

In FY 2016-17, the NLC prosecuted a lawsuit against the owners of a property near Lake Merritt who illegally demolished their tenant's home while he was living in it. The lawsuit charged the owners with violating Oakland's Tenant Protection Ordinance and California's Bane Act, harassing, threatening and unlawfully evicting tenant Jahahara Alkebulan-Ma'at, who lived at the property at 369 MacArthur Boulevard for 22 years.

Mr. Alkebulan-Ma'at was disabled and lived at the property with his minor son. The owners filed an unlawful detainer action in January 2017, and began shutting off all utilities. By mid-March, Mr. Alkebulan-Ma'at and his son had no heat, no hot water, no electricity, no cable and no internet.

On March 16, the owners changed the locks. Mr. Alkebulan-Ma'at's medication was locked in his home. On the same day, one of the owners sent him an e-mail threatening that there would be "consequences" if he "set foot on the premises again." The next day, the owners began demolition of the unit while Mr. Alkebulan-Ma'at's property was still inside. Mr. Alkebulan-Ma'at slept in the partially demolished unit for two nights, and on both nights, one of the owners showed up in person and made threats against his safety.

The owners' campaign of threats and harassment was especially outrageous in a city that is struggling with a historic housing crisis.

NLC Secures Settlement to Redevelop Former Sausage Factory

In March 2015, the NLC sued the owners of the properties on Adeline and 28th streets after the City issued at least 26 citations for graffiti, illegal dumping, overgrown vegetation and other public nuisances associated with the properties.

The owners purchased the abandoned Sausage Co. building and the adjacent lots in 2002. On their watch the properties fell into disrepair and became a magnet for blight and crime in the neighborhood.

In addition to the 26 citations the City issued for violations of its blight ordinance, the City's Public Works Agency also issued no less than 167 work orders to clean up graffiti and illegal dumping associated with the property. The owners' failure to maintain the property and provide security measures allowed homeless encampments, squatters and crime including burglaries, shootings, car break-ins and vandalism.

Under the settlement which was executed on July 1, 2017 the owners will immediately repair holes in the fence surrounding the property, remove all trash and debris and secure the building. The owners also must move forward on redevelopment of a commercial property on the site, and must hire an independent monitor to oversee compliance.

Prosecuting Businesses that Act as Fronts for Prostitution and Human Trafficking

Human trafficking and the sexual exploitation of women and girls unfortunately is a crisis in Oakland.

In the two years prior to the date of this report, the NLC has closed 14 massage parlors and spas where police investigations found evidence of trafficking and prostitution: Green Therapy on Hegenberger Road, Kim's Spa on 13th Street, Telegraph Massage Center on Telegraph Avenue, Oakland Therapeutic Massage Center on Webster Street, 888 Spa on 98th Avenue, Yan Lan on 13th Street, TJ Therapy on Telegraph Avenue, Oak Spa on Edgewater Drive, Yan Yan on 38th Avenue, Evergreen Spa on Telegraph Avenue, Lee Spa on Grand Avenue, Ace/Top Spa on Pendleton Way, Airport Massage on Oakport Street and Oriental Wellness Center on Franklin Street. Most of those closures were the result of lawsuits filed by the NLC.

These cases also have resulted in settlements and fines against defendants totaling at least \$531,549, plus several permanent injunctions barring defendants from owning or operating a massage or spa business in Oakland.

Police say the female workers at illicit massage parlors and spas often appear to be victims of human trafficking. Many come from China or Korea on travel or work visas, and then remain in the U.S. as “employees” of brothels after their visas lapse. They often speak little or no English and often do not have access to their own passports. Some have no passports or any other form of identification. They often are moved from location to location in Oakland and across the state and refuse to act as witnesses.

Disrupting and shutting down the human trafficking industry continues to be a top priority for my Office.

Special Programs, Initiatives & Litigation

OAKLAND FIGHTS BACK

In this fiscal year, one of the major priorities of the City Attorney's Office was to fight back against unconstitutional, discriminatory and inhumane actions of the current federal administration. In the last 11 months, we have signed onto a number of amicus ("friend-of-the-court") briefs supporting challenges by other cities, counties and to unconstitutional and other violations of law by the current occupant of the White House and his henchmen and henchwomen. These federal actions would deprive Oakland of federal grant dollars to which it is entitled, target Oakland and its residents for deportation and attempt to coerce Oakland and other municipalities and counties into enforcing federal law, which is the federal government's obligation.

OPEN GOVERNMENT PROGRAM

The City Attorney's Open Government Program enforces transparency and accountability in City government. The program provides technical and legal assistance to City departments regarding public records requests. It also oversees compliance and provides trainings about the California Public Records Act, Sunshine Ordinance and Brown Act. The Open Government Coordinator addresses constituent issues and helps facilitate responses to requestors seeking public records and documents. In FY 2016-17, the Open Government Coordinator reviewed, responded to and facilitated more than 1,000 public records requests involving thousands of pages of documents.

Conclusion

It is my distinct honor and pleasure to serve as City Attorney for our enlightened, progressive and innovative City. Oakland recognizes and champions the use of the law as a powerful and effective tool to improve our community, and to empower, protect and advance the interests of all Oaklanders. I and my team are dedicated to vigorously and astutely defending Oakland's policies, programs and laws in court, and to initiating legal action and other initiatives to uphold the rights, economic interests and protect and enhance the quality of life of our residents. We also are constantly searching for ways to address the crises we face, with the current occupant of the White House, with the crisis of affordable housing in Oakland and the Bay Area which has led to a homelessness crisis and with the systemic racism that permeates our society and all of our institutions. Statistics show that approximately 50 percent of the homeless people in Oakland are African American and more than 80 percent were residents of Alameda County before they became homeless. I am committed to developing and implementing laws and policies to achieve equity and a level playing field. Our faithfulness to accountability, fiscal responsibility and fair, honest, open, non-discriminatory and equitable City practices continues to be the framework that guides our mission. I am grateful to the Oakland electorate for giving me the opportunity to serve the City I love.

About Barbara J. Parker

Barbara Parker is the City Attorney for Oakland, California. An Oakland resident for nearly four decades, Parker is an advocate for civil rights, women's empowerment and children's issues.

In July 2011, the City Council appointed Parker to complete the term of the first elected Oakland City Attorney. In November 2012, Parker, Oakland voters elected her to a four-year term as Oakland's second elected City Attorney. In November 2016 Oakland voters elected Parker to a second four-year term. She is the first and only African American woman elected to city-wide office in Oakland.

In an award-winning legal career spanning more than four decades, Parker has developed extensive expertise as an attorney in the private sector and at all levels of government, including work in the private sector for two major law firms and two major corporations, more than five years as an Assistant United States Attorney for the Northern District of California, and more than 10 years as Chief Assistant City Attorney (second in command in the Oakland City Attorney's Office).

Parker was born and raised in Seattle, Washington, where her parents migrated to escape the grinding poverty and legalized oppression of sharecropping in the rural, segregated South. She holds a Bachelor of Arts Degree in Economics from the University of Washington. Parker graduated from Harvard Law School determined to use the law as a tool to make justice and equality a reality.

Parker resides in Oakland's Haddon Hill neighborhood near Lake Merritt. She is the proud parent of Savannah Parker, a 2012 graduate of Spelman College, and bursting-with-pride grandparent of Samuel Koda Clement.

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