Annual Report

FY 2011-12

Oakland City Attorney's Office

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Our mission is:

To provide the highest quality, professional legal services to the City of Oakland

To promote open government, transparency, integrity and accountability to the citizens of Oakland in accordance with the letter and spirit of the law

To apply the law in an innovative and community oriented manner to improve the quality of life in Oakland neighborhoods.

Year in Review

Mission

The City Attorney's Office plays an integral and often behind-the-scenes role in City government by drafting legislation and laws, providing top-level legal advice and counsel to the Mayor, City Council and other City leaders as well as the City Administrator and City departments, boards and commissions. The Office drafts, reviews and negotiates agreements and legislation and helps to shape Oakland's policies. The Office also aggressively defends Oakland's interests and resources in court and initiates legal action to protect the rights and enhance the quality of life of our community.

The City Attorney has published an Annual Report every year since Fiscal Year ("FY") 2000-01 to enhance transparency of our work by highlighting for residents, businesses and taxpayers the services we provide on their behalf.

I am pleased to present the Annual Report for Fiscal Year 2010-11. This report details financial results, litigation trends, advisory work and special initiatives that the Office undertook during the fiscal year beginning on July 1, 2011 and ending June 30, 2012.

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 the rights and interests and enhance the quality of life of our community.
- Continue to explore and identify ways to provide expert, professional legal services in the most efficient and cost-effective manner possible.
- Restore and maintain a staff of highly-qualified and dedicated attorneys and support staff with extensive knowledge of the City of Oakland and the municipal law, making it possible to meet demands more efficiently and effectively.

Financial Highlights

The budget of the City Attorney's Office continued to shrink in FY 2011-12 due primarily to budget cuts. Staff and operating costs for the Office totaled **$11.11 million** in FY 2011-12 after steadily dropping from a high of $15.41 million in FY 2007-08. In the last nine years, the City Attorney's Office has lost more than a third of its staff (19 attorneys and 14 support staff positions) to budget reductions. The Office lost 16 of those positions (nine attorneys and seven support staff) in the last three fiscal years alone.

The cost of payments for claims and lawsuits, including settlements and judgments against the City, fell by more than half in FY 2011-12. The decline of more than $6.7 million – a **53% drop** from the previous fiscal year – is unprecedented in modern City history. The City Council authorizes settlements of claims and lawsuits that exceed $5,000.

The cost of outside counsel also fell sharply – by **40%** – in FY 2011-12. Costs for both payouts and outside counsel had been on a steep upward trend in recent years, and costs in both areas reached an all-time high in the prior fiscal year (FY 2010-11).

Litigation Highlights

Both the number of claims and lawsuits filed against the City fell this year, as did the number of claims that resulted in lawsuits. The City Attorney's Office aggressively manages liability at the claims stage to limit expensive lawsuits. This year, **less than 2%** of all claims evolved into lawsuits, underscoring the effectiveness of this strategy.

The City Attorney also pursued administrative proceedings and litigation against hotels and motels catering to the prostitution and shutdown two hotel that were epicenters for child prostitution and sex trafficking. We also continued work on high profile matters including the Negotiated Settlement Agreement (NSA) – the resolution of a federal civil rights lawsuit alleging that four police officers called the "Riders" fabricated evidence and abused suspects. The NSA was designed to assure constitutional policing and increase accountability for the Oakland Police Department.

Advisory Highlights

In addition to providing critical day-to-day legal advice to the City Council, City officials, departments, boards and commissions, the City Attorney's Office was an integral part of a number of major project teams and efforts in FY 2011-12, including the City's response to the dissolution of Redevelopment Agencies across the state and the historic deal to develop the former Oakland Army Base.

Looking Forward

The City Charter requires that the City Attorney's Office defend lawsuits, comply with court deadlines and provide timely advice to the City Council, City officials, departments, boards and commissions. The Office has lost 33 staff positions, including 19 attorneys, however, the demand for legal services has remained constant or increased, forcing the City to contract out legal services and hire outside attorneys for work that in-house attorneys could perform more efficiently and effectively and at a lower cost.

Accordingly, it is no surprise that spending on outside counsel has increased significantly in recent years. As this report shows, the City has spent significantly more money hiring outside attorneys than it has saved by cutting its in-house legal staff. This is a problematic trend for Oakland taxpayers – one that can be addressed with a more strategic allocation of legal resources (please see the *Outside Counsel* section of this report).

The City Attorney's Annual Report and the work it details are driven by our commitments to serve all Oakland residents and to fiscal responsibility, accountability and fair, honest and open practices at all levels of our government.

Please don't hesitate to contact me directly to provide input or ask questions about any aspect of our mission. Your contributions are vital to our success.

Very truly yours,

Barbara Parker
Oakland City Attorney
BP@oaklandcityattorney.org

The Oakland City Attorney's Office continues to be one of the most diverse legal teams in the country.

Office Profile

The City Attorney's Office is organized into four major functional areas: Executive Team, Advisory Division, Litigation Division and Operations Group.

Advisory Division

The Advisory Division provides legal services that address a wide spectrum of municipal affairs. Examples include drafting legislation and contracts; negotiating complex contracts in matters including computer systems, energy systems, garbage and cable franchises; advising on housing and economic development projects; advising on labor and personnel issues and union negotiations; representing 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 elections, ethics and conflicts of interest; advising 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's neighborhoods.

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, 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 limit the City's financial exposure and to manage liability at the claims stage to limit expensive lawsuits. This year, less than 2% of all claims evolved into lawsuits, underscoring the effectiveness of this strategy.

Operations Group

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

Executive Team

The Executive Team includes the City Attorney, the Chief Assistant City Attorney (Advice), the Chief Assistant City Attorney (Litigation), the Legal Administrative Services Manager (Operations) and the Chief of Staff (Policy, Open Government & Communications).

Financial Summary

The actual budget of the City Attorney's Office primarily covers staff and operating expenses. For the Fiscal Year 2011-12, the budget was **$11.11 million**, down about 10% from $12.4 million the previous year due to budget cuts.

In FY 2002-03, the City Council approved staffing for the Office at 91 FTEs to provide adequate resources, reduce spending on outside counsel and fulfill its long term cost savings strategy. Over the last decade, the Office has lost 33 positions – 19 attorneys and 14 support staff – to budget reductions. The City Attorney's Office currently has 62 authorized positions.

In addition to the Office's budget, other expenses related to legal work dropped sharply or remained constant:

- Payments for claims and lawsuits plummeted by **53%** from $12.8 million in the prior fiscal year (FY 2010-11).
- Outside counsel costs fell by **40%** from $6.38 million in the prior fiscal year.
- Litigation expenses (court fees, experts, etc.) totaled **$1.23 million** – no change from the prior fiscal year.

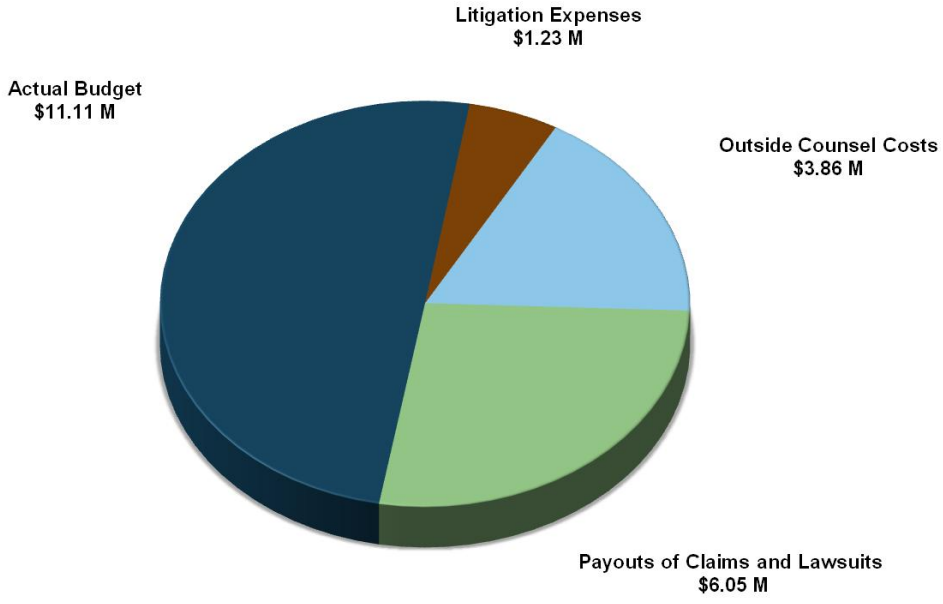


Figure 1: City Attorney Budget v. Other Legal Costs

Outside Counsel

Protocol

Like other cities and counties, Oakland hires outside attorneys to handle specialized legal work when we need outside expertise, when the City, a City board or commission, an employee, the City Attorney or another City official has a conflict of interest, when a particular matter requires dedication of resources that are not available in-house (e.g., a major class action suit that demands full time work of one or more attorneys), or when the Office lacks in-house capacity to handle legal work.

In early FY 2011-12, the City Attorney's Office established for the first time a Request for Qualifications (RFQ) process to make the hiring of outside counsel more competitive, open and transparent. Law firms and attorneys who are interested in working for the City submit a response to the RFQ, which can be found on the City Attorney's Web site: http://www.oaklandcityattorney.org/.

Applicants must submit responses advising the City Attorney of their qualifications and expertise in practice areas where we regularly require outside counsel services. The RFQ is ongoing so additional attorneys or firms can submit responses at any time. The Office reviews responses and certifies firms to be considered for potential outside counsel work.

Each time we retain outside counsel for a new matter, the Office follows the following procedure:

- Reviews RFQ responses from applicants for the particular practice area
- Selects at least three applicants based on their qualifications to perform the work in question, consideration of the diversity of the applicants' law firm and consideration of whether the firm is Oakland-based
- Contacts the firms selected for consideration to determine rates and the potential assignment of attorneys to work on the particular matter
- Chief Assistant City Attorney makes recommendation
- City Attorney approves selection of counsel for the matter

The main purposes of the RFQ process are to save taxpayer dollars, by increasing competition, increasing transparency and opening up the hiring process to more local and diverse firms. The City Attorney's protocol is consistent with practices in other jurisdictions including Alameda County and the cities of San Francisco and Sacramento. It also is consistent with and furthers the City's policies to support and build local and diverse businesses.

