Annual Report

FY2013-14

Oakland City Attorney's Office

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Contents

Year in Review ____ 1
Office Profile ____ 4
Financial Summary ____ 5
Outside Counsel ____ 7
Litigation Division ____ 10
Payouts ____ 16
Advisory Division ____ 22
Special Programs & Initiatives ____ 25
Conclusion ____ 30
Attachments: Litigation & Advisory Highlights ____ 31

PURPOSE

As mandated by the City Charter, we serve as legal counsel to the Mayor, City Council and City departments, boards and commissions in their official capacities; render advice and opinions in the City's interests; represent the City in legal proceedings and settlement negotiations; draft and approve as to form and legality legislation, contracts and other legal documents, and; defend the City's policies and laws, uphold the City's and its residents' rights, and initiate legal action to protect the community's health, welfare, quality of life and economic interests.

MISSION

Our mission is to provide the highest quality legal services, promote open government and accountability to the residents of Oakland in accordance with the letter and spirit of the law and apply the law in an innovative and community-oriented manner to improve the quality of life in Oakland. We accomplish this mission by constantly pursuing excellence, professionalism and a workforce that values and reflects the diversity of the Oakland community.

Year in Review

Purpose & 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-notch legal advice and counsel to the Mayor, City Council, City Auditor, City Administrator and City departments, boards and commissions in their official capacities. 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 all Oaklanders.

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

The Annual Report for FY 2013-14 details financial results, litigation trends, advisory work and special initiatives that the Office undertook during the fiscal year beginning on July 1, 2013 and ending June 30, 2014.

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.

- Promote open and honest government by making sure that everyone knows and plays by the same rules and that the public has access to and knows what the government is doing through our public legal opinions and advice on legal matters including the City Charter, open meeting laws, public records, elections, conflicts of interest and constitutional guarantees.

- Advocate for equal opportunity, diversity, justice and a level playing field.

- 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 municipal law, making it possible to meet demands more efficiently and effectively.

Financial Highlights

The City Council's FY 2013-14 budget restored two attorneys and one legal secretary to the City Attorney's budget following a decade of budget cuts that eliminated more than one-third of staff. The FY 2013-14 budget for staff and operating costs was **$15.46 million**, an increase from the previous year due to the City Council's addition of the three new positions and salary and benefit increases mandated by the Memoranda of Understandings with the City's bargaining units.

The Council adopted the Mayor's budget proposal to restore three positions in the City Attorney's Office in response to our advice over the course of a number of years that budget cuts to the Office would not reduce costs; instead they exacerbate the budget deficit because the City Attorney must retain more expensive and less efficient outside counsel to assist the City Attorney in performing her Charter-mandated duty to provide legal advice and counsel, review contracts and legislation and represent the City in litigation and administrative proceedings.

The cost of outside counsel in FY 2013-14 was $2.39 million less than the previous fiscal year, a decrease of more than a third (35%). The total cost of outside counsel this year was **$4.47 million** compared to $6.86 million in FY 2012-13. This savings was **3.6** times the total annual cost of the three new positions.

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 filed against the City. In FY 2013-14, the City paid **$11.63 million** to claimants and plaintiffs primarily due to several high liability cases.

Litigation Highlights

Four hundred seventy four (474) claims were filed against the City in FY 2013-14. This was well below the 5-year average of 558. In FY 2013-14 **130** lawsuits were filed against the City compared to 153 the previous year.

The City Attorney's Office aggressively manages liability at the claims stage to limit expensive lawsuits. This year, only **1.25%** of all claims evolved into lawsuits, underscoring the effectiveness of this strategy.

The City Attorney's Office's legal team played a critical role in representing the City in the U.S. Environmental Protection Agency's **clean water lawsuit** against Oakland and other East Bay cities and negotiating a landmark settlement that will upgrade Oakland's and other East Bay cities aging sewer systems and stop overflows into ground water and the Bay. During this fiscal year, the Litigation Division also represented the City in a number of **Occupy Oakland**-related lawsuits.

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 continued to be a critical partner in a number of major projects and initiatives in FY 2013-14. Examples: the historic development of the former **Oakland Army Base**, ongoing **reform of the Oakland Police Department** under federal court oversight and **negotiations with the Oakland A's** regarding the team's new lease at the Oakland Coliseum.

REFLECTING OAKLAND'S DIVERSITY

With a staff of about **66%** women and **66%** people of color, the Oakland City Attorney's Office continues to be one of the most diverse legal teams in the country.

As of June 30, 2014, our team of dedicated professionals included:

36 attorneys – City Attorney, 2 Chief Assistant City Attorneys, 1 Special Counsel, 7 Supervising Deputy City Attorneys, 20 Deputy City Attorneys and five Neighborhood Law Corps attorneys

26 support staff – Executive Assistants Paralegals, Legal Secretaries, IT staff, Open Government Coordinator and operations managers.

Office Profile

The City Attorney's Office has four major functional teams: Executive Team, Advisory Division, Litigation Division and Operations Group.

Advisory Division

The Advisory Division provides legal services that address the full spectrum of municipal affairs. Examples include drafting legislation and contracts, providing advice on housing and economic development projects, providing advice on labor and employment matters, land use, negotiating real estate transactions and providing advice regarding finance, municipal bonds, retirement, benefits, elections, tax, constitutional law, ethics and conflicts of interest. The Advisory Division also includes the Neighborhood Law Corps, which initiates 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 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. At the same time, when the City's liability is clear, as public servants we advocate for a fair and just resolution.

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 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).

BY THE NUMBERS

- City Attorney's Office total budget: $15.46M
- Litigation Expenses: $1.04M
- Total cost of outside counsel: $4.47M
- Total City payouts for claims & lawsuits: $11.63M
- Total payouts for police matters: $6.36M (including insurance payments)
- Total payouts infrastructure matters: $4.03M (including insurance payments)
- Revenue recovered: $297,236

Financial Summary

The budget for the City Attorney's Office pays for staff, operations and maintenance expenses. For the Fiscal Year 2013-14, the Office's operational budget was **$15.46 million**, approximately the same as recent fiscal years. If staffing remained constant, this number would have increased over the years due to higher overhead costs (e.g. increasing medical and retirement costs and MOU-mandated merit, step and cost of living increases) and operating expenses. However, the budget remained relatively constant in recent years due to staff cuts.

The City paid **$11.63 million** to resolve claims, settle lawsuits and satisfy judgments. The City's insurance carrier paid an additional total of $2.95 million to settle two major litigation cases because certain settlements and judgments exceed the City's deductible of $3 million per claim (see **Table 3** later in this report). The City Council authorizes settlements of all claims and lawsuits that exceed $5,000.

Litigation expenses (court fees, expert consultation, testimony, preparation, reports and investigations, deposition costs and transcripts, court-ordered mediation costs, arbitrator fees and arbitration expenses, etc.) totaled **$1.04 million**, $560,000 less than the prior fiscal year.

Note: *The total numbers in this Annual Report may include final tallies from the City's accounting office that were not available when the previous year's Annual Report was published. 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. We join class action lawsuits or other litigation when Oakland's interests are harmed, 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 made to the City.

In FY 2013-14, the City Attorney's Office's advocacy recovered **$297,236** in revenue for the City. The City collected most of that amount ($229,804) as a result of lawsuits against two hotels that operated as hubs of human trafficking in Oakland. The court ordered both hotels to shut down for a year, the maximum amount of time allowed by state law, and ordered the hotel owners to pay significant penalties to the City.

In FY 2013-14, the Office secured a **record $15.1 million judgment**, plus $610,693 in attorney fees and costs, against a fraudulent immigration consulting firm that preyed on Oakland families seeking legal residency in the U.S. The judgment against American Legal Services was the largest award ever secured by the City Attorney's Office in litigation, and likely the largest judgment under California's Immigration Consultants Act. The owners of the operation reportedly fled the country. However, we are investigating their assets and will seek to recover as much as possible. So far, we have recovered about $200,000 in separate settlements with insurance company defendants.

Outside Counsel

Protocol

Like other cities and counties, Oakland hires outside counsel to handle legal work (1) when outside expertise 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 (4) when the Office lacks in-house capacity to handle the volume of legal work.

In FY 2011-12, the City Attorney for the first time established 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/.

The main purposes of the RFQ process are to save taxpayer dollars by encouraging competition, increase transparency and open up the hiring process to a larger and more diverse pool of qualified firms/attorneys. The City Attorney's protocol is consistent with the City's policy to encourage and work with local and diverse businesses. A firm's diversity and whether it is local are factors in selection of outside counsel.

Cost Analysis

In FY 2013-14, the cost of outside counsel was **$4.47 million**, down **35%** from the previous fiscal year.

The significant decrease in outside counsel expenses was due in part to the addition of new in-house staff positions included in the City's current budget. The total annual cost of the three new positions added to the City Attorney's Office this year was $659,722, including salaries and benefits. The reduction in outside counsel expenses was **3.6 times** the annual cost of the three new positions. In other words, by restoring in-house positions to the City Attorney's Office, the City saved 3.6 times the annual cost of the new positions.

As we have advised in previous Annual Reports, 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 the City is addressing. For example, events such as the dissolution of state's redevelopment agencies, the U.S. Environmental Protection Agency's Clean Water Act lawsuit, garbage and recycling franchise

negotiations, the Oakland Army Base development and other major projects and cases may necessitate significant outside counsel expenses in any given year.

***NOTE ON OUTSIDE COUNSEL TIMELINE:**

Costs for FY 2005-06 spiked due to one case (Pacific Renaissance).

During the decade preceding FY 2013-14, budget cuts eliminated more than a third of the City Attorney's staff (19 attorneys and 14 support staff). These were actual "bodies" that went out the door, not vacant positions or transfers of employees from the General Purpose Fund to other funds. The City Attorney lost positions every year between FY 2002-03 and FY 2011-12, and gained no new positions in FY 2012-13. This year, for the first time since the budget cuts began, the City Council's budget restored two attorney positions and one legal secretary position to the Office. In sum, FY 2013-14 was the first year we gained any new staff members since before layoffs started in FY 2002-03.