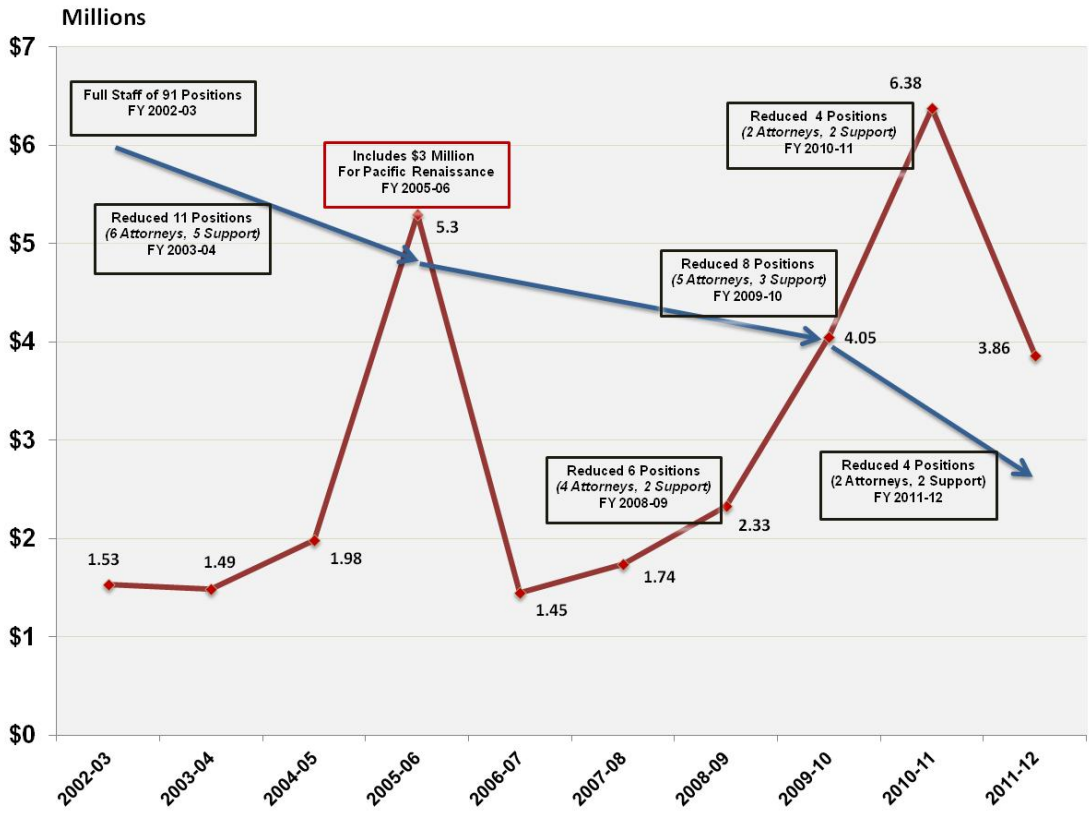
Costs

With the exception of FY 2011-12, the amount of money Oakland spends on outside counsel has been on a steep upward trend in recent years, mainly due to significant budget cuts to the City Attorney's in-house staff.

Despite the loss of in-house staff, the demand for legal services has remained constant or increased, forcing the City to contract out legal services and hire private attorneys for work that would have been much cheaper to do in-house.

Example: In a recent personnel case, the bill for outside attorneys to handle one summary judgment motion was close to $250,000, more than the entire annual cost of a staff attorney (including salary and benefits) who could handle multiple summary judgment motions plus other work over the course of a year. Likewise, the cost paying outside counsel to handle a single case involving violations of civil rights may far exceed $250,000 – again, more than the entire cost of a staff litigator who could handle multiple such cases in a given year.

The chart below shows the cost of outside counsel reached an all-time high of $6.38 million in the prior fiscal year (FY 2010-11) due to in-house staff cuts and a number of high liability cases.



Impact of OCA Staffing Reductions on Outside Counsel Costs

Note: *Costs in the above timeline spiked in FY 2005-06 due to unusual circumstances in one case (Pacific Renaissance).*

In FY 2011-12, the City Attorney's Office worked to limit outside counsel costs whenever and however possible. We did so by restructuring the Office to use in-house resources more strategically, increasing caseloads to the extent possible, carefully managing every outside counsel contract and creating a RFQ protocol to make the hiring process for outside counsel more competitive and more transparent.

Outside counsel costs fell this year to $3.86 million – a drop of 40%. The sharp reversal in the trend for outside counsel costs this year is a positive outcome. But given the minimal staff resources in the City Attorney's Office, it will be difficult if not impossible to sustain in the long run.

As cost trends over the last decade show, the City Council's policy decision to cut in-house legal staff and contract out legal services does not save money. In fact, these staff cuts consistently have increased the City's budget deficit by requiring greater reliance on more expensive private attorneys, resulting in additional cuts to programs and services as well as the employees who provide those services.

Example: Cutting the City Attorney's staff reduced the Office's budget by about $3 million between FY 2007-08 and FY2010-11. At the same time, the cost of outside counsel skyrocketed from $1.74 million to $6.38 million, an increase of $4.64 million. In other words, Oakland has spent significantly more on outside counsel than it has saved by cutting in-house legal staff.

The impact goes beyond cost – contracting out legal services also makes it harder for the Office to develop and preserve essential in-house expertise and institutional knowledge. In-house attorneys must spend valuable time and resources educating outside counsel and assisting them in performing work, which is not an efficient or effective model.

Retaining and increasing the number of staff attorneys will help the City maintain and build legal expertise and save dollars that can be used for other critical services and programs. It also will enable our Office to provide more efficient and cost-effective services to our clients.

Litigation Division

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.

For a list of litigation highlights and major cases, please see ***Attachment A***.

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 number of claims filed against the City fell in every category this year. 540 claims were filed this year – **the lowest number on record**, and a significant drop from the late 1990s and early 2000s, when the City regularly received more than 1,000 claims every year. The City Attorney's Office has no data indicating the reasons for the significant decline in claims in this fiscal year and no basis to determine whether this level of claims will continue. For example, we anticipate a significant number of claims regarding the "Occupy Oakland" protests and arrests.

As the table below shows, the number of claims filed has dropped steadily every year since FY 2007-08, when the City received 668 claims.

Table 1: Types of Claims Received

Category	2007-08	2008-09	2009-10	2010-11	2011-12	5-year average
Municipal Infrastructure	329	325	367	358	351	346
Police Matters	164	150	110	93	101	124
City Vehicle Accidents	91	109	79	64	45	78
Other	84	76	67	67	43	67
Total Claims/Year	**668**	**660**	**623**	**582**	**540**	**615**

Claims – Results

In FY 2011-12, the large majority of claims were resolved with no payment of money. Of the 736 claims resolved this year, **85%** were resolved with no payout whatsoever. Only **2%** of claims resulted in payments of more than $5,000, and only one claim resulted in a payout of more than $25,000. In the previous fiscal year, about 79% of claims were resolved with no payment of money.

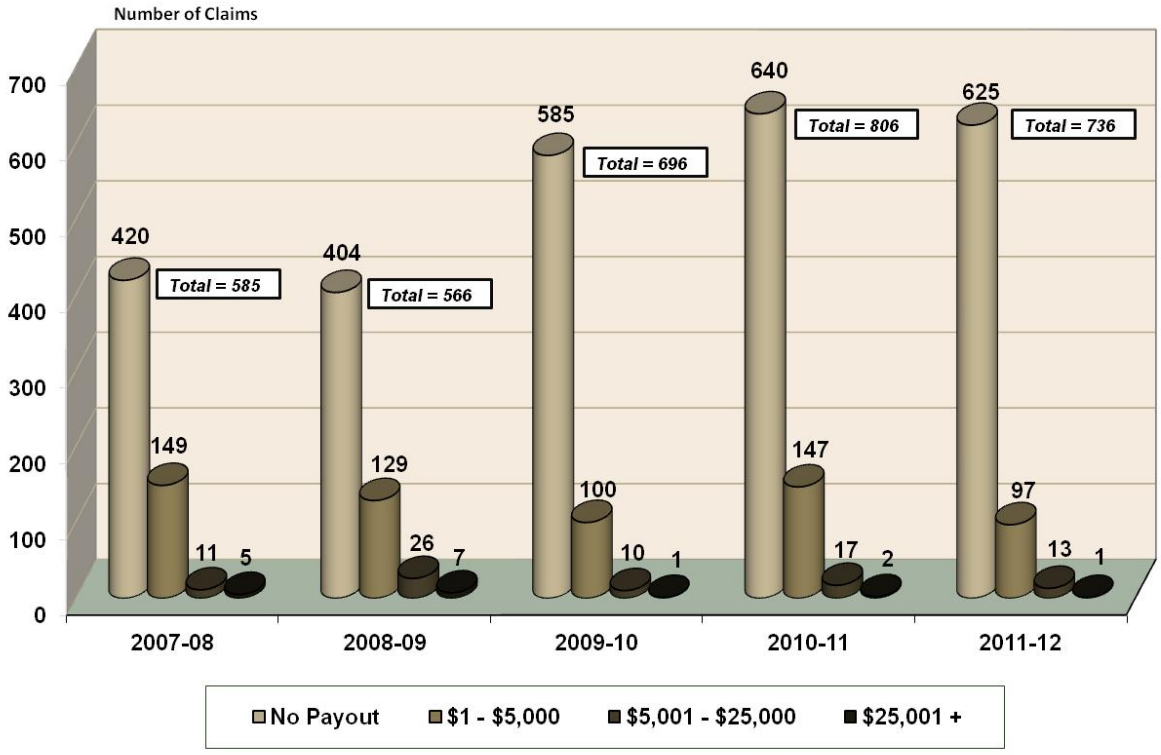


Figure 3: Claims Resolved Over 5 Years

Claims that Evolve into Lawsuits

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 **1.8%** of claims turned into lawsuits – an extraordinarily low number compared to past years, when about 10% of claims became lawsuits.