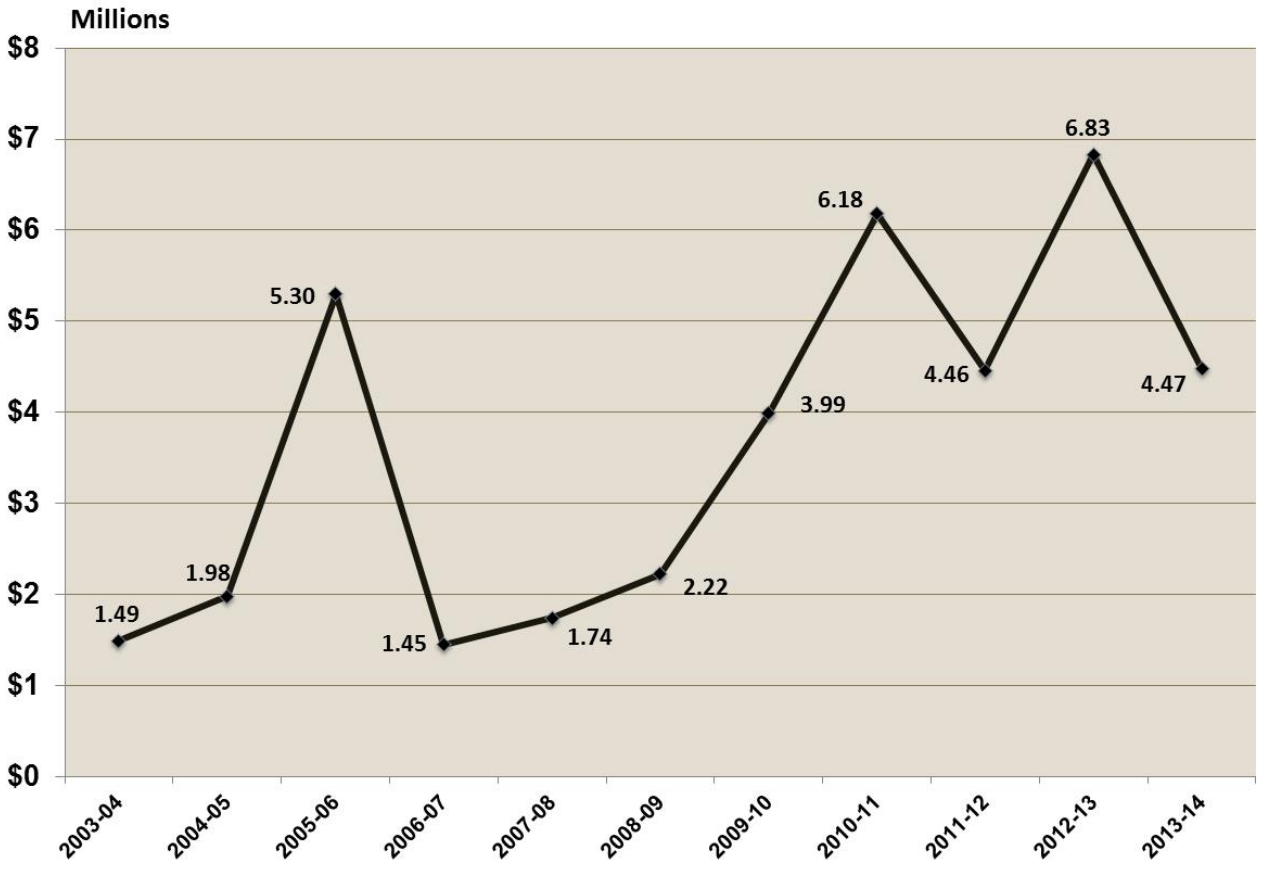

Figure 1: Outside Counsel Timeline*

In numerous reports to the City Council, including our Annual Reports, we demonstrated that contracting out legal services to more expensive outside attorneys and firms increases the total

NOTE ON OUTSIDE COUNSEL COSTS:

When the City Attorney hires outside counsel for lawsuits, experts, etc., payments typically are made from the City's **Self-Insurance Liability Fund ("SILF")**. However, when we retain outside counsel to provide advice on a City project, e.g., development of the former Oakland Army Base, payments may be made from funds allocated to cover anticipated project costs.

This year, payments to outside counsel from City funds other than the SILF totaled about **$980,000** and included:

- **$31,509** from the Redevelopment Successor Agency (real estate acquisitions, etc.)
- **$430,080** from the Oakland Base Reuse Authority fund (Army Base)
- **$414,422** from the sewer service fund (collections & EPA lawsuit)
- **$92,820** from the recycling program fund (waste collection contract)
- **$12,466** from Measure B Alameda County Transportation Improvement Authority (eminent domain, etc.)

cost of legal services and reduces the money available for other vital City services such as police, libraries, sidewalks and streets.

In our budget proposal for the two-year FY 2013-15 budget, we again advised the Council that the higher cost of outside counsel outweighed the savings the City 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 $6.38 million, an increase of $4.64 million. In other words, Oakland spent much more on outside counsel than it saved by cutting in-house legal staff.

Of course, 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 educating, assisting and supervising outside attorneys, taking time away from other work. This is not the most effective model for building and maintaining the expertise and capacity of the City's legal department, nor does it achieve the goal of saving taxpayer dollars.

The Council's decision to restore staff positions to the City Attorney's Office helped to reduce the cost of outside counsel and the overall cost of legal services in FY 2013-14. The new positions made it possible for the City Attorney's Office to handle a significant amount of work in-house that we otherwise would have had to contract out.

It is important to note again that major and/or specialized legal matters such as the Waste Management franchise negotiations and lawsuit, the EPA Clean Water Act lawsuit, Oakland Army Base redevelopment and the Oakland A's License Agreement negotiations will require assistance of outside counsel. The cost of outside counsel will vary each year depending on the types and number of legal issues/matters and time constraints given our in-house resources. However, as the above cost analysis shows, restoring/adding additional staff in future years will continue to decrease outside counsel expenses.

BY THE NUMBERS

- Claims filed against the City: 474
- Claims resolved: 648
- Claims resolved with no payment of money: 356
- Claims resolved for more than $25,000: less than 1%
- Claims that evolved into lawsuits: 1.25%
- Lawsuits filed against the City: 130
- Lawsuits resolved with no payment of money: 61

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 from 572 to **474** this year. This number remains well below the five year average of 558.

Since FY 2007-08, when the City received 668 claims, the number of claims filed against the City has dropped steadily every year.

Table 1: Types of Claims Received

Category	2009-10	2010-11	2011-12	2012-13	2013-14	5-year average
Municipal Infrastructure*	367	358	351	384	324	357
Police Matters**	110	93	101	86	62	90
City Vehicle Accidents	79	64	45	69	70	65
Other	67	67	43	33	18	46
Total Claims/Year	**623**	**582**	**540**	**572**	**474**	**558.2**

*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 Results

In FY 2013-14, the majority of claims were resolved for $0. Of the 648 claims resolved this year, **55%** were resolved with no payout whatsoever. Less than 1% of claims resolved this year resulted in a payout of more than $25,000.

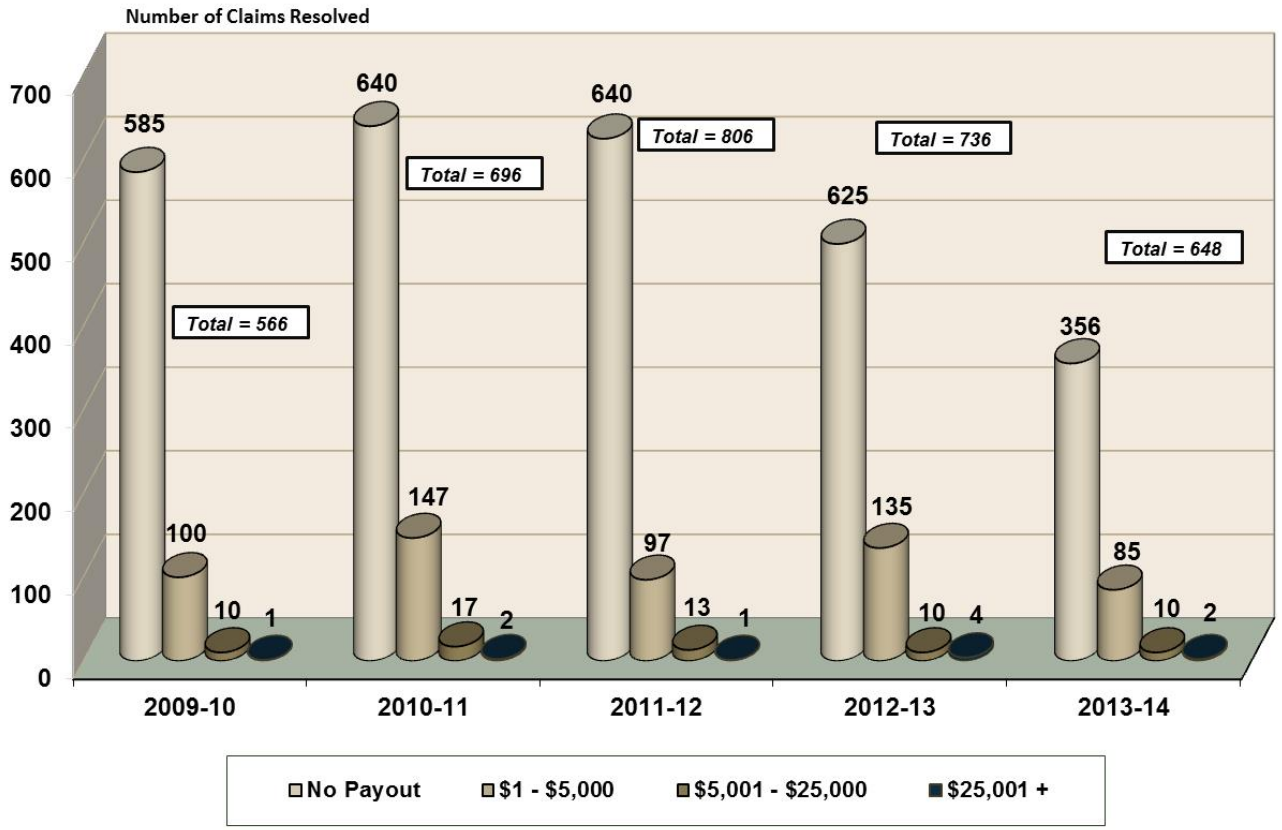

Figure 2: Claims Resolved Over 5 Years

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 **1.25%** of claims turned into lawsuits.

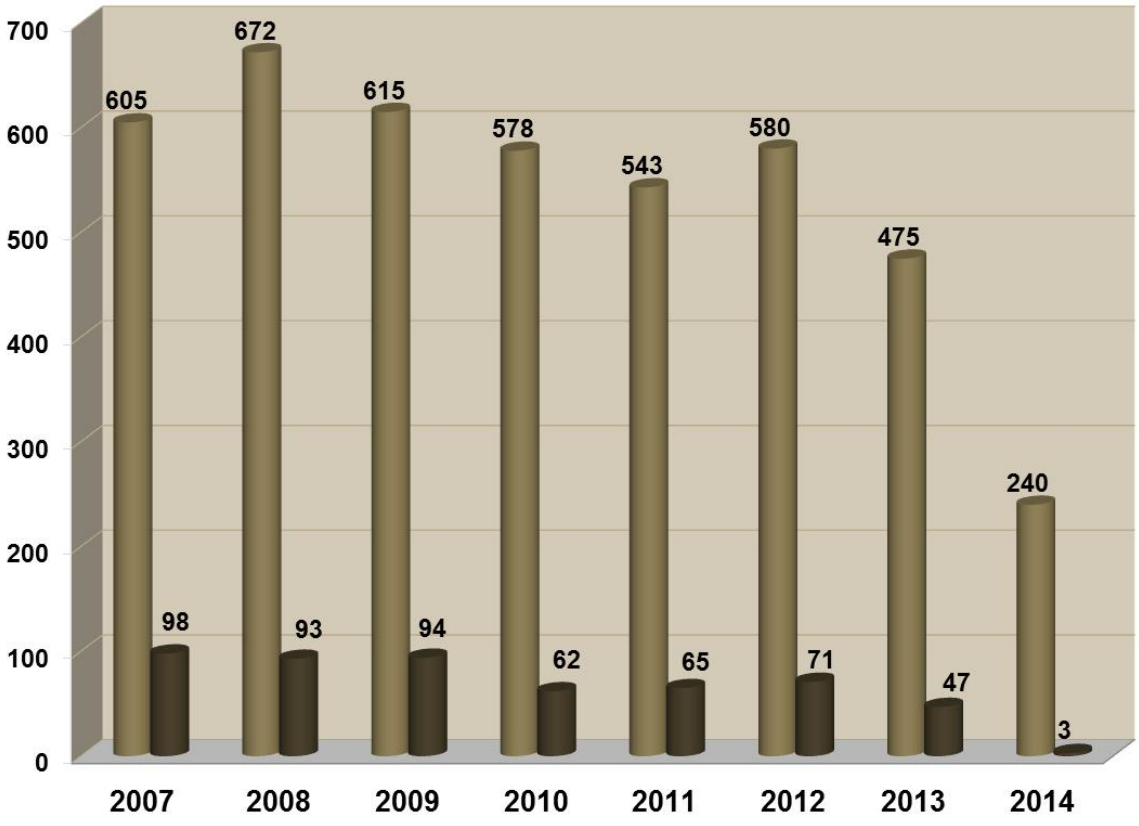

Figure 3: Claims that Evolved Into Lawsuits by Year of Incident

Lawsuits Filed

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

In FY 2013-14, **130** lawsuits were filed against the City of Oakland – down from 153 in the previous year. This is below the 5-year average of 157.