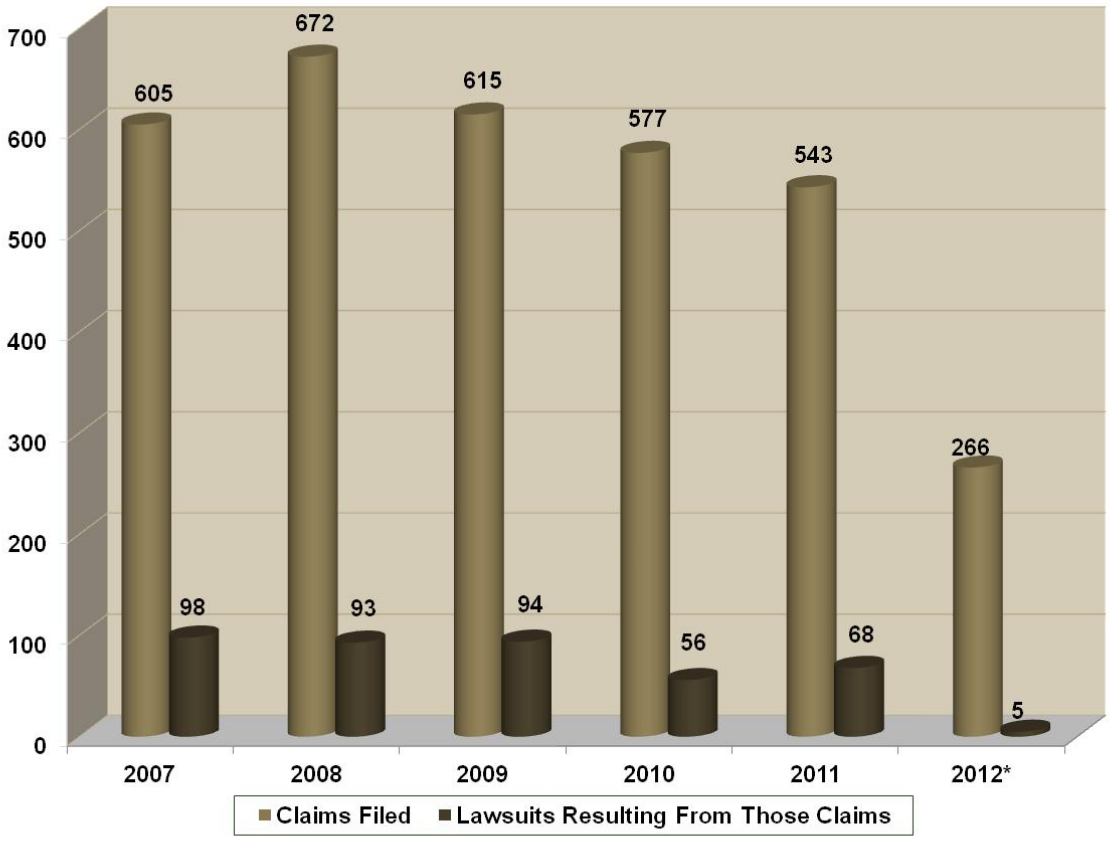


Figure 4: Claims That Evolved Into Lawsuits by Year of Incident

* Through June 30, 2012

Lawsuits Filed

Lawsuits primarily arise in the following categories: municipal infrastructure, police matters, City vehicle accidents, personnel/labor, complex contracts and "other." In FY 2011-12, 155 lawsuits were filed against the City of Oakland, down from 179 the previous year.

Table 2: Types of Lawsuits Received

Category	2007-08	2008-09	2009-10	2010-11	2011-12	5-year average
Municipal Infrastructure	44	33	34	53	45	42
Police Conduct Matters	40	34	31	14	27	29
Personnel/Labor (non-lawsuits and lawsuits)	35	32	43	63	45	44
City Vehicle Accidents	11	8	9	6	8	8
Other	40	46	55	43	28	42
Total Lawsuits/Year	**170**	**153**	**172**	**179**	**153**	**165**

Claims & Lawsuits Filed (Police Matters)

While the overall number of claims and lawsuits against the City fell this year, both the number of claims and the number of lawsuits related to police matters increased. The number of lawsuits regarding police matters (excluding police vehicle accidents and personnel/labor matters – see **Table 2** above) almost doubled this year after dropping steadily for several years, in part due to actions filed in the aftermath of the "Occupy Oakland" demonstrations related to civil rights, use of force and other matters.

In **Figure 7** below, the number of lawsuits for FY 2011-12 remained constant when we count lawsuits related to police vehicle accidents and labor/personnel matters.

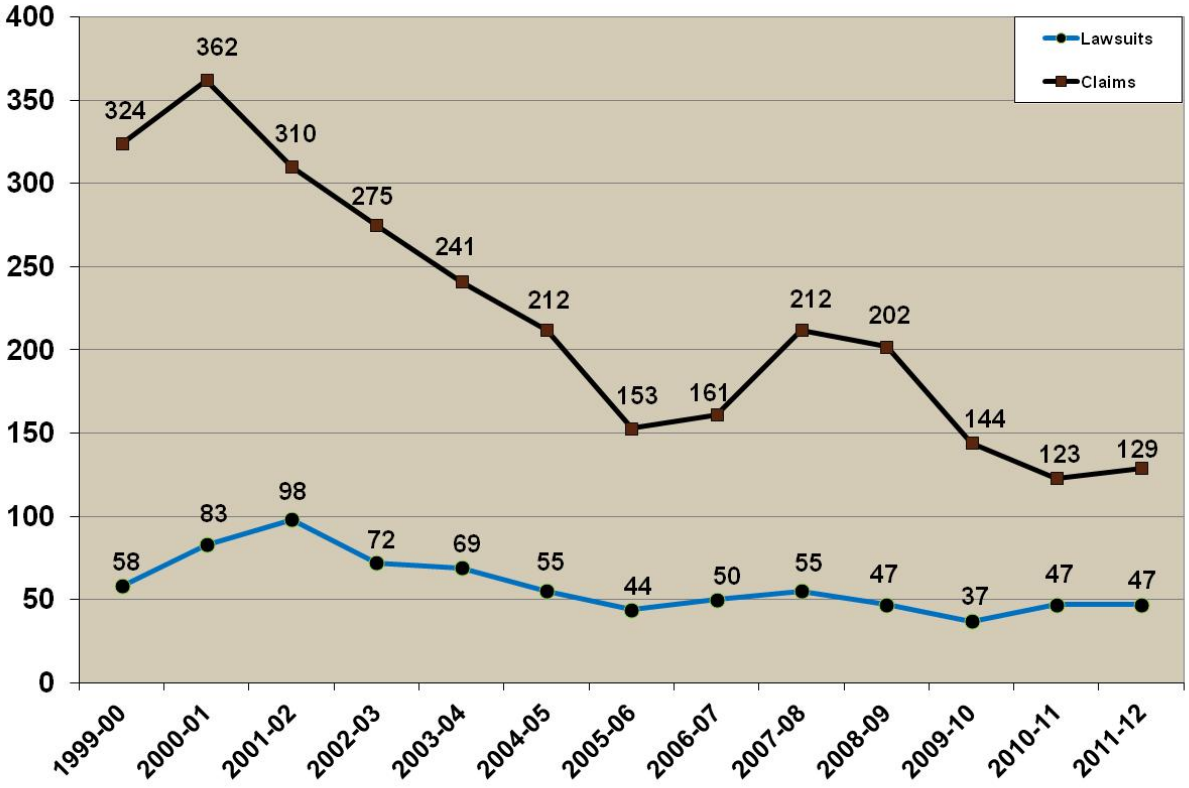


Figure 5: Trend of Police Claims and Lawsuits Filed

Note: *This chart includes claims and lawsuits for police-related vehicle accidents and personnel/labor matters.*

Lawsuits – Results

When lawsuits are filed, our litigators work aggressively and strategically to protect taxpayer money, reduce litigation costs and limit potential exposure by filing motions to dismiss defendants and causes of action, thereby narrowing the scope of defense.

In FY 2011-12, the large majority of lawsuits (about **70%**) were resolved with no payment of money whatsoever. That is an improvement from the prior fiscal year, when 61% of lawsuits were resolved with no payout. Less than 1% of all lawsuits resolved in FY 2011-12 resulted in a payout of more than $25,000.

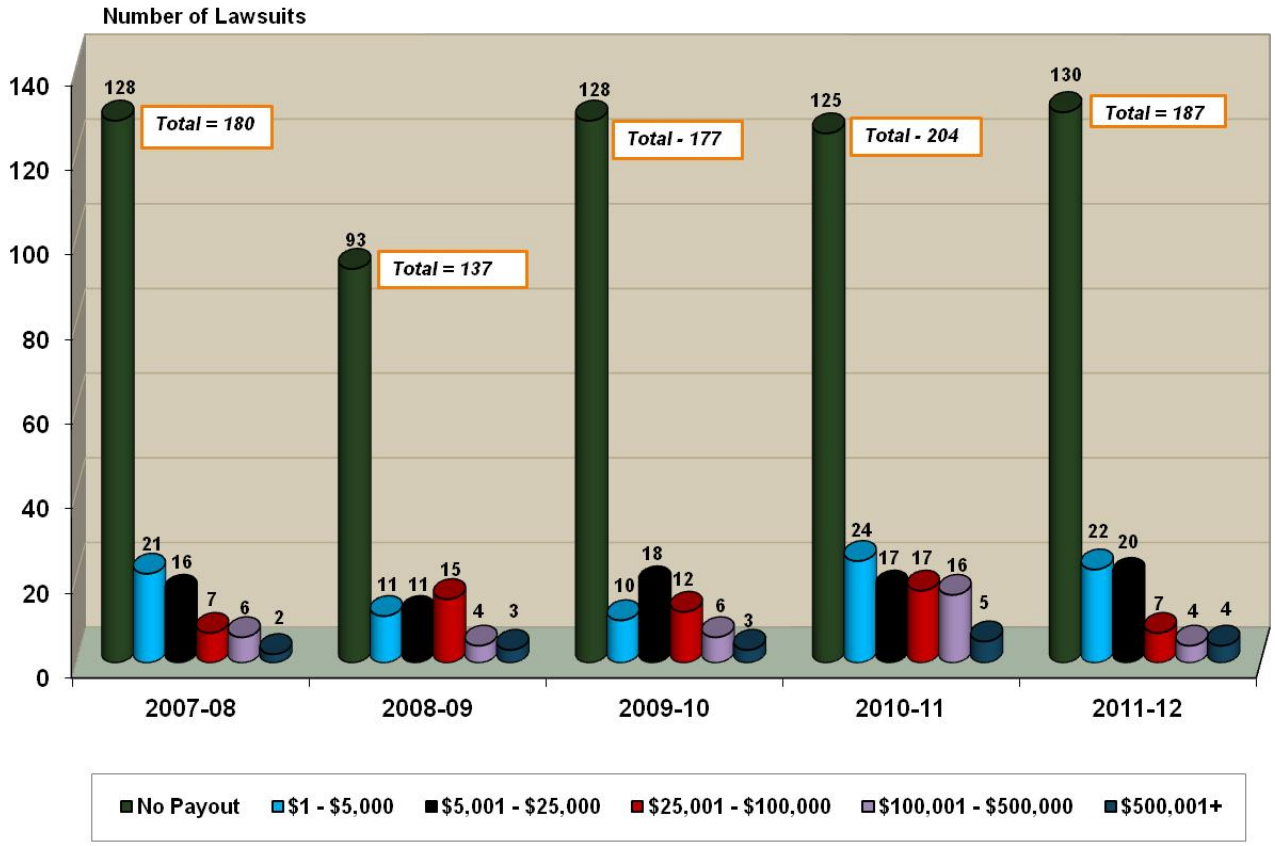


Figure 6: Lawsuits Resolved Over 5 Years

Payouts vary from year to year depending on many factors, including the types of claims and lawsuits filed against the City. The City Attorney's Office provides legal advice and analysis of all cases to the City Council, which is responsible for approving all settlements exceeding $5,000.

Payouts

Payouts for claims and lawsuits, which include settlements and judgments against the City, fell by more than 50% in FY 2011-12. The decline of more than $6.7 million – a **53%** drop from the prior fiscal year – is unprecedented in modern City history (see **Figure 9**).

The decline in payouts from $12.8 million in FY 2010-11 to $6.05 million in FY 2011-12 is the largest one-year decline on record and puts the total amount for this fiscal year below the 10-year average of $6.33 million.

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

The breakdown of payouts in FY 2011-12 is as follows:

- Claims settlements: $366,880
- Litigation settlements: $5,461,248
- Litigation judgments: $225,063
- **Total: $6,053,191**

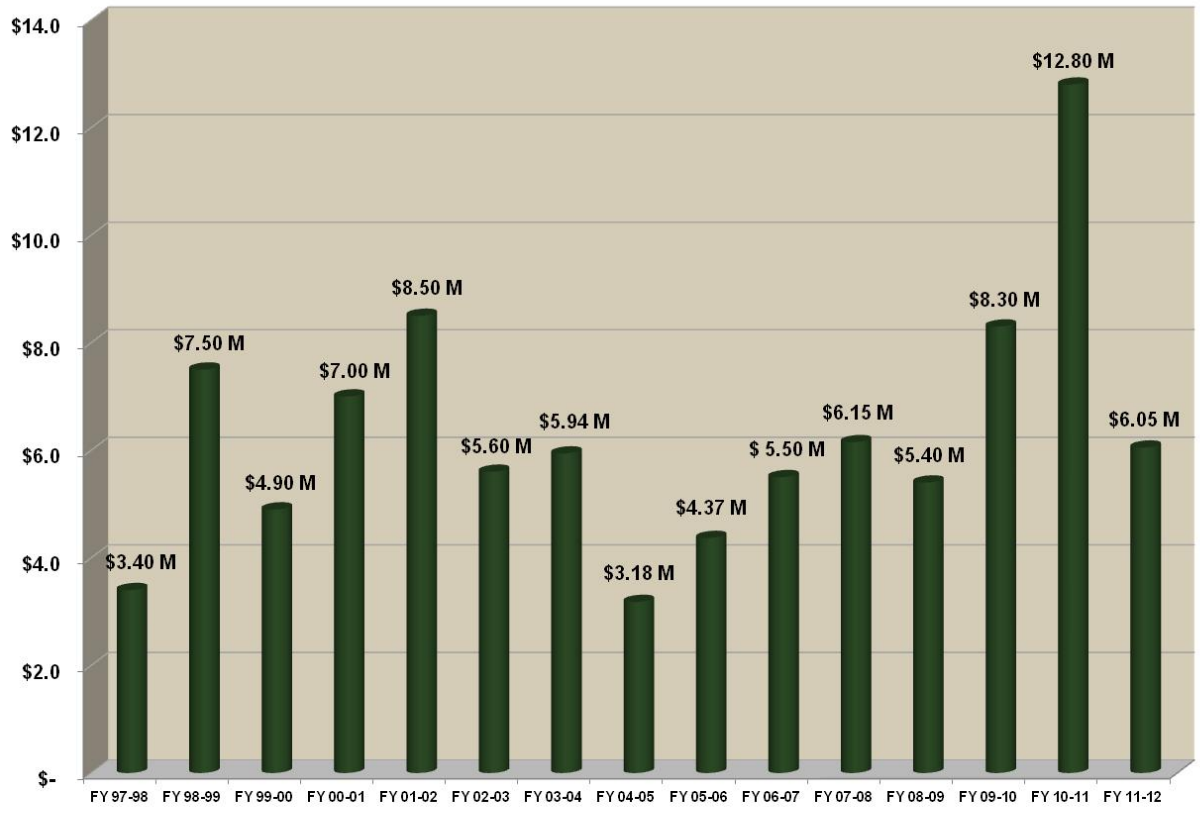


Figure 7: Total Payouts Over the Last 15 Years

Payouts by Category

Payouts spiked in FY 2010-11 mainly due to settlements in about 10 high liability cases involving police matters – use of force, wrongful death, police vehicle accidents and police labor complaints.

Payouts in police cases were dramatically lower in FY 2011-12, dropping from $7.65 million in FY 2010-11 to $2.89 million in the most recent fiscal year. Notably, payouts also fell across the board in all other categories: personnel/labor, municipal infrastructure, city vehicle accidents and general government/miscellaneous.

In Figure 10, the total payouts for police matters do not include police vehicle accidents or personnel/labor matters.

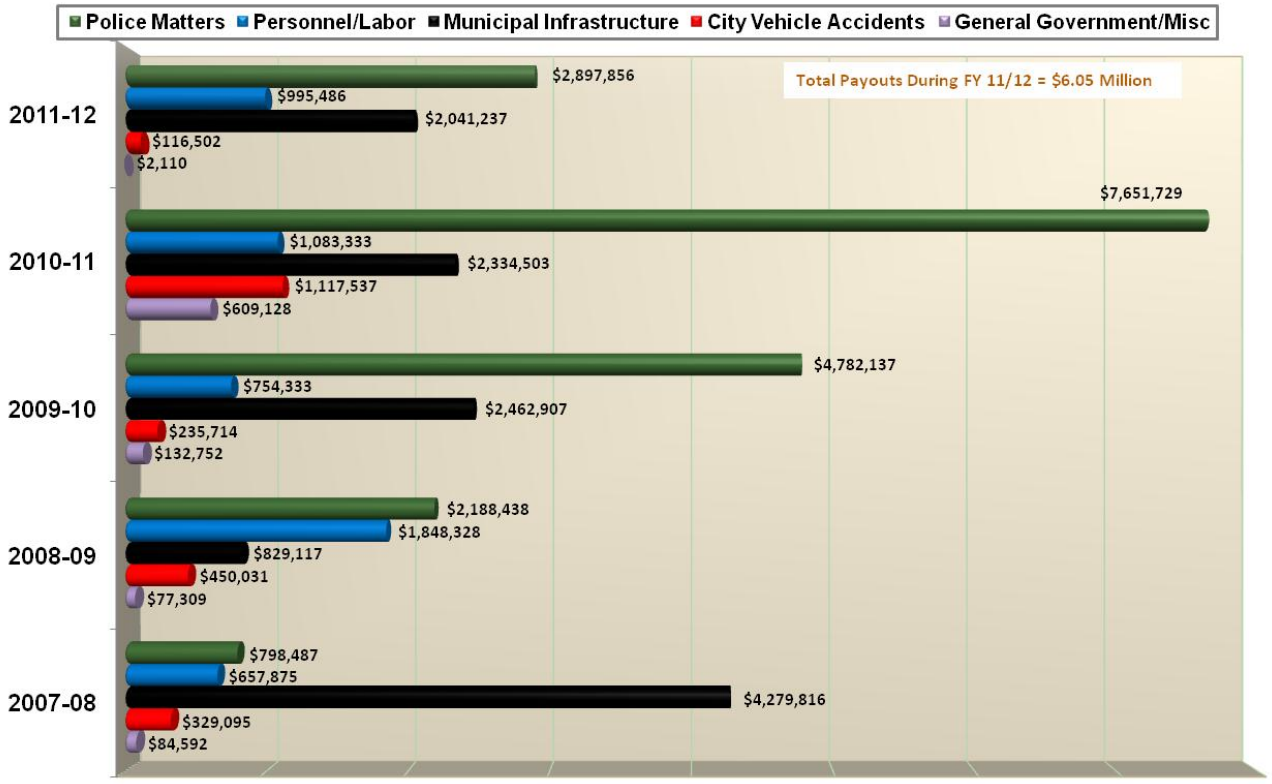


Figure 8: Total Payouts of Claims and Lawsuits by Category

Table 3: Payouts of Claims & Lawsuits - Police Matters

Category	2007-08	2008-09	2009-10	2010-11	2011-12	5-year average
Conduct: Suspect Chase	$0	$975,926	$1,200,000	$3,582	$7,500	$437,402
Alleged Use of Force	$364,800	$1,211,000	$1,354,035	$2,963,472	$96,350	$1,197,931
Conduct: Non-force	$350,000	$0	$35,850	$4,149,266	$2,750	$907,573
Conduct: Strip Search	$0	$0	$0	$0	$1,037,754	$207,551
Alleged Wrongful Death	$0	$0	$2,150,000	$500,000	$1,740,000	$878,000
Vehicle Accidents	$208,600	$276,432	$181,422	$857,692	$33,435	$311,516
Property Loss/Miscellaneous	$10,027	$250	$5,173	$30,580	$13,347	$11,875
Towing	$73,960	$1,262	$37,080	$4,830	$155	$23,457
Personnel/Labor	$232,875	$1,290,828	$673,333	$583,333	$583,333	$672,740
Total Paid/Year	**$1,240,262**	**$3,755,698**	**$5,636,893**	**$9,092,755**	**$3,514,624**	**$4,648,046**