The number of lawsuits filed against the City dropped significantly in the category of Municipal Infrastructure, which includes, but is not limited to, sidewalk "trip and fall" lawsuits. Lawsuits involving police conduct dropped slightly and the number of lawsuits related to City vehicle accidents remained the same as the previous year.

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

Table 2: Types of Lawsuits Received

Category	2009-10	2010-11	2011-12	2012-13	2013-14	5-year average
Municipal Infrastructure	34	53	45	40	37	42
Police Conduct Matters	31	14	27	27	25	25
Personnel/Labor (non-lawsuits and lawsuits)	43	63	45	59	30	48
City Vehicle Accidents	9	6	8	6	6	7
Other	55	43	28	21	32	36
Total Lawsuits/Year	**172**	**179**	**153**	**153**	**130**	**157**

Claims & Lawsuits Filed (Police Matters)

The overall number of claims and lawsuits involving police matters – counting vehicle accidents and personnel/labor matters, remained relatively constant this year. Lawsuits fell slightly from 108 in the previous year to 104 this year, and the number of claims filed this year was the same as last year.

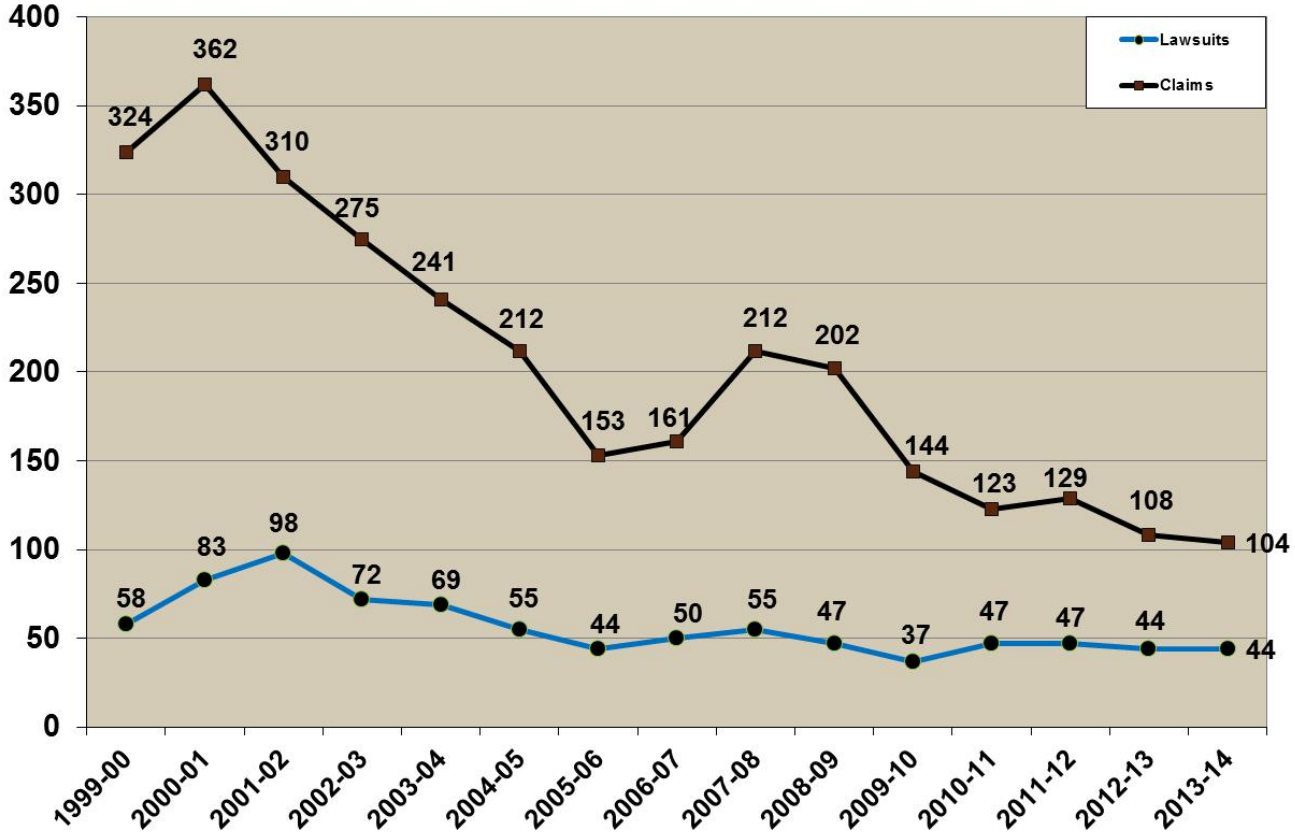

Figure 4: Trend of Police Claims and Lawsuits Filed

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 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.

In FY 2013-14, approximately one- third of lawsuits (**32.6%**) were resolved for $0. Only about **7.5%** of lawsuits resolved this year resulted in a payout of more than $100,000.

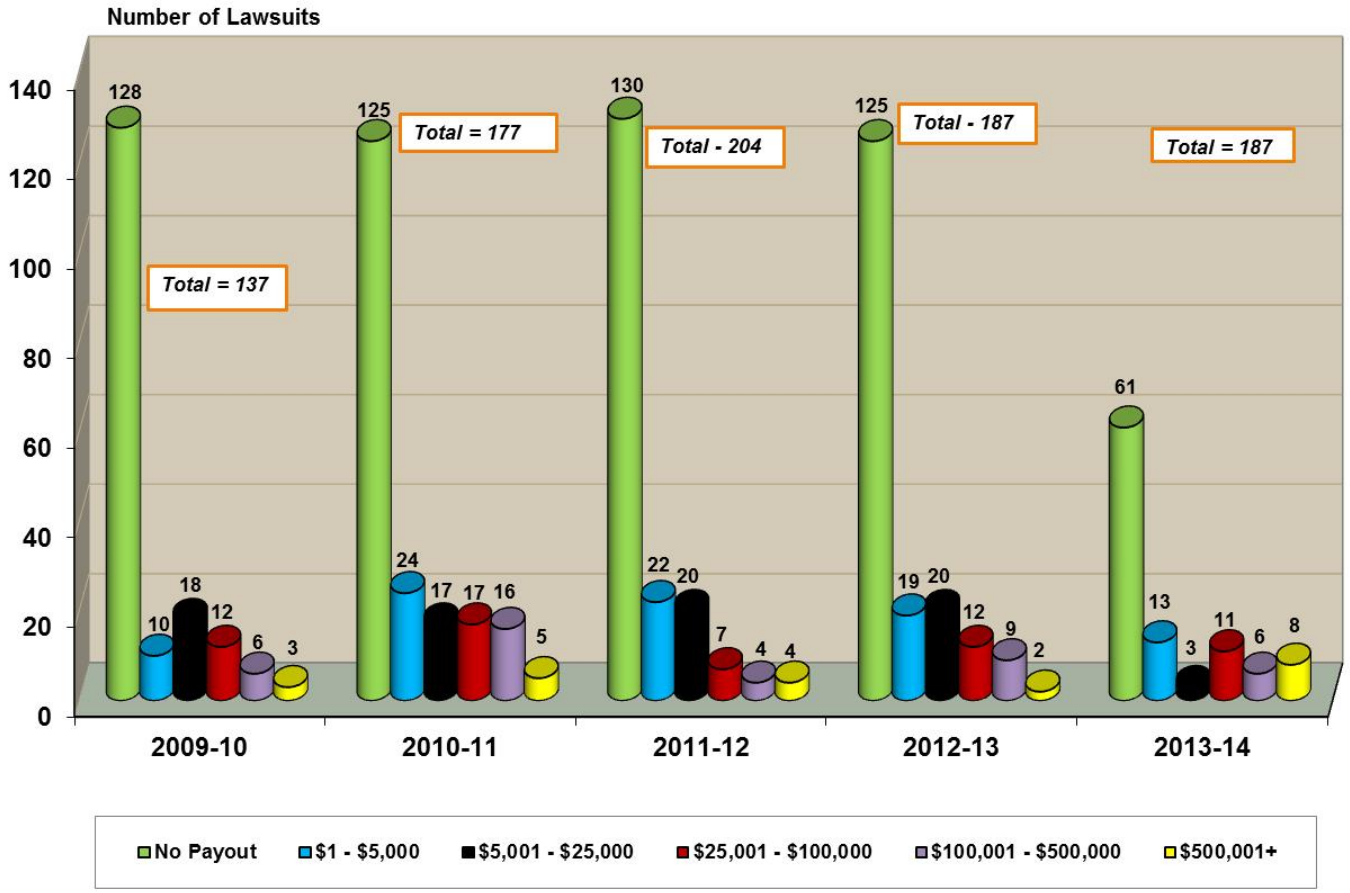

Figure 5: Lawsuits Resolved Over 5 Years

NOTE:

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

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 provides legal advice and analysis of all cases to the City Council, and the City Council approves all settlements exceeding $5,000.

In this fiscal year, the City's insurance carrier paid a total of $2.95 million to settle two high-liability lawsuits.

Payouts

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 Council approves all settlements in excess of $5,000.

The total amount of payouts resulting from claims and lawsuits against the City increased this year to **$14.58 million** due to a small number of high-liability lawsuits related to City infrastructure, police matters and City vehicle accidents.

It is important to note that the City of Oakland's out-of-pocket costs were **$11.63 million** of the $14.58 million; the City's insurance carriers paid the balance. Previous Annual Reports have tracked total payout amounts, including money paid by private, third party insurers. However, in this fiscal year, a significant portion of two major settlements was paid by private insurers, not by taxpayers. Going forward, we will give a more accurate picture of the amount the City paid for legal matters by including both total payout amounts and the amounts the City paid out-of-pocket.

The City's annual premium for general liability insurance is $2,903,484 (as of June 2014).

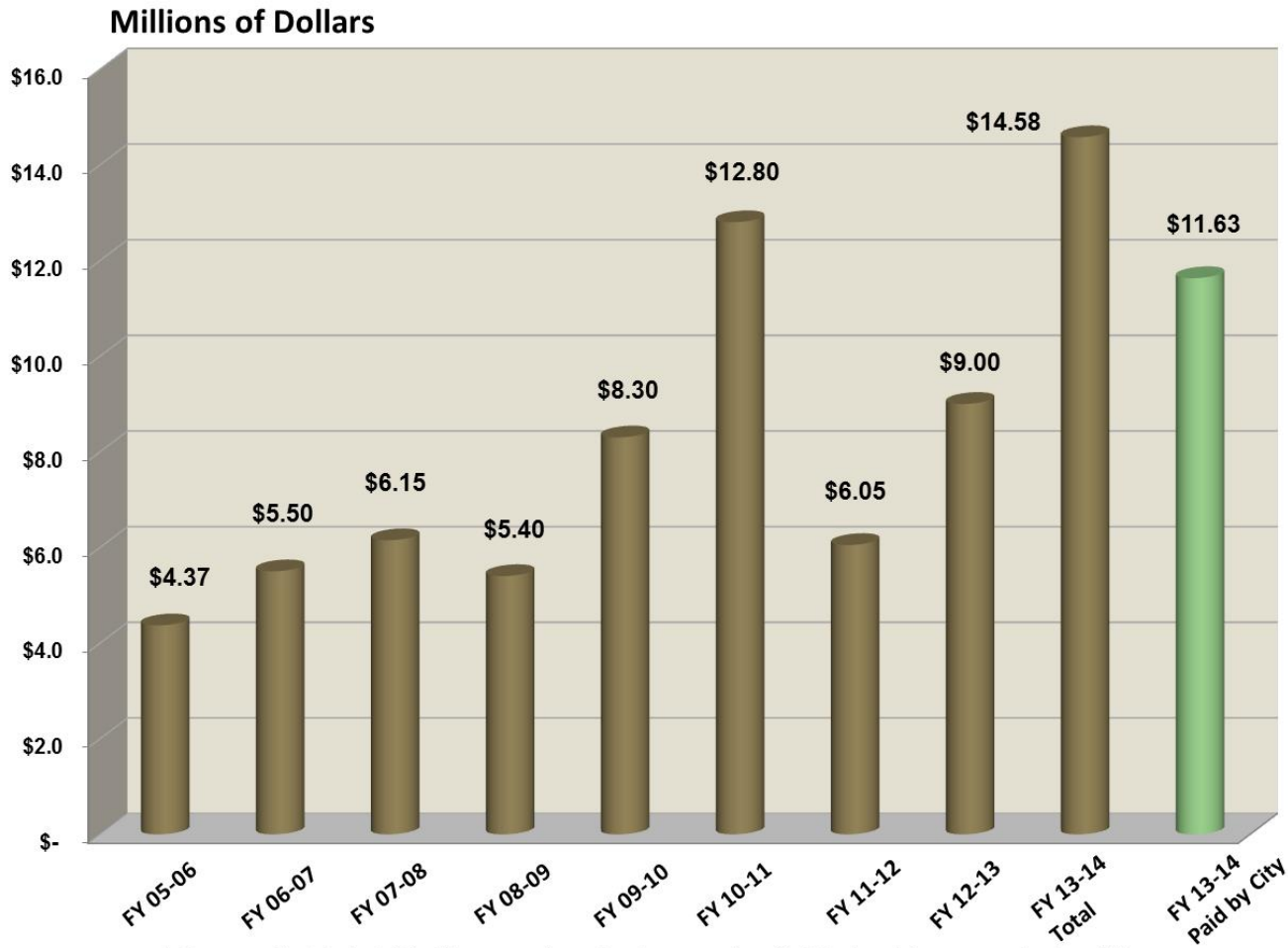

Figure 6: Total Settlements, Judgments & Claim Payments by Year

In FY 2013-14, payouts related to police matters fell from $7.17 million in the previous year to **$6.4 million** this year. However, payouts in police matters remained high due to three major cases alleging excess force and civil rights violations by police during protests (see **Table 3** below). Those three cases cost the City almost $6 million in settlements alone.

Olsen: The City agreed to a total $4.5 million this year to settle the *Scott Olsen* case. Plaintiff Scott Olsen was at an Occupy Oakland protest when he was hit in the head and severely injured by a flexible baton round fired by a police officer. Under the terms of the settlement, the City of Oakland paid the plaintiff **$1.8 million**. The City's insurance carrier will pay the balance of the settlement.

Spalding: In the *Spalding* case, the City paid $850,000 in FY 2013-14 to settle a lawsuit the National Lawyers Guild filed on behalf of 150 people who were arrested during a protest of the Johannes Mehserle verdict (Oscar Grant fatal shooting).

***Sabeghi*:** The City also paid $645,000 this year in the *Sabeghi* case, which involved another protestor who was injured by a police officer during an Occupy Oakland protest.

The City Attorney's Office has worked with the Oakland Police Department and City leaders to ensure that its crowd control policies and training for officers are constitutionally sound and respect the civil rights of protestors as well as allow the police to arrest and prevent vandalism and violence. Preventing civil rights violations and the resulting high-liability lawsuits has been and must continue to be a top priority for City and Police Department leadership.

As **Table 3** shows the City Council approved a $3.25 million settlement with a plaintiff who suffered severe injuries during a bike accident on Mountain Boulevard. The plaintiff, an Oakland resident, asserted the crash was caused by a large pothole. Of course, dedicating more resources to filling potholes and maintaining roads will reduce the number of dangerous condition lawsuits against the City. The City is responsible for paying **$3 million** of the total settlement; the City's insurance carrier will pay the balance.

Table 3: Payouts of Claims, Lawsuits & Arbitrations of More Than $100,000

Case	Type	Total Settlement	Total Paid by City
Olsen, Scott (Occupy)	Alleged excessive force/civil rights violations during protest	$4,500,000	$1,800,000
Bower, Dulcey	Alleged bike accident caused by pothole	$3,250,000	$3,000,000
Qian, Wanning	Alleged City employee caused an auto collision	$2,000,000	$2,000,000
Underground Construction Co.	Alleged breach of contract	$1,019,808	$1,019,808
Spalding, Daniel (Oscar Grant)	Civil rights lawsuit related to mass arrest	$850,000	$850,000
Sabeghi, Kayvan (Occupy)	Police use of force during protest	$645,000	$645,000
Fakraei, Fred	Alleged auto collision caused by City employee	$550,000	$550,000
Jeffries, Don G.	Alleged wrongful termination	$340,000	$340,000
Strutynsky, Jurij	Alleged sidewalk work by City caused accident	$200,000	$200,000
Howland, Douglas	Alleged sewer main back up caused flood in home	$130,000	$130,000
Jones, Tony Ray	Alleged OPD officer used excessive force	$125,000	$125,000
	Total:	$13,609,808	**$10,659,808**

Payouts by Category

Total payouts in municipal infrastructure cases (streets, sewers and sidewalks) more than doubled this year due to one significant high-liability case involving a serious bicycle accident (see **Table 3** above).

The total amount of payouts for cases involving City vehicle accidents was almost 20 times higher this year than in the previous fiscal year due to one high-liability case (see **Table 3** above).

Payouts in personnel/labor litigation also increased this year, however the total is still much lower than in recent fiscal years.

Overall, payouts in cases involving police fell noticeably – by more than 9 percent. However, payouts in this category remained high primarily due to one high-liability police use of force case (see *Olsen* above).

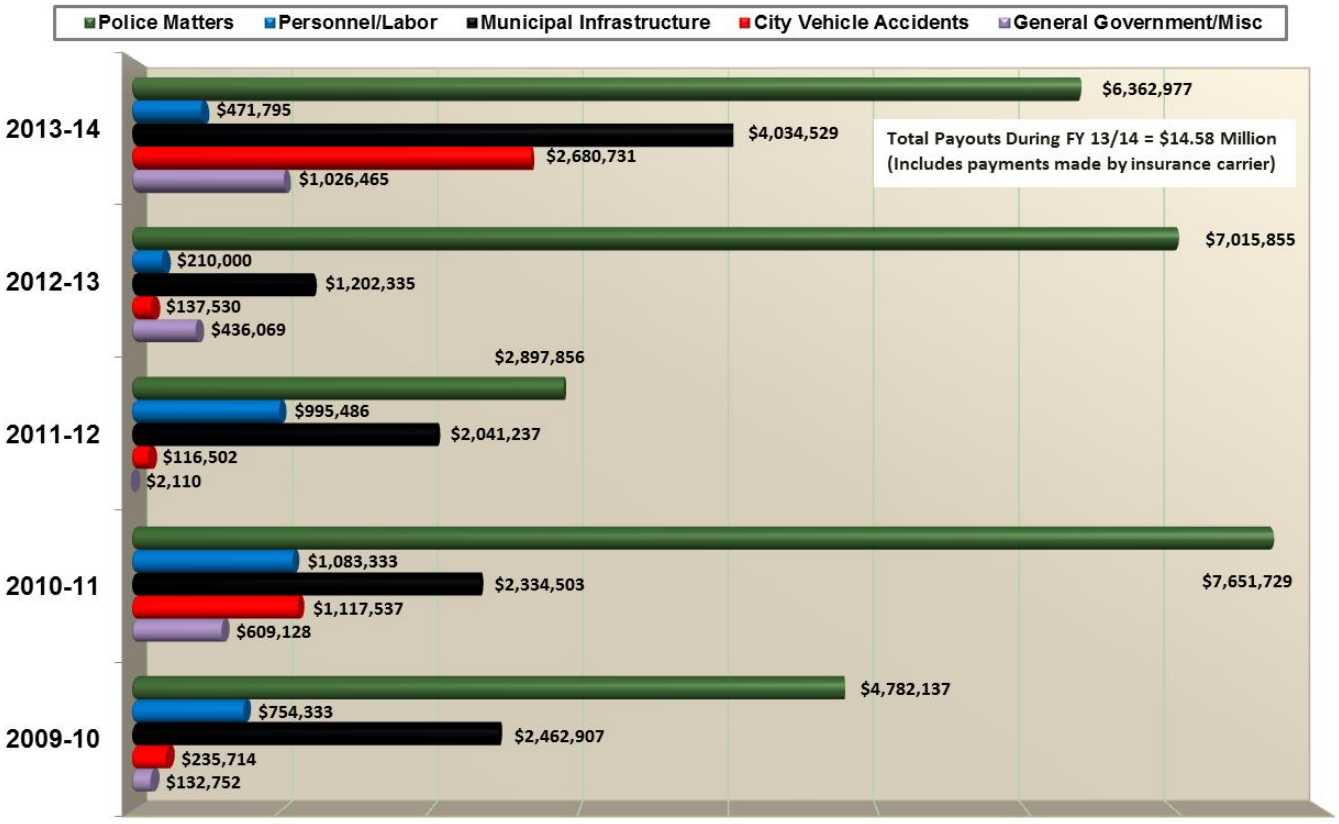

Figure 7: Total Payouts of Claims and Lawsuits by Category*

*In this figure, payouts for police matters do not include police vehicle accidents or personnel/labor matters.

NOTE:

Totals in **Tables 4 and 5** include money paid by the City's insurance carrier.

Tables 4 through 7 on pages 18 & 19 break down each category of payouts into subcategories.

Table 4: Payouts of Claims & Lawsuits - Police Matters

Category	2009-10	2010-11	2011-12	2012-13	2013-14	5-year average
Conduct: Suspect Chase	$1,200,000	$3,582	$7,500	$0	$721	$242,360.56
Alleged Use of Force	$1,354,035	$2,963,472	$96,350	$1,864,928	$5,388,500	$2,333,457.00
Conduct: Non-force	$35,850	$4,149,266	$2,750	$0	$885,764	$1,014,726.10
Conduct: Strip Search	$0	$0	$1,037,754	$4,819,970	$0	$1,171,544.80
Alleged Wrongful Death	$2,150,000	$500,000	$1,740,000	$275,000	$0	$933,000.00
Vehicle Accidents	$181,422	$857,692	$33,435	$88,907	$38,300	$239,951.14
Property Loss/Miscellaneous	$5,173	$30,580	$13,347	$55,330	$13,962	$23,678.46
Towing	$37,080	$4,830	$155	$0	$74,750	$23,363.00
Personnel/Labor	$673,333	$583,333	$583,333	$0	$1,132	$368,226.17
Other / Admin Hearings	$0	$0	$0	$73,800	$0	$14,760.00
Total Paid/Year	**$5,636,893**	**$9,092,755**	**$3,514,624**	**$7,177,935**	**$6,403,129**	**$5,084,441**