Table 4: Payouts of Claims & Lawsuits - Infrastructure

Category	2007-08	2008-09	2009-10	2010-11	2011-12	5-year average
Building & Park Maintenance	$25,058	$16,087	$8,886	$14,040	$8,237	$14,462
Sewers/Storm Drains	$922,593	$383,994	$250,504	$1,078,558	$228,979	$572,926
Sidewalks	$167,646	$209,522	$432,005	$1,011,615	$643,322	$492,822
Streets	$1,858,295	$188,433	$1,745,614	$171,659	$1,030,402	$998,881
Landslides	$1,224,402	$0	$0	$0	$0	$244,880
Trees	$81,822	$31,081	$25,897	$58,632	$132,797	$66,046
Total Paid/Year	**$4,279,816**	**$829,117**	**$2,462,906**	**$2,334,504**	**$2,043,737**	**$2,390,016**

Table 5: Payouts of Claims & Lawsuits - City Vehicle Accidents

Category	2007-08	2008-09	2009-10	2010-11	2011-12	5-year average
Police	$208,600	$276,432	$181,422	$857,692	$33,435	$311,516
Public Works	$70,216	$87,197	$21,232	$48,059	$50,982	$55,537
Parks & Recreation	$0	$0	$0	$16,173	$8,979	$5,030
Fire	$48,261	$17,312	$15,486	$181,115	$21,661	$56,767
Other Departments	$2,018	$69,091	$17,574	$14,497	$1,445	$20,925
Total Paid/Year	**$329,095**	**$450,032**	**$235,714**	**$1,117,536**	**$116,502**	**$449,776**

Table 6: Payouts of Claims & Lawsuits - Personnel/Labor

Category	2007-08	2008-09	2009-10	2010-11	2011-12	5-year average
Police	$232,875	$1,290,828	$673,333	$583,333	$583,333	$672,740
Parks & Recreation	$0	$0	$40,000	$0	$0	$8,000
General Government/Other	$250,000	$228,000	$0	$55,000	$409,753	$188,551
Public Works	$175,000	$4,500	$41,000	$250,000	$2,400	$94,580
Fire Services	$0	$325,000	$0	$195,000	$0	$104,000
Total Paid/Year	**$657,875**	**$1,848,328**	**$754,333**	**$1,083,333**	**$995,486**	**$1,067,871**

High Liability Cases

The following resulted in payouts of more than $100,000.

Table 7: Payouts of Claims, Lawsuits & Arbitrations of More Than $100,000

Case	Type	Payout
Estate of Amaro III, Jerry A.	Police Conduct - Wrongful Death	$1,700,000
Smith, John, et al	Police Conduct - Strip Searches	$1,037,754
BBI-Con, Inc dba BBI Construction	Breach of Contract	$768,502
Orduno, Monica I.	Dangerous Condition - Intersection	$750,000
BBI-Con, Inc dba BBI Construction	Breach of Contract	$734,502
Valladon, Robert (Class Action)	Fair Standards Labor Act - Donning & Doffing Uniforms Case	$583,333
Thompson, Cheryl	City Administrator - Labor/Employment	$481,420
Ayrault, Bonnie & Schreiner, Kurt	Dangerous Condition - Street Trip & Fall	$142,000
Aye, Kyi, et al	Dangerous Condition - Trees	$125,000
Gutierrez, Desiree	Dangerous Condition - Sidewalk Trip & Fall	$104,353

Advisory Division

The Advisory Division provides legal services covering a wide spectrum of municipal affairs. Examples include but are not limited to drafting legislation and contracts, negotiate complex contracts such as for computerized systems, energy systems and garbage and cable franchises, advising on housing and economic development projects, advising on labor and personnel issues and union negotiations, negotiating real estate transactions, issuing municipal bonds, providing advice about municipal elections and ethics and conflicts of interest, advising 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's neighborhoods.

The Division is divided into four main units. The work of those units includes but is not limited to:

General Government, Finance, Public Works & Contracting Unit

- Ethics Commission
- Government ethics/conflicts of interest
- Finance Committee
- Public Works Committee
- Life Enrichment Committee
- Libraries
- Oakland Zoo
- Public Works Agency; streets, sewers & infrastructure
- Garbage, waste & recycling contracts
- Cable franchise
- Utility & energy franchises
- Municipal finance
- Taxes & revenue
- Parks & Recreation Department
- Purchasing and grant policies and procedures
- Information technology agreements
- Health and Human Services
- Assessment Districts (LLAD, BIDs, Wildfire Prevention)
- City Clerk including elections
- Finance Agency including Controller

- Arts agreements and grants
- Measure Y
- Pension issues

Code Enforcement & Neighborhood Law Corps Unit

- Code Enforcement & Building Services
- Public nuisance abatement
- Community engagement
- Quality of life issues
- Blight & zoning issues
- Prostitution abatement (hotels)
- Housing, foreclosure & eviction issues
- Affirmative litigation & legislation
- Rent Board
- Oakland Police Department Alcoholic Beverage Action Team (ABAT)
- Problem liquor stores/bars/cabaret enforcement

Public Safety & Risk Management Unit

- Police & Fire Department general and personnel advice
- Police development, training & investigations
- Negotiated Settlement Agreement/Police Department reform
- OES Emergency Services
- Force Boards & Vehicle Pursuit Boards
- Fire & Police personnel issues
- Public safety legislation & initiatives
- Community Policing Advisory Board
- Public Safety Committee

Redevelopment, Real Estate, Land Use & Development Unit

- Community & Economic Development Committee
- Economic development/neighborhood investment
- Redevelopment Successor Agency
- Oakland Army Base Project
- Oakland Base Reuse Authority (OBRA)
- Economic & workforce development
- Planning, building & neighborhood preservation

- Environmental remediation
- CEQA/NEPA
- Port of Oakland
- Eminent Domain
- Zoning
- Building Services
- Housing/subdivisions
- Natural resources/creeks/species

Highlights for the Advisory Division are included as ***Attachment B.***

Special Programs & Initiatives

Neighborhood Law Corps

Oakland's Neighborhood Law Corps (NLC) is a unit of newly licensed lawyers in the City Attorney's Office working to improve the quality of life in Oakland neighborhoods. The program is often described as "Legal Aid meets the Peace Corps," and has been recognized with awards including the *Gold Medal for Municipal Excellence* from the National League of Cities and the *Making Democracy Work Award* from the League of Women Voters Oakland.

The Neighborhood Law Corps is comprised of three newly licensed and highly qualified attorneys who could be making significantly more money in the private sector, but choose to dedicate two years to public service in Oakland at a salary commensurate to that of a first year teacher. Working closely with the community, police and other agencies, the unit focuses on protecting Oakland consumers, abating public nuisances and removing sources of crime in Oakland neighborhoods.

Since its inception in 2002, the Neighborhood Law Corps has worked to improve or shut down numerous problem liquor outlets contributing to blight, crime and other serious problems in Oakland neighborhoods. Neighborhood Law Corps attorneys also work with police and neighbors to close drug houses, and in numerous cases, the unit has forced landlords to clean up slum properties, stop unlawful eviction of vulnerable tenants, deal with crime and nuisance problems and comply with local and state laws.

NLC Highlights:

- In 2011, the Neighborhood Law Corps went to court and fought to close two hotels that were operating as centers of prostitution and child sex trafficking in Oakland: the Economy Inn and the National Lodge.

  The City of Oakland had declared the Economy Inn a public nuisance in 2005 based on years of complaints about drug and prostitution activity. However, prostitution and related crimes continued unabated at the hotel. In recent years, there were numerous incidents of rape, kidnapping and violence – many involving victims as young as 14 who were forced to work as prostitutes at the hotel. Both hotels have an appalling record of supporting and profiting from prostitution – an industry based on horrific abuse of women and girls in Oakland.

In December 2010, the Neighborhood Law Corps sued the Economy Inn and the National Lodge under California's Red Light Abatement Act (Penal Code § 11225). The law requires hotel owners to prevent prostitution at their properties, and allows the City to seek a one year closure, and other remedies, if the hotels fail to meet that responsibility. The City's lawsuits cite multiple incidents of crime and prostitution, including child prostitution.

In October 2011, the court ordered preliminary injunctions against both hotels. The injunctions required the owners to make some improvements to security, including the installation of security cameras. The City argued in court that the prostitution and crime would continue unless the hotels were closed.

The court ultimately ordered both hotels to remain closed for a period of one year – the maximum penalty allowed by state law. The judge also ordered the owners of the hotels to pay significant penalties and cover the City's legal and investigative costs related to the cases.

- In July 2011, the NLC, working with the Alameda County District Attorney's Office, prevailed in a lawsuit against a pair of infamous Oakland landlords responsible for years of inhumane living conditions at four Oakland apartment buildings.

  The Superior Court ordered landlords Hong and John Gardner to turn over possession of their properties to a court-appointed receiver, and banned the couple from ever owning multi-unit apartment buildings in the City.

  Significant health and safety problems have been documented for years at the Oakland properties owned by the Gardners. Problems have included infestations of cockroaches and mold, frequent water and power shut-offs, broken windows, crumbling balconies and broken security gates, as well as missing fire extinguishers, fire escapes and sprinkler systems. One building (on Seminary Avenue) caught fire last November. At the time, the building had no working smoke detectors.

- In March 2012, the NLC filed the first of several lawsuits against individuals arrested during a wave of vandalism associated with large demonstrations in Oakland.

Legislative Initiatives

In December 2011, the City Council voted to adopt a resolution opposing the US Supreme Court's decision *Citizens United v. Federal Election Commission*, which rolled back restrictions

on corporate spending in the electoral process. The resolution sponsored by the City Attorney's Office passed unanimously. The Supreme Court's 2010 decision ruled that corporate spending is constitutionally protected speech, and that corporations have the right to spend unlimited sums of money in elections.

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 2011-12, the Open Government Coordinator reviewed, responded to and facilitated more than 1,000 public records requests involving thousands of pages of documents.

Conclusion

We are proud to represent a progressive and innovative city where the law often is a powerful tool for community empowerment and improvement. We are dedicated to defending Oakland's policies in court and initiating legal action and other initiatives when our community's quality of life or economic interests are jeopardized. Our commitment to accountability, fiscal responsibility and fair, honest and open City practices continues to be the cornerstone of our work.

About Barbara Parker

Barbara Parker is the City Attorney for Oakland, California. She is a longtime Oakland resident and advocate for civil rights, women's empowerment and children's issues.

In November 2012, Oakland voters elected Parker to a full 4-year term as Oakland's City Attorney. She first took office in July 2011, when a majority of the City Council appointed her to serve the remainder of the term ending in January 2013. Parker is the first African American woman elected to citywide office in the City of Oakland.