Table 5: Payouts of Claims & Lawsuits - Infrastructure

Category	2009-10	2010-11	2011-12	2013-13	2013-14	5-year average
Building & Park Maintenance	$8,886	$14,040	$8,237	$68,623	$4,383	$20,834
Sewers/Storm Drains	$250,504	$1,078,558	$228,979	$200,974	$201,930	$392,189
Sidewalks	$432,005	$1,011,615	$643,322	$278,271	$354,001	$543,843
Streets	$1,745,614	$171,659	$1,030,402	$125,767	$3,284,862	$1,271,661
Inverse Condemnation	$0	$0	$0	$421,252	$129,384	$110,127
Trees	$25,897	$58,632	$132,797	$107,022	$59,969	$76,863
Total Paid/Year	**$2,462,906**	**$2,334,504**	**$2,043,737**	**$1,201,909**	**$4,034,529**	**$2,415,517**

Continued from previous page:

Table 6: Payouts of Claims & Lawsuits - City Vehicle Accidents

Category	2009-10	2010-11	2011-12	2012-13	2013-14	5-year average
Police	$181,422	$857,692	$33,435	$88,907	$39,021	$240,095
Public Works	$21,232	$48,059	$50,982	$28,731	$2,063,890	$442,579
Parks & Recreation	$0	$16,173	$8,979	$6,616	$13,500	$9,054
Fire	$15,486	$181,115	$21,661	$9,262	$556,821	$156,869
Other Departments	$17,574	$14,497	$1,445	$4,014	$7,500	$9,006
Total Paid/Year	**$235,714**	**$1,117,536**	**$116,502**	**$137,530**	**$2,680,731**	**$857,603**

Table 7: Payouts of Claims & Lawsuits - Personnel/Labor

Category	2009-10	2010-11	2011-12	2012-13	2013-14	5-year average
Police	$673,333	$583,333	$583,333	$0	$1,132	$368,226
Parks & Recreation	$40,000	$0	$0	$0	$0	$8,000
General Government/Other	$0	$55,000	$409,753	$95,000	$436,000	$199,151
Public Works	$41,000	$250,000	$2,400	$115,000	$34,663	$88,613
Fire Services	$0	$195,000	$0	$0	$0	$39,000
Total Paid/Year	**$754,333**	**$1,083,333**	**$995,486**	**$210,000**	**$471,795**	**$702,989**

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.

The Advisory Division is comprised of six main units. Examples of practice areas and responsibilities of each unit are included in **Tables 8-13**.

Table 8: General Government & Finance Unit

Practice Areas & Responsibilities	
• City Clerk including Elections	• Finance Agency including Controller
• Government Ethics/Conflicts of Interest	• Ethics Commission
• Libraries	• Finance & Management Committee
• Oakland Zoo	• Public Works Committee
• Public Works Agency	• Life Enrichment Committee
• Streets, Sewers & Infrastructure	• Municipal Finance
• Garbage, Waste & Recycling Contracts	• Taxes & Revenue
• Cable Franchise	• Parks & Recreation Department
• Utility & Energy Franchises	• Purchasing & Grants
• Information Technology Department	• Health and Human Services
• Assessment Districts (LLAD, BIDs, Wildfire)	• Measure Y
• Arts Agreements and Grants	• Retirement Systems
• Innovation	• Public Contracting

Table 9: Code Enforcement Unit

Practice Areas & Responsibilities	
• Code Enforcement & Building Services	• Neighborhood Law Corps Program
• OPD Alcoholic Beverage Action Team	• Public Nuisance Abatement
• Problem Liquor Stores/Bars/Cabarets	• Community Engagement
• Rent Board	• Quality of Life Issues
• Housing, Foreclosure & Eviction Issues	• Blight & Zoning Issues
• Affirmative Litigation & Legislation	• Prostitution Abatement (Hotels)

Table 10: Public Safety & Risk Management Unit

Practice Areas & Responsibilities	
• Police & Fire Department General Advice	• OES Emergency Services
• Police & Fire Department Personnel	• Use of Force & Vehicle Pursuit Boards
• Police Development, Training & Investigations	• Public Safety Legislation & Initiatives
• Negotiated Settlement Agreement	• Community Policing Advisory Board
• Police Department Reform Measures	• Public Safety Committee

Table 11: Real Estate & Development Unit

Practice Areas & Responsibilities	
• Community & Econ Development Committee	• Oakland Zoo
• Real Estate	• Environmental Remediation
• Redevelopment Successor Agency	• Economic & Workforce Development
• Oakland Army Base Project	• Port of Oakland
• Economic & Workforce Development	• Zoning
• Neighborhood Preservation	• Innovation

Table 12: Land Use & Planning Unit

Practice Areas & Responsibilities	
• Natural resources/creeks/species	• Building Services & Planning
• Land Use	• Zoning
• Subdivisions	• Environmental Laws (CEQA/NEPA)
• Oakland Base Reuse Authority (OBRA)	• Eminent Domain

Table 13: Labor & Employment Unit

Practice Areas & Responsibilities	
• Labor/Personnel Advice	• Arbitrations
• Employee Relations	• Negotiations
• OMERS	• Civil Service Board
• City Auditor Advice	• Employee Discipline

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

Special Programs & Community 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.

Neighborhood Law Corps attorneys are hired for a 2-year term at a salary commensurate to that of a first year teacher. Working closely with the community, police and other agencies, the program focuses on protecting Oakland consumers, abating public nuisances and removing sources of crime in Oakland neighborhoods.

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 2013-14, the Open Government Coordinator reviewed, responded to and facilitated more than 1,000 public records requests involving thousands of pages of documents.

Community Initiatives

Oakland small businesses receive loans through crowdfunding initiative

In 2014, City Attorney Parker, City Councilmember Libby Schaaf and officials from the City's Department of Economic & Workforce Development partnered with global microlending organization Kiva.org to promote small businesses in Oakland.

In the previous year, Oakland became the first U.S. city to partner with Kiva.org through the nonprofit's Kiva Zip program, which provides zero-interest loans to local small businesses. The City serves as a "trustee" by endorsing local businesses to receive loans. Anyone can go to Kiva's web site to make a small loan to the businesses endorsed by the City. In 2014, three local businesses received "crowdfunded" loans through the City's partnership with Kiva.org. The businesses are OwlNWood, Pollinate Farm & Garden in the Fruitvale district and Loakal Art Gallery & Boutique near Jack London Square.

City Attorney and Piedmont Avenue bar reach agreement to prevent crime & neighborhood nuisances

In February 2014, the City Attorney and the Oakland Police Department have reached an agreement with the owners of a Piedmont Avenue bar to address complaints about noise, alleged drug activity and other crimes near the bar.

Last year, the Police Department responded to numerous complaints of nuisance activity and violence associated with Egbert Souse's bar including three separate shootings in May, October and November of 2013 near the business.

Egbert Souse's owners met with the City Attorney and police officials in November 2013 after the most recent shooting on the corner of Piedmont Avenue and MacArthur Boulevard which involved patrons of the bar.

The agreement imposes strict operating conditions on the bar. Owners agreed to hire licensed and uniformed security guards, prevent loitering outside the business and close no later than midnight every day of the week. In addition, the agreement requires that owners promptly remove graffiti from the building and make sure music is not audible outside the premises. The bar also agreed to permanently ban anybody caught using drugs, fighting or possessing a weapon.

Oakland Launches Cutting-Edge Public Records Request System

This year the City Attorney's Office partnered with other City departments and Code for America to launch a new web-based Public Records Request System. The system, RecordTrac, improves transparency, allows users to track progress of their requests and increases the efficiency of the City's responses to requests. You can access the system on the City Attorney's web site: www.oaklandcityattorney.org.

Cracking Down on Illegal Dumping

With help from a growing number of concerned citizens, the City of Oakland launched a campaign this year 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 from 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. The Public Works Agency reported nearly 17,000 incidents of illegal dumping in FY 2012-13.

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. SeeClickFix is an online and mobile tool that allows residents to report and track non-emergency problems such as graffiti, illegal dumping and potholes. Photos of license plate numbers of vehicles involved in illegal dumping are critical. The City Attorney's Office can use license plate numbers to track down the owners of those vehicles.

The City collected more than **$20,000** in fines from illegal dumpers in FY 2013-14.

Affirmative Litigation

Record Judgment against Company that Defrauded Immigrant Families

The Oakland City Attorney's Office won a record **$15.1 million** judgment in 2013 against an immigration consulting business that preyed on and defrauded Oakland families who sought legal residency in the U.S.

The company, American Legal Services (ALS), had three fraudulent immigration consulting businesses in Oakland. This is the largest award that the City Attorney's Office has secured in litigation, and it likely is the largest judgment under California's Immigration Consultants Act.

ALS advertised itself as a legal service helping people navigate complex immigration law. However, none of its employees were attorneys. In fact, they were scam artists who repeatedly defrauded families by making false promises of citizenship and charging exorbitant fees up front – sometimes the life savings of their victims. The company then routinely acted against the interests of those who sought help and botched immigration applications, in some cases resulting in deportation proceedings.

The November 7 judgment issued by Alameda County Superior Court Judge Kimberly Colwell also imposed a permanent injunction barring the company and its members from operating as immigration consultants.

Former Prostitution Hotel Sold

A former hotel on International Boulevard that was a longstanding center of prostitution activity in Oakland was sold in FY 2013-14 to a new owner who intends to develop office and retail space on the property.

Evidence in a lawsuit filed by the Oakland City Attorney showed that the National Lodge at 1711 International Boulevard operated for years as a hub of human trafficking in Oakland. The Alameda County Superior Court ordered the hotel to close for one year, the maximum period allowed by state law, and in 2013 the court granted the City Attorney's petition to force a sale of the property.

In FY 2013-14, the City Attorney's Office recovered **$81,860** in penalties and fees from the owners of the National Lodge, and collected an additional **$147,998** from the owners of the Economy Inn, another hotel that had based its business model on catering to human trafficking and prostitution. The Court also shut the Economy Inn as a result of a lawsuit by the City Attorney.

Court stops federal seizure of property leased by medical cannabis dispensary pending appeal by City of Oakland

The federal government's attempt to seize an Oakland building used by a City permitted medical cannabis dispensary was put on hold this year pending resolution of an appeal by the City of Oakland.

U.S. Magistrate Judge Maria-Elena James ruled in favor of the City's motion to stay civil forfeiture proceedings against a building at 1840 Embarcadero, the site of a medical cannabis dispensary operating under state law and with a permit from the City of Oakland.

In October 2012, Oakland sued the U.S. Attorney General and the U.S. Attorney for the Northern District of California to prevent the government's forfeiture action. The City argued that it had relied on numerous assurances by federal officials, including statements by President Obama and the U.S. Department of Justice, that dispensaries complying with state law would be allowed to operate. Based on those statements, Oakland has operated a regulatory system for medical cannabis dispensaries that includes annual auditing of dispensaries' financial statements, employee background checks, issuance of permits and other measures to ensure compliance with state and local law.

Oakland filed an appeal after the U.S. District Court ruled in January that Oakland had no standing to sue the federal government – despite the unique and serious harm to legitimate

medical patients, Oakland taxpayers and the City's regulatory rights that would result from the federal government's action.

Judge James' ruling means that the U.S. Attorney cannot pursue its forfeiture action against the building rented by the Harborside Health Center until the Ninth Circuit Court of Appeals rules on the City's appeal. The appeal is ongoing.

In 1996, California voters passed Proposition 215, the "Compassionate Use Act," which was intended to ensure that seriously ill Californians would have the right to obtain and use medical cannabis. In 2003, the California Legislature passed the "Medical Marijuana Program Act," which provided guidelines for the implementation of the Compassionate Use Act, including a voluntary patient identification card program. The benefits of medical cannabis to patients suffering from chronic pain associated with debilitating illnesses such as cancer, AIDS, and multiple sclerosis are well documented.

Conclusion

I am honored and proud to serve as City Attorney for our enlightened, progressive and innovative City, a City where the law often is a powerful tool to improve, empower and protect the interests of our community. I and my team are dedicated to vigorously and astutely defending Oakland's policies and laws in court, and to initiating legal action and other initiatives to uphold the rights, economic interests and quality of life of the community. Our faithfulness to accountability, fiscal responsibility and fair, honest and open City practices continues to be the framework for our mission.

About Barbara Parker

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

In January 2013, Parker began a 4-year term as Oakland's second elected City Attorney.

In an award-winning legal career spanning almost 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, 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 graduated from Harvard Law School in 1975 determined to use the law as a tool to work 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 the proud grandparent of three-year old Samuel Koda Clement.

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Attachment A: Significant Litigation Matters

- ***Arsalai v. City of Oakland***
  Following their arrest on March 4, 2010 for unlawfully marching onto the 980/880 freeway during rush hour, plaintiffs filed suit against the City of Oakland and the County of Alameda alleging a host of state law violations. The City moved for summary adjudication on the grounds that officers had probable cause to arrest the defendants, and that prohibitions against pedestrian use of the freeway do not violate their rights to free speech. The Court soundly rejected plaintiffs' contentions that the state "cite and release" statute required arrestees be cited and released in the field. The Court also rejected plaintiffs' claims of Bane Act liability and punitive damages, greatly reducing the value of the case. Ultimately the motion eliminated 13 of the 16 plaintiffs and all of the causes of action that carried attorneys' fees liability. The remaining three plaintiffs are continuing to try their claims for negligence and battery.

- ***Baker v. State of California Highway Patrol, et al.***
  In January 2013, Plaintiff Baker filed a $13.5 million lawsuit in the Northern District of California federal court against the City of Oakland and the State of California Highway Patrol (as well as two individual CHP officers). Ms. Baker's lawsuit stemmed from the death of her son and the investigation that was conducted after his death. Ms. Baker alleged that in 2005 CHP chased her son while he was riding a motorcycle on the freeway, struck him, and caused him to crash and suffer fatal injuries. Ms. Baker also alleged that the City failed to investigate his death and conspired to cover up the true nature of the accident. The City moved to dismiss Ms. Baker's claims. In 2013, the Court held that Ms. Baker had no standing to pursue claims for anyone other than herself. As for the constitutional claims that Ms. Baker properly asserted under 42 U.S.C §§ 1983 and 1985, the Court found that they were untimely. Importantly, even if Ms. Baker's claims had been timely asserted, the Court held that they were substantively without merit.

- ***Briggs v. Deanna Santana and David McPherson***
  Mr. Briggs, a former City of Oakland revenue agent, filed a small claims lawsuit under the City's whistleblower ordinance against Deanna Santana (former City Administrator) and David McPherson (current City Revenue Manager) seeking $10,000 in damages. On March 7, 2014, final judgment was entered in favor of defendants. The judgment found that the plaintiff failed to present any evidence that he was suspended or terminated by the City because of his whistleblowing reports.

- ***Brooks v. City of Oakland***
  Plaintiff Brooks sued the City in 2013, asserting that he fell while stepping out of the elevator in the Clay Street garage and suffered a significant knee injury. Plaintiff sued the garage operator, Douglas Parking, which then filed a cross-complaint against the City for indemnity and attorney's fees. After discussions with Douglas Parking regarding the evidence and applicable law, the company agreed to compensate Mr. Brooks and dismiss the City.

- ***Brown, dba Quantum General Contractors v. City of Oakland***
  A former contractor for the City filed a breach of contract action. The demand by Plaintiff was approximately $1,000,000 before trial. The case was tried resulting in a defense verdict on all claims. The case is currently on appeal by Plaintiff.

- ***Bruder v. City of Oakland***
  In 2009, Bruder LLC filed an administrative appeal of penalties and fees assessed against property it owned on Shattuck Avenue. The City of Oakland previously declared the property a public nuisance. Fees and penalties on the property totaled approximately $35,000. After the administrative appeal hearing in June 2010, the hearing officer issued a written decision that limited Bruder's civil penalty to $3,000. Bruder interpreted this decision as limiting his entire financial liability on the property to $3,000. The City disagreed and maintained that the decision required Bruder to pay the non-penalty fees assessed against the property as well as the $3,000 civil penalty. In December 2010, Bruder filed a petition for writ of mandate against the City in the Alameda County Superior Court challenging the penalties and fees assessed against it. The Court agreed that the administrative appeal limited the civil penalty, but not Bruder's total financial liability, to $3,000. Bruder appealed the trial court judgment, and the Court of Appeal ruled in the City's favor in 2013.

- ***California v. Atlantic Richfield Co.***
  Fourteen years ago, Oakland and nine other cities and counties filed a public nuisance lawsuit against major lead paint makers to eliminate lead hazards in hundreds of thousands of California homes. The Santa Clara County Superior Court's January 2014 final decision is a stunning defeat for the lead paint industry. The Court's order ends the industry's perfect record of successfully defending public agency lawsuits seeking damages to remove lead paint from homes and apartments that were built before 1978. This was an exceptional victory for Oakland, Alameda County's largest City, and the other nine local governments, including Los Angeles County, the City and County of San Francisco and the City of San Diego. Oakland and the other plaintiffs will be able to draw upon a $1.15 billion fund to pay for home inspections, lead removal

and repairs. Oakland likely will be eligible for most of the $103.5 million allocated to Alameda County because the majority of homes in the county that were built before 1978 are in Oakland. Judge James Kleinberg found three paint manufacturers – Sherwin-Williams Co., NL Industries Inc., and ConAgra Grocery Products Co. – created a public nuisance by selling lead paint, notwithstanding the fact that the companies knew the paint was dangerous. Lead-paint makers over the past 24 years have defeated approximately 50 other lawsuits by states and municipalities. In 1978 the federal government banned lead paint for household use due to health hazards. In 2013, federal authorities estimated that 535,000 children have potentially dangerous levels of lead in their blood. Lead has been associated with a risk of lower IQ, attention disorders and other health problems. The defendants "certainly knew or should reasonably have known that exposure to lead at high levels, including exposure to lead paint, was fatal or at least detrimental to children's health," Judge Kleinberg declared in his decision. "That knowledge alone should have caused each defendant to cease its promotion and sale of lead pigment and/or lead paint for home use. Instead, after becoming aware of the hazards associated with lead paint, they continued to sell it."

- ***California v. Palmer***

  In 2005, the City of Oakland sued a property owner who converted a Fruitvale area warehouse into living spaces without the required permits. In March 2014, the Neighborhood Law Corps negotiated a $140,000 settlement with the owner, bringing an end to the case, and allowing the owner to sell the property at 1450 32nd Street to a developer who plans to renovate it. The money went into the City's general fund to help maintain essential programs and services.

- ***Cashner v. City of Oakland***

  The City settled this case for $5,000 at mediation on June 20, 2014. Plaintiff, a former field service technician with co-defendant Scheidt & Bachmann (S&B), sought damages for intentional interference with contractual relations and with prospective economic advantage after he left S&B to work for Douglas Parking, which operated many City-owned parking garages.
  S&B installed a new automated parking system in City garages under a $2.5 million professional services agreement with the City and was concerned about having Mr. Cashner work on any of its systems while employed by Douglas Parking. The City told Douglas Parking that it did not want the plaintiff working at any City garages. As a result, Douglas transferred the plaintiff to a garage for lower pay and fewer hours. Co-defendants Douglas Parking and S&B agreed to settle this matter for $15,000 and $150,000 respectively.

- ***Chuman v. City of Oakland***
  The plaintiff was bitten by a police dog that had gotten away from its caretaker and wandered into the Chumans' yard. The bite left the plaintiff with a permanent scar on his face. Plaintiff's initial demand was $250,000. The case settled for $30,000.

- ***City of Oakland v. AIG Financial Products Corp.***
  In 2008, Oakland and other cities filed against some of the nation's largest and most powerful financial firms, including AIG Financial Products, Bank of America, Bear Stearns, JPMorgan Chase, Wachovia Bank and others. The lawsuit charges these banks and brokers with conspiring to gouge taxpayers in Oakland and other American cities by committing price fixing and bid rigging in the municipal bond market. In the FY2013-14 fiscal year, secured several settlements from defendants, including a $200,000 settlement from Wachovia and a $281,750 settlement from GE Funding Capital Market Services. The City is continuing its lawsuit against the financial companies and brokers who brazenly agreed among themselves to present cities artificially low bids for Guaranteed Investment Contracts, which cities use to earn interest on municipal bond funds. By conspiring to avoid competitive bidding, the financial companies gave Oakland and other cities abnormally low interest rates, thereby cheating residents and taxpayers out of a legitimate rate of return on their money. This collusion among competitors is a clear and flagrant violation of federal and state antitrust laws, which prohibit any agreement by companies to fix prices, rig bids or allocate specific customers.

- ***City of Oakland v. American Legal Services***
  In November 2013, the City Attorney's Neighborhood Law Corps unit won a record $15.1 million judgment against an immigration consulting business that preyed on and defrauded Oakland families who sought legal residency in the U.S. The company, American Legal Services (ALS), had three fraudulent immigration consulting businesses in Oakland. This is the largest award that the City Attorney's Office has secured in litigation, and it likely is the largest judgment under California's Immigration Consultants Act. ALS advertised itself as a legal service helping people navigate complex immigration law. However, none of its employees were attorneys. In fact, they were scam artists who repeatedly defrauded families by making false promises of citizenship and charging exorbitant fees up front – sometimes the life savings of their victims. The company then routinely acted against the interests of those who sought help and botched immigration applications, in some cases resulting in deportation proceedings. The November 7 judgment issued by Alameda County Superior Court Judge Kimberly Colwell also imposes a permanent injunction barring the company and its members from operating as immigration consultants. The

City Attorney's Office also collected about $200,000 from insurance company defendants. Victims of the company included individuals of Mexican, Cuban, Middle Eastern and Sudanese descent.

- ***City of Oakland v. Holder***

  In July 2013, the federal government's attempt to seize an Oakland building used by a City permitted medical cannabis dispensary was put on hold pending resolution of an appeal by the City of Oakland. U.S. Magistrate Judge Maria-Elena James ruled July 3, 2013 in favor of the City's motion to stay civil forfeiture proceedings against a building at 1840 Embarcadero, the site of a medical cannabis dispensary operating under state law and with a permit from the City of Oakland. Oakland sued the U.S. Attorney General and the U.S. Attorney for the Northern District of California in 2012 to prevent the government's forfeiture action. The City argued that it had relied on numerous assurances by federal officials, including statements by President Obama and the U.S. Department of Justice, that dispensaries complying with state law would be allowed to operate. Based on those statements, Oakland has operated a regulatory system for medical cannabis dispensaries that includes annual auditing of dispensaries' financial statements, employee background checks, issuance of permits and other measures to ensure compliance with state and local law. Oakland filed an appeal after the U.S. District Court ruled in January that Oakland had no standing to sue the federal government – despite the unique and serious harm to legitimate medical patients, Oakland taxpayers and the City's regulatory rights that would result from the federal government's action.

- ***Collins v. City of Oakland***

  Plaintiff Collins, a former City of Oakland employee, filed a lawsuit against the City of Oakland alleging causes of action for deprivation of civil rights under 42 U.S.C. § 1983, defamation, malicious prosecution, fraudulent concealment of exculpatory evidence and extrinsic fraud. In support of the lawsuit, Collins claimed that City employees and officials set him up to be convicted of various crimes. The City moved to dismiss the complaint. On February 3, 2014, the Court granted the motion to dismiss finding that the section 1983 civil rights claims were untimely and were also barred by the fact that the very criminal convictions he challenged in the lawsuit had never been invalidated or overturned by any state or federal court.