In an award-winning legal career spanning almost four decades, Parker has developed extensive expertise as an attorney at all levels of government – federal, state and local – including more than five years as an Assistant United States Attorney for the Northern District of California, more than 10 years as Chief Assistant City Attorney (second in command in the Oakland City Attorney's Office) and an appointment to the State Judicial Council. Parker also has worked in the private sector for several major law firms and corporations.

Parker is a native of Seattle, Washington, where her parents migrated to escape the brutalities of legalized oppression and sharecropping in the rural, segregated South. She and her three siblings are the first generation in their family to attend college. She graduated from Harvard Law School in 1975 determined to use the law as a tool to help underrepresented communities. She is the proud parent of daughter Savannah Parker, a 2012 graduate of Spelman College, and the proud grandparent of Samuel Koda Clement, born in 2011. Parker resides in Oakland's Haddon Hill neighborhood near Lake Merritt.

Contact Information

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Attachment A: Litigation Highlights

- *Michael Turner v. City of Oakland, et al.* – Plaintiff, a parolee, claimed he was wrongfully arrested and detained in jail an excessive length of time. The arrest and parole hold followed a vehicle stop for expired tags during which officers found marijuana seeds and suspected hashish oil in the car. The 9th Circuit affirmed the district court's granting of defendants' motion to dismiss based on immunity theory.

- *GCP v. City of Oakland* – Defended against the inverse condemnation case and successfully obtained a $317,000 judgment for reimbursement for costs to shore up the crumbling hillside.

- *Ray C. Fuller v. City of Oakland* – Motorcyclist sought damages for injuries sustained after crashing on uneven pavement. Upon uncovering considerable evidence that Plaintiff's injuries pre-existed his accident and providing notice that we would seek costs if the City prevailed, Plaintiff filed a voluntarily dismissal. The insurance company's related subrogation was dismissed immediately thereafter as well.

- *Orozco v. City of Oakland* – In trip and fall personal injury matter, plaintiff voluntary dismissed (with prejudice) his case on the eve of a ruling on third discovery motion, which sought terminating sanctions.

- *Leon v. City of Oakland* – Plaintiff sought damages for interference with contract after City closed their bar (High Street Billiards). Simultaneously filed a discovery motion and a SLAPP suit. Plaintiffs then voluntarily dismissed with prejudice.

- *Dunbar v. City of Oakland* – Pro Per prisoner filed civil rights case against OPD. He suffered injuries during a gun fight that followed a high speed chase. The USDC case was dismissed on summary judgment.

- *Landry v. City of Oakland* – Plaintiff, a county employee, claimed Fire Department captain intentionally hit her with his car while she was issuing him a ticket. Case dismissed without leave to amend on successful demurrer on grounds the event happened while he was off duty, not in uniform and not in a City vehicle, and thus, outside the course and scope of his employment.

- *Wan v. City of Oakland & Martin v. City of Oakland* – Successfully argued that non-City contractors installed the defective sidewalk. City ended up paying a nuisance fee of $2,500 per case.

- *O'Guinn v. City of Oakland* – In trip and fall involving sidewalk defect in Jack London Square, negotiated settlement with significant share of liability falling on adjacent property owner after finding experts to testify sidewalk defect caused by improperly installed pipe underlying sidewalk. City paid only $12,500 of $35,000 total settlement.

- *Wadley v. City of Oakland* – In trip and fall involving sidewalk defect in East Oakland, negotiated settlement with significant share of liability falling on adjacent property owner

after prevailing in our opposition to property owner's motion to dismiss. City paid only $30,000 of $85,000 settlement.

- *Garth v. John Tennant Memorial-Episcopal Senior Communities, et al.* – Pro Per plaintiff filed civil rights case against OPD (among many other defendants) alleging civil rights violations and trespass. Case dismissed without leave to amend on successful demurrer on grounds too numerous to list briefly.

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Attachment B: Advisory Division Highlights

Public Works/Contracting

- Advised Public Works staff and City Council with respect to proposed settlement to litigation by the U.S. Environmental Protection Agency ("EPA")/California State/Regional Water Board ("Water Board") and Environmental Groups (Our Children's Earth, San Francisco Bay Keeper) with respect to Oakland's aging sewer collection system.
- Advised the City Council on the sewer lateral ordinance in connection with the EPA sewer lawsuit, which will help resolve infiltration and flow problems related to residential, commercial and industrial sewer pipes.
- Advised OFD and IT about scope and limits of participation in new Joint Powers Authority ("JPA") that will manage and govern the new public safety broadband communications system and assignment of Federal Communications Commission 700 MzHzwaiver/broadband lease to JPA.
- Advised the City Council and the City Administrator on contract issues with respect to the implementation of a new Municipal Identification system and negotiated and prepared agreement with the contractor that will operate the Muni ID system.
- Advised Public Works staff on the take-over and close-out by project contractor's surety, and project completion and close-out of the 81st Street Library, due to contractor bankruptcy and default.
- Advised Public Works staff with respect to emergency repairs of Oakland Museum warehouse.
- Negotiated and prepared amendment to Oakland Zoo Operation Agreement.
- Advised the City Administrator, Department of Information Technology and the Oakland Police Department with respect to police radio communications problems and contract issues resulting from the P25 Radio Upgrade Project.
- Advised Public Works staff with respect to request for proposals and procurement by the City for its Zero Waste Program for solid waste collection services, recycling services and landfill site disposal franchise agreements.
- Advised Council and Public Works staff with respect to community benefits program for garbage franchise agreements and Oakland Army Base.
- Advised Public Works Department with respect to the existing solid waste and recycling agreement with Waste Management.
- Advised Public Works and negotiated an extension of its CitiWorks computer program.
- Advised Public Works Department on procurement process involving a Request for Proposals and the negotiation of three new Franchise Agreements for solid waste/organics collection, recycling and landfill disposal.

- Advised and trained new Public Works Contracting Division with respect to processing professional services contracts and construction contracts and related bonds, insurance, and City contracting requirements and bid protests and contract disputes. Reviewed multiple contracts for new Division.
- Advised Department of Contracting and Compliance with respect to numerous professional services contracts and construction contracts.
- Advised Public Works staff with respect to major tree removal permit appeals.
- Advised on Public Works-related public infrastructure and design-build contract issues with respect to the Oakland Army Base development.
- Advised Council and Public Works staff with respect to litter and dumping issues on City right-of-way and on Caltrans freeway properties in Oakland.
- Advised Council and Public Works staff with respect to AC Transit Bus Rapid Transit project.
- Advised Oakland Fire Department and reviewed professional services contracts.
- Advised Parks and Recreation Department ("OPR") with respect to new catering agreements for recreations centers and OPR facilities.
- Advised Oakland Head start staff with respect to new janitorial services agreements for child care centers.
- Reviewed and advised on numerous Public Records requests.
- Advised OPD on police monitors professional services contracts with respect to Riders settlement and the Occupy Oakland events.
- Advised the Department of Information Technology and OFD with respect to server virtualization project at the Oakland Emergency Operations Center.
- Advised on Code for America fellowship contract which will have computer software fellows to develop new applications for the City of Oakland.
- Advised on Open Data Ordinance to have greater access by the public to City non-sensitive data for more open and transparent government and for the possible development of new applications and computer programs to assist the City and its staff provide information and services to the residents of Oakland.

Land Use/Development

- Advised on the preparation of master land use plans for five major planning areas of the City: Central Estuary, Broadway-Valdez, Lake Merritt BART Station, Coliseum area and West Oakland.

- Advised on the environmental review for redevelopment plan amendments to the Central District Urban Renewal Plan and the Broadway/MacArthur San Pablo Redevelopment Plan.
- Advised staff in the City's implementation of the Measure DD-funded public open space improvements, including updated design for Snow Park.
- Advised on legal issues regarding potential new baseball stadium for Oakland A's.
- Advised on legal issues regarding City's proposal to locate Lawrence Berkeley Laboratory facility in Oakland.
- 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, resulting in City Council approval of the Base Reuse Plan and Lease Disposition and Development Agreement.
- Advised staff, Planning Commission and City Council in numerous ongoing development project applications, including St. Johns Sanctuary (construction of new church); 222 19th Street development (42 story residential tower); two new Foods Co. grocery store locations; two Safeway locations in North Oakland; redevelopment of 1800 San Pablo Avenue; the AMG Senior Housing project (115 units); various hillside residential subdivision projects (including Pali Court, Felton Acres, Skyway Lane and Skyline Ridge).
- Advised on the environmental review and approval of redevelopment of Safeway shopping center at intersection of College Avenue and Claremont Avenue.
- Continuing to advise on the implementation of the approved redevelopment of the Foothill Square Shopping Center, including a new Foods Co supermarket.
- Continuing to advise on the approved Oakland Zoo expansion and assisted in successfully defending legal challenges to the approvals.
- Continuing to advise on implementation of 3100 unit Oak to Ninth redevelopment project.
- Continuing to advise on proposed development of a dog play area in Lake Merritt area.
- Continuing to advise on code compliance and land use issues associated with operation of Head Royce School.
- Advised staff and City Council on developer transfers under the Jack London Square development agreement to facilitate refinancing of the project.
- Continuing to advise on CEQA and environmental issues related to clean up of a former General Electric factory at 5441 International Boulevard.
- Advised on the environmental review and approval of a Local Hazard Mitigation Plan, which is incorporated into the City's General Plan Safety Element.

- Advised on the environmental review and approval of federally-funded 100 unit affordable housing project located at 2100 Martin Luther King Jr. Way (Cathedral Gardens), 16th and Jefferson affordable housing project, Erna P. Harris affordable housing project and numerous 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 in letter preventing resumption of alcohol sales in locations that had discontinued operations ("Loss of Deemed Approved Status" letters).
- Advised staff in the environmental review and adoption of the City's Draft Energy Climate Action Plan, as well as compliance with state climate change legislation (including SB 375) and the Air District's new Air Quality regulations, including Greenhouse Gases.
- Assisted staff in efforts to retain an Oakland-based Metropolitan Transportation Commission headquarters rather than a proposed relocation to San Francisco.
- Continuing to advise on the approved Bentley School (increase student enrollment to 360) 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.
- Continuing to advise staff in implementing the City's approved Housing Element.
- Advised staff on land use and environmental issues relating to the International Boulevard Transit Oriented Development plan.
- Continuing to advise staff, Planning Commission and City Council on federal, state and local telecommunications law, including establishment of design standards for projects located within the public right of way and applicability of Section 6409 of the Middle Class Tax Relief Act.
- Advised on draft regulations regarding laundromats.
- Advised on draft temporary conditional use permit regulations.
- Continuing to advise on interim regulations regarding mobile food vending.
- Staffed all City Planning Commission meetings and provide ongoing legal advice to Commissioners, and planning staff.
- Continuing to advise 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 the Phase 1 Final Development Plan and Final Subdivision Map.

- Assisted in implementation of vacant properties registration ordinance to monitor vacant foreclosed properties.
- Assisted in reviewing large-scale medical cannabis cultivation ordinance.
- Negotiated on behalf of City regarding potential CEQA litigation concerning Piedmont's Moraga Canyon Sports Field Complex and environmental impacts on City of Oakland.
- Advised on condominium conversion issues.
- Assisted in drafting amendments to Oakland's condominium conversion ordinance.
- Advised the Landmarks Preservation Advisory Board and attended Board meetings.
- Advised on municipal ID program and negotiated final vendor contract
- Advised on a variety of Subdivision Map Act issues relating to stalled developments.
- Advised on a variety of Building Services matters, including fee refunds and liens on foreclosed properties.
- 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.
- Reviewed legislation regarding regulation of cottage food operations.
- 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.
- Advised on development of donation box regulations.
- Advised staff on development of urban agriculture regulations.
- Advised staff on pre-application submittals for the Children's Hospital seismic expansion and the East Oakland International Distribution Center (180,000 sq. ft. cold storage facility) at San Leandro Street and 98th Street.
- 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.
- Advised on street vacation issues pertaining to Arcadia Park subdivision.
- Advised on City's Parklets program and assisted in drafting related documents (application, encroachment permit, etc.)
- Advised on right of entry agreements.

Redevelopment/Real Estate

- Advised City staff regarding existing and prospective agreements with outdoor advertising companies to construct or relocate new signs in return for demolition of numerous billboards throughout the City and for substantial monetary contributions to the City's General Fund.

- Advised staff and City Council on numerous complex issues arising from state legislation eliminating redevelopment agencies, including follow-up legislation. Reviewed and advised on the California Supreme Court decision upholding dissolution. Drafted legislation transitioning functions and assets from the Redevelopment Agency to the successor agency and housing successor, and assisted staff in the transition. Advised on employment and budget issues raised by redevelopment agency dissolution. Drafted and reviewed documents for predissolution transfer of assets to City. Reviewed drafts and advised on Recognized Obligation Payment Schedules ("ROPS") I and II, and advised on numerous issues raised during review by the California Department of Finance ("DOF") of the ROPS, including several successful challenges to DOF rejection of ROPS funding items. Assisted in drafting housing asset inventory. Advised on payment of "true-up payment." Advised on "clawback" issues involving the State Controller, and assisted in preparation of the report on asset transfers to the Controller. Drafted legislation creating and establishing the Oakland Redevelopment Successor Agency ("ORSA"). Assisted in establishing the Oakland Oversight Board, drafted rules of procedure for the Board, and helped recruit legal counsel for the Board. Attended Oakland Oversight Board meetings, made presentations on a variety of dissolution issues, and represented the City's and ORSA's interests before the Board. Monitored state legislative proposals to enact new economic development programs.

- Advised staff and negotiated with developer and lender attorneys on the transfer of several affordable housing projects owned by defunct Oakland Community Housing, Inc. ("OCHI") to new ownership. Advised on foreclosure sales on several former-OCHI properties. Successfully completed the transition of all former OCHI properties to new ownership in 2012.

- Closed affordable housing development loans on several projects, including construction of Cathedral Gardens in North Oakland, rehabilitation of the California Hotel in West Oakland, rehabilitation of James Lee Court in downtown Oakland, rehabilitation of Effie's Housing, rehabilitation of Eldridge Gonaway Apartments, construction of MacArthur Apartments in East Oakland, rehabilitation of Madison Park Apartments in downtown Oakland, construction of the Brookfield Court homeownership project in East Oakland, and refinancing of the affordable housing portfolio of East Bay Asian Local Development Corporation.

- Reviewed legislation expanding the use of the Affordable Housing Trust Fund.

- Provided ongoing legal advice to Project Area Committees for Central City East, West Oakland, and Broadway/MacArthur/San Pablo redevelopment project areas, including advice on dissolution issues.
- Provided ongoing legal services to Oakland Workforce Investment Board (WIB), and advised WIB and staff on transition of workforce investment system to City.
- Drafted and negotiated numerous funding contracts with providers of workforce development services to adults and youth.
- Provided legal advice and services on successful passage of major redevelopment plan amendment extending time limits and fiscal limits for Central District Redevelopment Project Area.
- Provided legal advice and services on major redevelopment plan amendment expanding Broadway/MacArthur/San Pablo Redevelopment Project Area, later abandoned.
- Continued negotiation on affordable housing agreements and other implementation of the Owner Participation Agreement for MacArthur BART Transit Village.
- Drafted and negotiated agreements with AC transit and funding agencies for the Broadway Shuttle service.
- Negotiated an Exclusive Negotiating Agreement for the Coliseum City project.
- Negotiated extensions to an Owner Participation Agreement, as well as a parking agreement, for the 1100 Broadway project.
- Negotiated revisions to an Affordable Housing Agreement implementing the settlement of the Pacific Renaissance lawsuit.
- Reviewed funding agreements for the Broadway Basement Backfill program to assist downtown business owners/tenants.
- Drafted and negotiated grant agreements for dozens of community projects under Neighborhood Projects Initiative programs in Coliseum, West Oakland, Broadway/MacArthur/San Pablo, and Central City East redevelopment areas.
- Negotiated and finalized complex Lease Disposition and Development Agreement and related documents (e.g., Property Management Agreement, Community Jobs Agreement, etc.) with the Master Developer for an estimated half-billion dollar development on the City-owned Gateway portion of the former Oakland Army Base. The development calls for the construction of a multiuse industrial, warehouse, commercial, and maritime project compatible with Port of Oakland operations, that is expected to provide numerous new jobs, including jobs for Oakland residents, and economic revitalization of an important West Oakland facility.

- Advise staff in ongoing negotiations and related issues regarding Army Base Gateway development matters, such as the design-build contract for the City's public improvements and a Project Labor Agreement.
- Advised staff on 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.
- Continued to advise City staff and reviewed contracts for services at the Army Base.
- Advised City staff on the supervision of the City's new Army Base property manager of the Army Base Leasing Program.
- Continued to represent the City and the former Redevelopment Agency in litigation over environmental matters concerning a tenant at the former Oakland Army Base.
- Continued complex negotiations with the Army, Department of Toxic Substances Control and the Regional Water Quality Control Board over funding of environmental remediation oversight costs 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, as needed, the 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.
- Assisted staff in negotiating an agreement with BART for a 19th St. Bike Station.
- Advised City staff on negotiating and managing City-owned parking facilities.
- Provided legal counsel to the Oakland Rent Board.
- Successfully defended Rent Board regulation on illegal unit evictions.
- Continued to advise staff on issues related to contracts and loans for the Fox Theater.
- Addressed Fox Theatre development audit issues.
- Handled administrative writs contesting Rent Board decisions.
- Negotiated lease with Awaken Cafe.

- Negotiated, revised and executed a number of leases/licenses and amendments (e.g. Nneka, Betti Ono Gallery, etc.).
- Negotiated, drafted/revised, and executed leases for a number of Head Start programs.
- Negotiated, drafted, and executed many rights of entry to facilitate beneficial use of City properties.
- Negotiated several leases with the Port of Oakland.
- Continue to provide advice on real property acquisitions for 42nd and High Street project.
- Advised on issues regarding amounts due to City from the Port for provided services.
- Advised on issues pertaining to the Warriors practice facility and office on Scotlan Convention Center.
- Advised on title and subdivision issues pertaining to the Kaiser Convention Center and Oakland Museum.
- Advised and negotiated termination of Tully's lease.
- Advised on refinancing of the Rotunda Building.
- Advised on One Toyota agreement under City's business incentive program.
- Advised on Caltrans Purchase & Sale Agreement related to Army Base.
- Advised on lease documents for temporary use of commercial spaces at 150 Frank Ogawa Plaza.
- 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 on issues related to the proposed development of a multiuse complex in the Coliseum area that includes the Oakland A's Baseball team stadium.

Public Safety

- **Overhauled the Oakland Municipal Code regulations for Secondhand Jewelry dealers.** As directed by the City Administrator, made the operating standards more extensive and strict. Created new enforcement procedures to hold secondhand jewelry dealers accountable for violations of the OMC provisions on secondhand jewelry dealers.

Repealed and amended all outdated OMC provisions for secondhand jewelry dealers to avoid conflicts with state law.

- **Responded to EOC Activation and Remained on Legal Stand By During Several Public Protests from October 2011 through May 2012**. Developed SME in the area and participated in League of California Cities panel. Advised OPD on constitutionally permissible crowd control practices, orders to disperse, use of force, mass arrests, handling hostile crowds. Provided training, advice and consultation. Researched and analyzed 9th circuit case law to flesh out outlines, summaries and memos about the legal parameters and recommended legal strategies for reducing claims and lawsuits.
- **Successfully obtained civil injunction against defendants in highly-contested Norteños Gang Injunction case**. Prosecuted the case while ensuring due process for the defendants, including notice, service and the opportunity to be heard. Secured remedial measures to protect Fruitvale residents and community against gang shootings, firearm offenses and intimidation tactics by the gang.
- In the North Side Oakland gang injunction case, successfully defeated defendant Yancie Young's appeal to the US Supreme Court.
- **Negotiated Settlement Agreement (NSA)** Assisted in furthering implementation of the police reforms through provision of legal advice, consultation, policy revisions, research and training. Advised the Mayor, City Administrator, Police Chief, Office of Inspector General/OPD on legal matters and reform implementation issues. Attended meetings with the federal monitors, plaintiffs' attorneys and police union attorneys. Developed legal strategies to help City address compliance deficiencies.
- Negotiated the new AMOU which reduced active monitoring tasks from 22 to 13; also negotiated the second contract with the monitors and the plaintiffs' fees agreement.
- Represented City in court and filed pleadings showing City's work and progress with police reforms; supervised outside counsel.
- Advised the Mayor, City Administrator, Chief, Office of Inspector General /OPD on legal matters and reform implementation issues.
- Prepared Council reports and advised the Council on case status.
- Prepared City employees for court testimony and appearances.
- Attended meetings with the federal monitors, plaintiffs' attorneys and police union attorneys and helped City develop action plans to further reform implementation.
- Consulted with federal monitors, reviewed monitors' quarterly reports and attended monitors' meetings.
- Reviewed OPD Executive Memos to the monitor.