- ***Commercial and Retail Attraction and Development for the Laurel (CRADL) v. City of Oakland***

  Petitioners filed this CEQA lawsuit objecting to a mix-use senior housing development at High Street and International Boulevard. The project was approved by the Planning Commission and

City Council denied the petitioners' appeal. In filing their writ of mandate, petitioners contend the project's height violates the Planning Code and General Plan and that this inconsistency with the general plan should have been considered in the Environmental Impact Report. Petitioners elected to prepare the record and then delayed for eight months. Respondents succeeded in ultimately certifying the City's record of the underlying proceeding over petitioner's objections. The writ is pending.

- ***Communities for a Better Environment v. City of Oakland***
  Petitioners filed a Writ of Mandate and Civil Complaint alleging that the City erred in categorizing a proposed crematorium as a General Manufacturing use. Instead petitioners argue the crematorium should be deemed an Extensive Impact Civic Activity. Additionally they allege that the zoning decision constituted discrimination in violation of Government Code § 11125. The writ is pending.

- ***Diep v. City of Oakland***
  The plaintiff filed a dangerous condition lawsuit after suffering an injury when his Segway (motorized scooter device) fell into an open PG&E utility box located in a City sidewalk. The original demand was close to $1 million. The City settled for $10,000.

- ***Dixon v. City of Oakland***
  The City and five named police officers settled this case for $25,000 and avoided liability for attorneys' fees, which are now the subject of a motion brought against co-defendant Personal Protective Services (PPS) and individually named security officers employed by that company. Plaintiff Dixon alleged that he was wrongfully detained and battered by PPS security officers, and that Oakland police officers did not sufficiently investigate the incident.

- ***GCP v. City of Oakland***
  The City prevailed on appeal of a trial court judgment dismissing Plaintiffs' claims for inverse condemnation, trespass and nuisance for City's work to shore up dangerous and crumbling hillside at 601 MacArthur Boulevard. City also awarded costs of more than $315,000.

- ***Goodfellow v. City of Oakland***
  Plaintiff sued the City and the County of Alameda on a 1983 claim related to his arrest at an apartment building in Oakland. The City filed a motion to dismiss, which was partially successful, but left the 1983 claim against the City in the case. We thereafter persuaded the plaintiff to dismiss the City from the case for no money.

- ***Hazzard v. City of Oakland***

  Plaintiff filed a complaint against the City and each member of the City Council alleging that the City engaged in fraud and deceit, and failed to comply with the competitive bidding process set forth in the Municipal Code when they selected the master developer for the redevelopment of the former Army Base. Plaintiff argued that the City had no basis for waiving the competitive bidding process, the master developer did not have sufficient financial capacity to complete the project, the redevelopment would cost the City millions of dollars, and the project would ultimately place the City in financial ruin. The trial court found that plaintiff failed to properly allege standing to bring the lawsuit and failed to allege a mandatory duty with which the City failed to comply in order to state a basis for declaratory or injunctive relief. The Court dismissed the case against the City. Plaintiff appealed the dismissal. After oral argument, the appeal is pending.

- ***Lippman v. City of Oakland***

  Petitioner filed a petition for both administrative and traditional writ of mandate. The administrative writ challenged three notices to abate from Code Enforcement regarding blighted rental property and the fees that were assessed in excess of $10,000 for health and safety violations both inside and outside the property. The traditional writ of mandate challenged Code Enforcement's administrative appeal process. Petitioner argued that, pursuant to the California Building Code, his administrative appeal of the notices to abate should have been heard before an appeal panel or the City Council. The trial court ruled in favor of the City in part on the administrative writ claim. However, on the traditional writ claim, the trial court found that the City's Municipal Code did not conflict with the California Building Code and the City did not have to hear administrative appeals from Code Enforcement decisions before an appeal panel or the City Council. Petitioner has appealed this decision. The appeal is currently pending.

- ***McNutt v. City of Oakland***

  Plaintiff filed an administrative code enforcement appeal with the City of Oakland to challenge billing related to abatement of the blight on her property and the recording of a lien against her property. The administrative hearing officer ruled against Ms. McNutt on all grounds and denied her appeal. Ms. McNutt then filed a mandamus action seeking review of the administrative ruling that she owed the City $5931 for costs and fees related to the clean-up of her property. On January 9, 2014, the Court denied Ms. McNutt's writ petition finding, among other things, that: 1) she had been provided constitutionally adequate notice of the blighted condition of her property

and 2) that the costs and fees assessed against her property for the clean-up thereof were not arbitrary or excessive.

- ***Mix v. City of Oakland***
  Petitioner filed a complaint and petition for traditional writ of mandate challenging the validity of Council Ordinance No. 13128 C.M.S. which authorized the issuance of pension bonds to fund the City's Police and Fire Retirement System ("PFRS"). Petitioner argued that a 15-year-old judgment authorizing the City to fund the PFRS system did not validate the most recent bonds issued. The trial court disagreed with petitioner, ruled in favor of the City, and issued a judgment based on the pleadings. Petitioner appealed the decision, and the Court of Appeal ruled in favor of the City in October 2014.

- ***Nielsen v. City of Oakland***
  Plaintiff filed a dangerous condition case involving a vehicle collision with a train at the 23rd and 26th Avenue overcrossing. City was eventually dismissed from the case with no payout.

- ***Northern California River Watch v. City of Oakland, et al.***
  In 2010, Northern California River Watch, Teamsters Local 70 and East Bay Alliance for a Sustainable Economy filed a lawsuit against Oakland Maritime Support Services ("OMSS") for alleged violations of the Federal Clean Water Act on property OMSS leased from the former Oakland Redevelopment Agency. As the owners of the property, the Agency and the City of Oakland were named as parties to the lawsuit. In July 2011, the parties began discussions in effort to settle the case. After more than two-and-a-half years of complex negotiations, the parties reached a mutually beneficial settlement of the litigation in April 2014. Under the settlement, the City will pay $300,000 to resolve all of Plaintiffs' claims; $200,000 of that sum will be allocated to fund the West Oakland Job Resource Center. OMSS will reimburse the City for $50,000 of the total settlement amount. In exchange for these payments, Plaintiffs dismissed the litigation and agreed not to challenge the relocation of OMSS truck repair and maintenance facility to the Oakland Army Base or the Port of Oakland. Resolution of the case removes a potential impediment to the successful redevelopment of the Oakland Army Base site and avoids the potentially much greater expense of proceeding in the courts.

- ***Olsen v. City of Oakland***
  During an "Occupy Oakland" protest on October 25, 2011, Mr. Olsen was struck in the head with a flexible baton round. A flexible baton is a cloth-enclosed, lead-filled round fired from a shotgun. Mr. Olsen suffered a fractured skull and other injuries, including traumatic brain injury. He sued

the City in December 2012 (U.S. District Court Case No. C12-06333-SI). The City agreed to a settlement of for the amount of $4.5 million. Under the terms of the settlement, the City of Oakland paid the plaintiff $1.8 million. The City's insurance carrier paid the balance of the settlement.

- ***Ovetz v. City of Oakland***
  Plaintiff was a protestor at an "Occupy Oakland" protest in January 2012. Video footage exists of him being arrested and struck twice with a police baton. Plaintiff's initial demand was $265,000. The City settled the case for $48,500.

- ***Park v. Oakland Police Department***
  Petitioner filed a petition for administrative writ of mandate challenging the City's towing of her vehicle after she reported it stolen. Petitioner argued that, after towing her vehicle, the City failed to properly notify her to retrieve the vehicle. The third-party towing company subsequently sold the vehicle and assessed the related fees against petitioner. The Court found that notice from the Oakland Police Department and the third-party towing company was proper and sufficient. The Court entered a favorable judgment for the City.

- ***Price v. City of Oakland***
  Plaintiff Price dismissed the City from this lawsuit after we produced evidence showing that the City was not liable for the plaintiff's injuries. Unfortunately, the plaintiff in this case, Mr. Price, suffered serious injuries when he was hit by a van as he crossed International Boulevard near 80th Avenue. The cost to taxpayers and residents would have been major given the injuries if the Court found the City was at fault. Evidence showed the following: (1) the State of California owns the areas of International Boulevard where the accident occurred, (2) the City's role in designing and maintaining the roadway was not a basis to hold the City liable, (3) the intersection was not dangerous and (4) the conditions the plaintiff said made the intersection dangerous did not actually contribute to the accident.

- ***Saavedra v. City of Oakland***
  A part-time custodian in the City's Public Works Agency filed suit against the City of Oakland and his supervisors, alleging he was defamed, discriminated against, harassed and retaliated against based on a protected class (race or national origin). The allegations stemmed from a 20-day suspension the City imposed following an investigation into a number of disciplinary issues. The City moved for summary judgment on the grounds that the City's actions regarding the custodian's employment were unrelated to race or any other illegal motive and that the custodian

had not exhausted his administrative or judicial remedies before he filed suit in Superior Court. Judge Kimberly E. Colwell agreed; in April 2014, the Court granted the City's motion and dismissed the custodian's complaint.

- ***Smith v. City of Oakland; Qian v. City of Oakland***
  Lawsuits involved a serious city vehicle accident that injured two pedestrians at 14th and Franklin streets. Both pedestrians were hit by a City vehicle after it ran a red light. After running the red light, the City van was struck by a vehicle in the intersection and it was propelled onto the sidewalk, striking the two pedestrians. Both plaintiffs suffered significant injuries. The Qian case settled in December 2013 for $2 million. City Council approval of a similar settlement in the Smith case is pending as of the writing of this report.

- ***Watts v. City of Oakland***
  Plaintiff Watts petitioned the Court for relief from the government tort claim filing requirement after the City denied his request to file a late claim. In support of his petition, Mr. Watts argued that he was entitled to tolling of one-year limitation period for presenting his late claim application to the City due to mental incapacity and that his failure to file a timely claim in the first place was due to excusable neglect and incapacitation. The City opposed the petition arguing that Mr. Watts had failed to present evidence sufficient to show he was mentally incapacitated for the three and a half year period between the time his claim(s) against the City accrued and the presentation of his late claim application to the City. The Court agreed and denied Mr. Watts' request for relief from the government claim filing requirement.

Attachment B: Significant Advisory Matters

General Government &Finance Unit

Municipal Finance

- Advised the City's Tax Administrator regarding 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 uses of monies including grants proceeds, tax-exempt bond proceeds, special tax revenues and other restricted funds.
- Advised the City Treasury Division regarding various financing transactions including various tax exempt equipment lease agreements.
- Advised the City during negotiation and entry into banking agreements with JP Morgan Chase Bank and Bank of New York Mellon Trust Company.
- Supervised the City's litigation against municipal bond guaranteed investment contract (GIC) brokers and issuers for bid-rigging. The City entered partial settlements of the GIC litigation with defendants Trinity Funding and GE Funding Capital Market Services for a total $281,750.
- Supervised the City's litigation against municipal bond insurers.
- Negotiated a settlement of over $2.1 million with the County of Alameda recovering unlawfully collected property tax administrative fees with interest.
- Supervised outside counsel in action before the California Board of Equalization by various California cities and counties seeking redistribution of $12 million in sales tax revenue collected by the City.
- Successfully defended the City in a Court action challenging the validity of the $212,540,000 City of Oakland Pension Obligation Bonds, Series 2012, resulting in entry of judgment by the trial Court in favor of the City.
- Managed outside counsel for the Police and Fire Retirement System to recover $128,000 in unauthorized retirement benefits.
- Resolved a dispute with the Oakland Unified School District over assessments for Wildfire Prevention Assessment District, resulting in payment of over $100,000 to the Assessment District.