- Extensively researched and then drafted gun loitering ordinance and advised Councilmember Kaplan on the constitutionality of said ordinance and state law restrictions and preemption challenges.
- Coordinated and facilitated responses to dozens of Public Records Requests. Resolved a dispute between the Mayor's Office and the Oakland Tribune over a public records request for polling dated cited by the Mayor.
- **Special Prosecution Team** Prosecuted hundreds of quality-of-life misdemeanors for offenses involving vandalism, petty theft, prostitution, animal cruelty, property damage and graffiti. Negotiated plea bargains and other settlements, initiated intervention services and restorative justice efforts in appropriate cases. Facilitated the closure of the program due to its elimination by Council during the budget process.
- Prosecuted hundreds of cases based on OMC 9.08.260, the City's new loitering for prostitution, solicitation for prostitution, and recruiting a prostitute ordinance – Spring-Fall 2011.
- Trained OPD officers on how to apply a variety of OMC ordinances that address quality of life issues such as vandalism, open alcohol containers, etc. (Winter 2011).
- Drafted city ordinance making it a local crime to engage in pimping, soliciting and committing prostitution offenses and authorizing City to prosecute violations.
- Drafted ordinance making it a local crime to use vehicles for the purpose of furthering prostitution crimes.
- Studied and analyzed hot spots and crime trends in Oakland and trains police officers on methodologies to improve investigations and documentation of evidence.
- Prosecuted hundreds of quality-of-life misdemeanors in criminal court for chronic offenses involving vandalism, petty theft, prostitution, animal cruelty, property damage and graffiti. Negotiated plea bargains and other settlements and focused on other intervention services and restorative justice programs in appropriate cases.
- **Prostitution OMC Ordinances** Drafted entirely new ordinances prohibiting prostitution, solicitation and related activities through the enforcement of criminal and civil remedies.
- Contracts – reviewed, edited and approved PSAs and MOUs for OPD.
- Council Meetings and Legislation – staffed the Public Safety Committee meetings; reviewed, edited and approved resolutions and ordinances and hundreds of reports.
- Labor/IA/Personnel – Advised staff on administrative investigations and reviewed researched and edited IA reports.
- Force Boards – Advised force boards on OIS and uses of force; staffed Board meetings; researched and prepared legal memos.

- Animal Shelter – reviewed agency regulations; research and advised on matters re vicious dogs, retention policies; provided advice to hearing officers handling appeals; represented City in court proceedings.
- Advised and reviewed large-scale police response and operation plans to occupy and other protests.
- Supervised Criminal Prosecution Unit and ABAT/Code Enforcement attorney.
- Advised the City Administrator on legal issues relating to the City's obligations under the NSA. Provided relevant documents and samples of reform implementation and strategic remedial plans from the state of California case in Plato v. State of California.
- Wrote legal opinions on PPR related to police records, vehicle tows, etc.
- Provided advice to the City's Force Board and Executive Force Review Board on matters pertaining to police use of force, including use of deadly force.
- Assisted the public with concerns related to PRRs, vehicle tows, property damage resulting from law enforcement actions, return of property confiscated in the course of police action.
- Advised the City Administrator, Mayor and the Police Department on hundreds of PRRs related to Occupy Protests, OPD contracts, arrests, etc. Answered public records questions from the public and City staff.
- Participated in POST Training on First Amendment, Public Forums and Assemblies and Law Enforcement crowd control measures and best practices.
- Conducted legal training on Crowd Control measures and best practices with the League of California Cities.
- Advised NCPCs re handling of disruptive, dangerous persons.
- Advised mayor and CPAB re bylaws and residency requirements for qualifications of CPAB members.
- Reviewed hundreds of contracts and grant agreements for the City Administrator and OPD staff reports, ordinances and resolutions related to public safety. This includes agreements and numerous services contracts and grant agreements.
- Reviewed hundreds of City Administrator and OPD staff reports, ordinances and resolutions related to public safety.
- Advised on administrative investigations, policy compliance and disciplinary matters.
- Worked with affected communities, City Neighborhood Services Coordinators and the Oakland Police Department on safety initiatives related to street gangs.
- Advised City Council, OPD and other City Departments on legal and implementation matters.

- Advised Animal Shelter Director and hearing officers on due process requirements, animal control regulations, search and seizure, developing evidentiary records and proper handling of administrative hearings and issued several legal advisories.
- Reviewed several decisions of administrative hearing officers and provided advice.
- Responded to inquiries from constituents, city departments and the Council on dangerous and abused animals.
- Represented City and defended decision of administrative hearing officers in court.
- Issued legal memos and policy advisories on OPD vehicle tow policies and protocols.
- Advised OPD on due process, noticing requirements, administrative hearings and record keeping requirements.
- Reviewed OPD notices and vehicle forfeiture forms and provided advice.
- Met with OPD employees on vehicle traffic and nuisance issues.
- Responded to Council and constituent inquiries.
- Provided advice to City and OPD on special events permits, marches and demonstrations. Provided advice to OPD on crowd control related to date, time and place restrictions, sidewalk encroachments, facilitation of marches.
- Provided advice to OPD on the legal and policy requirements of OPD's crowd control policy.
- Issued legal memo on officers pointing of firearms.
- Advised Chief, Internal Affairs and Force Board members regarding appropriate administrative investigations, credibility assessments, and preponderance of evidence and witness interviews.
- Attended numerous OPD Force Board hearings on Levels 1 and 2 incidents and provided advice on the use and application of the baton, Taser, pepper spray and deadly force.
- Responded to the scene of various officer-involved shootings and met with OPD employees and investigators.
- Advised the City Council on state gun laws, drafted local legislation, prepared council reports and attended council meetings.
- Advised OPD on gun permit applications.
- Worked with City and the parties requesting records to ensure that City complies with Sunshine and Public Records Act requirements.
- Researched public records laws and issued legal advisories to OPD on several cases.

- Coordinated with City departments the review and appropriate response to subpoenas for records, deposition subpoenas and Pitchess motions for peace officers' personnel files.
- Advised the Office of the Chief, Internal Affairs, CID and the Court Liaison on legal matters.
- Appeared in Court to defend City's position, filed motions and negotiated resolutions with the moving parties.
- Researched policies and best police practices in the areas of police use of force, foot pursuits, vehicle pursuits, vehicle abatements, force and other misconduct investigations, high-risk vehicle stops, pointing of a firearm, stop data analysis.
- Negotiated the voluntary shut down of an illegal bingo hall operating in foothill square (East Oakland) in winter 2011.
- Advised the City Administrator, Department of Information Technology and the Oakland Police Department with respect to police radio communications problems and contract issues resulting from the P25 Radio Upgrade Project.
- Worked with Contract Compliance and OPD to establish a protocol for review and approval of OPD contracts.
- Advised Oakland Fire Department and reviewed professional services contracts.

General Government/Finance

- Advocated to keep Metropolitan Transportation Commission offices in Oakland.
- Brought litigation against online retailers of hotel rooms based on their underpayment of the City's Transient Occupancy Tax.
- Guided the City Council to avoid conflicts of interest in the decision making in the historic amendments to the City's zoning ordinance.
- Supervised City's litigation against municipal bond guaranteed investment contract brokers and issuers for bid-rigging.
- Supervised City's litigation against municipal bond insurers.
- Advised the City Administrator regarding various issues regarding to the Police and Fire Retirement System
- Won lawsuit seeking return pension overpayments from the Police and Fire Retirement Pension Fund.
- Supervised litigation against online retailers of hotel rooms based on their underpayment of the City's Transient Occupancy Tax.

- Advised the City's Tax Administrator regarding Oakland's taxes 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 uses of monies including grants proceeds, tax-exempt bond proceeds, special tax revenues, and other restricted funds.
- Advised the Office of City Auditor regarding the interpretation and application of City Charter provisions and ordinances.
- Defended the City Clerk in a challenge against the issuance of the sample ballot for the November 6, 2012 election.
- Issued a formal public opinion and gave public presentations on the law regarding Mayoral recall elections.
- Issued formal public opinion on the applicability of ranked choice voting to Mayor's election after recall.
- Assisted the public in resolving contested parking citations and guided citizens in the appeals process.
- Answered public records questions from the public and City staff.
- Clarified the City Charter's mandate for the City Auditor's budget and independence.
- Advised the Wildfire Prevention Assessment District Advisory Committee on the proper use of district funds.
- Reviewed hundreds of contracts, grant agreements, staff reports, ordinances and resolutions. This includes more than 100 Kids First grant agreements and numerous services contracts and grant agreements for programs for children & families, Head Start, youth and adults & seniors.
- Provided regular verbal and written advice to over 30 departments, commissions, divisions and agencies.
- Issue the public's guide to initiatives and referenda.
- Initiated repeal of obsolete ordinances.
- Assisted the Parks and Recreation Department in establishing fixed park hours.
- Assisted the City Administrator in extending contract to provide security services in the downtown area.
- Reviewed Port of Oakland's Conflict of Interest Code for City Council approval.
- Issued City-wide advisory on City Council interference prohibitions of City Charter Section 218.

- Defending in the Court of Appeal the Superior Court order imposing injunction against the Norteños street gang.
- Reviewed First Amendment issues arising out of leafleting at private shopping areas.
- Drafted updated City of Oakland Conflict of Interest Code covering key City decision makers.
- Drafted ordinance banning tools of violence and vandalism from street protests
- Investigated and filed lawsuit on behalf of City and Successor Agency seeking an award of Civil Penalties and damages arising out of false documentation submitted with reimbursement requests in multiple façade improvement and In-Fill projects grants.
- Represented the City in the issuance of Oakland-Alameda County Coliseum Authority, $122,815,000 Lease Revenue Bonds (Oakland Coliseum Project) 2012 Refunding Series A.
- Represented the City in the issuance of Oakland-Alameda County Coliseum Authority, Lease Revenue Bonds (Oakland Coliseum Arena Project), 1996 series A-1 and A-2, Letter of Credit Replacement.
- Represented the City is the issuance of $212,540,000 Taxable Pension Obligation Bonds, Series 2012.