- Advised and assisted the City Administrator and Councilmembers in drafting Measure Z, the public safety funding ballot measure for the November 2014 ballot.
- Advised the City regarding the issuance of the $102,960,000 Oakland Redevelopment Successor Agency, Central District Redevelopment Project, Subordinated Tax Allocation Bonds, Series 2013.
- Advised the City regarding the issuance of the $40,590,000 City of Oakland Sewer Revenue Refunding Bonds, 2014 Series A.
- Advised the City regarding the issuance of the $55,000,000 City of Oakland 2014-2015 Tax and Revenue Anticipation Notes.
- Advised the City Administrator regarding various issues regarding the Police and Fire Retirement System.
- Advised and assisted in drafting a resolution establishing a policy against City investment in fossil fuel companies.
- Advised CED staff and drafted legislation for the 10-year renewal of the Temescal/Telegraph Business Improvement District.
- Initiated the establishment of a new Wildfire Prevention District.
- Assisted the public in resolving contested parking citations and guided citizens in the appeals process.

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, Finance Committee and Public Works Committee.
- Provided legal advice to numerous Oakland boards and commissions, including the Cultural Affairs Commission, the Commission on Persons with Disabilities, the Wildfire Prevention Assessment District Commission, the Violence Prevention and Public Safety Oversight Committee, the Commission on Aging, the Youth Advisory Commission, the Children's Fairyland Board and the Head Start Advisory Board.
- Provided advice to City Council committees, boards and commissions, and City staff on the California Brown Act and Oakland's Sunshine Ordinance.
- Advised staff and Council on legal requirements for decennial City Council and School District redistricting.

- Advised and assisted in drafting the redistricting commission ballot measure for the November 2014 ballot.
- Advised and assisted in drafting an ordinance protecting bicyclists, pedestrians and other vulnerable street users from assault or harassment.
- Advised and assisted in drafting an ordinance increasing and expanding the special permit requirements for performing animal shows.
- Advised and assisted in drafting a resolution to provide a funding set aside for KTOP television operations expenses.
- Advised and assisted in drafting a resolution against the transportation of hazardous fossil fuel materials along California waterways through densely populated areas like Oakland.
- Provided Sunshine Ordinance training to the Public Ethics Commission.
- Advised the Office of City Auditor regarding the interpretation and application of City Charter provisions and ordinances.
- Advised the Office of the City Auditor regarding the issuance of subpoenas.
- Clarified the City Charter's mandate for the City Auditor's budget and independence.
- Drafted revised template for service grant agreements for grant programs administered by various departments.
- Reviewed contracts, grant agreements, resolutions, 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, Defremery Skate Park, Metropolitan Golf Course and wildlife programs at Peralta Hacienda Historical Park.
- Drafted agreement between Friends of Oakland Parks and Recreation and the City for continued fundraising to support Oakland's parks.
- Drafted an ordinance revising Municipal Code provisions regarding dog parks.
- Drafted a management agreement between the City and the East Bay Zoological Society for management of the zoo.
- Drafted a grant agreement for funding of Chabot Space and Science Center.
- Advised staff on use of Measure WW funds for improvements at Chabot Space and Science Center.
- Assisted the Parks and Recreation Department in establishing fixed park hours.

- 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, and homeless programs.
- Finalized lease and grant agreement with the new service provider for the Henry J. Robinson Multiservice Center.
- 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 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 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 2014 ballot.
- Drafted various alternative minimum wage ordinances for Council consideration.
- Drafted legal opinions and advised staff on various issues regarding use of City resources for campaign purposes.
- Defending in the Court of Appeal the Superior Court order imposing injunction against the Norteños street gang.
- Prosecuted lawsuit seeking penalties and damages arising out of false documentation submitted with reimbursement requests in multiple façade improvement and tenant improvement projects grants.
- Drafted a revision to the Municipal Code clarifying parking codes to require motor vehicles to move at least one block after expiration of posted parking time limits.
- 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.

Public Works and Contracting

- Reviewed over a hundred construction and professional services contracts for the Public Works Contracting Division.
- Advised the Department of Contracting and Compliance with respect to professional services contracts and construction contracts.
- Advised the City Council on legal procedures for debarment of contractors.
- Negotiated 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.
- Advised Public Works staff and the City Council with respect to the request for proposals and the award of the garbage collection, recycling and site disposal franchise agreements to California Waste Solutions, which amount to over $1 billion in total contract value, the largest procurement in the City's history.
- Advised Public Works staff with respect to contract issues on Waste Management franchise agreements.
- Advised the City Council on the adoption of sewer lateral ordinance, which will help resolve infiltration and flow problems related to residential, commercial and industrial sewer pipes.
- Advised Public Works staff on a negotiated settlement of take-over by project contractor's surety, and project completion and close-out of the 81st Street Library project, due to contractor bankruptcy and default.
- Advised the City Administrator, Department of Information Technology and Oakland Police Department with respect to police radio communications problems and contract issues resulting from the P25 Radio Upgrade Project, and advised on possible alternatives for system such as joining EBRICS system or developing in-house police radio network.
- Advised the Oakland Fire Department and reviewed professional services contracts including Domain Awareness Center Phase 2 contract.
- Advised the Department of Information Technology with respect to City broadband fiber optic communications study and non-exclusive City conduit dark fiber system.

- Advised the Office of Information Technology with respect to dozens of IT software and maintenance agreements including agreements with Microsoft and Oracle for implementation of a new citywide 360 operating system.
- 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 CEDA and negotiated agreements with Sierra Systems and Microsoft for IPass Phase 2Police Officer Tracking software system for the City for compliance with Federal Consent Decree.
- 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 Councilmembers with respect to illegal dumping matters, including review of existing maintenance agreements and Caltrans/City Letter of Understanding.
- Advised Public Works and negotiated with AC Transit with respect to Conditions of Approval, City/AC Transit Cooperative Agreement and Implementation Agreement for proposed AC Transit Bus Rapid Transit system in City’s right of way, a multi-million dollar transit project.
- Advised Public Works with respect to LED lighting conversion project, RFP procurement and contract negotiation and execution, and implementation/installation of LED lights City-wide.
- Advised staff on solar power purchasing agreements/procurement program with the County of Alameda including applying City community benefit programs.
- Advised Public Works and Building Department on amendments to the Oakland Complete Streets policy and ordinance.
- Advised Public Works staff on the Piedmont Pines Undergrounding project.
- Advised Public Works staff on new City-wide electronic parking meter system that will replace all standard metered parking to state-of-the-art parking meters.
- Advised Public Works staff on request for proposals and award of new City-wide parking management agreement.

- Advised City Clerk's Office on Netfile electronic public disclosure statement filing, and Granicus video recording of City Council meetings.

Code Enforcement &Neighborhood Law Corps

Neighborhood Law Corps

- The Neighborhood Law Corps (NLC) continued program of citing illegal dumpers based on evidence submitted by the public.
- NLC attorneys attended Neighborhood Crime Prevention Council meetings and Merchant Watch meetings to work with the community on neighborhood issues and priorities.
- Attend Business Improvement District meetings to talk about the City's graffiti ordinance and other quality of life issues.
- NLC brought suit against a business allegedly providing immigration consulting services (American Legal Services) and the individuals associated with that business. Instead of providing the services, the business defrauded persons seeking immigration advice by taking their money either without providing services, or giving wrong advice. Some victims were put in a far worse position than if they had never sought the advice. For the fraud and violations of law, the NLC obtained a $15.1 million judgment against the company, the largest judgment in the City's history, and a large award of attorney's fees. In addition, the NLC recovered insurance proceeds to partially compensate the victims.
- Monitored nuisance activity at hotels and motels, and sent warning letters to hotels and motels where nuisance activity took place.
- Imposed and enforced strict operating conditions at several hotels and motels throughout Oakland.
- Distributed updated SOAP ("Stay Out of Areas of Prostitution") lists to motels.
- Trained Oakland police officers on abating nuisances at problem hotels.
- Worked to remove two illegal auto repair businesses that were a nuisance to neighbors.

- Recovered attorneys' fees and costs from the National Lodge and Economy Inn, two hotels that the NLC previously sued under the state's Red Light Abatement Act. The hotels were operating as centers of prostitution and human trafficking. The Court ordered both hotels shut for one year.
- Worked with the City Administrator's Office to remove employees engaged in solicitation at a massage parlor on Telegraph Avenue.
- Worked with other City departments, City attorneys and the community to abate public nuisances throughout Oakland.
- In October 2013, the City Council adopted an Illegal Dumping Ordinance proposed by the City Attorney and drafted by the NLC (Oakland Municipal Code Chapter 8.11). Based on that new law, the City Attorney's Office created a program for the NLC in conjunction with the City Administrator's Office and the Public Works Agency to cite illegal dumper when the individual committing the illegal dumping is identified or the license plate of the vehicle used in the illegal dumping is known. The NLC builds the cases for citation by the City Administrator's Nuisance Enforcement Division. In addition to citing the violator for civil penalties or community service, the citation amounts include recovering the costs associated with the City's removing the illegal dumping and in preparing the citation case. In appropriate cases, the matter is turned over to the District Attorney to consider criminal prosecution of the illegal dumpers.
- Participated in National Night Out.

Code Enforcement & Rent Adjustment

- Advised and supported implementation of foreclosed housing programs, including under OMC 8.54.
- Advised code enforcement and city administrator nuisance division on blighted and nuisance properties.
- Worked with neighbors and property owners to address blight and nuisances.
- Defended City in writs challenging Code Enforcement decisions.
- Represented City in administrative appeals of Code Enforcement decisions.
- Worked to include Oakland in legislation regarding state drug and weapons nuisance eviction pilot program.

- Drafted amended cabaret ordinance.
- Worked to revise state massage parlor legislation to give cities more authority to regulate massage parlors.
- Drafted revised ordinance prohibiting gambling establishments.
- Gambling – worked with police and city administrator's nuisance abatement division to close illegal gambling operations.
- Attended Rent Board meetings.
- Advised Rent Program staff.
- Advised Rent Board.
- Drafted Rent Ordinance and Regulation Changes including eliminating rent increases for debt service and revising how capital improvement rent increases are handled.
- Drafted regulations to disallow deferred maintenance as a justification for a capital improvement rent increase.
- Drafted Tenant Protection Ordinance.
- Defended City in writ actions challenging Rent Board decisions.
- Drafted proposed deferred maintenance regulations.

Alcohol Beverage Action Team (ABAT) Attorney

- Researched a variety of issues including cabaret expansion issues, smoking issues and applicable fines for violations.
- Discussed issues around alcohol license holders with community groups including Neighborhood Crime Prevention Councils, the Piedmont Avenue Neighborhood Improvement League and West Oakland Neighbors.
- Participated in a SMART training for Oakland employees.
- Assisted with gathering evidence after a shooting at a cabaret.
- Wrote Penal Code § 11200 letters to inform property owners and business owners that alcoholic beverages were sold to minors on their premises.

- Ensured that business and property owners maintained agreements with the City.
- Assisted with site investigations with ABAT, ABC, OFD, and other law enforcement agencies.
- Attended meetings with Oakland Police ABAT officers to monitor the progress of businesses in complying with operating conditions and to update ABAT officers on the progress of cases handled by the City Attorney's Office and City Administrator's Office.
- Researched a variety of issues including cabaret expansion issues, shelving issues and liquor disposal.
- Negotiated conditions of approval and a stipulation with a problem bar.
- Educated business owners regarding alcohol laws and issues at an anti-nuisance workshop.
- Met with property owners to terminate nuisance activity on their premises.
- Discussed the Deemed Approved Ordinance with liquor license holders.
- Discussed TRL issues and laws with tobacco retailers.
- Conducted cabaret revocation hearings for a nuisance bar.
- Extended a settlement agreement with liquor store regarding security issues.
- Discussed malt liquor restrictions with alcohol policy analyst.
- Attended a tobacco policy workshop.
- Met with the City Administrator concerning violence located at a liquor store in East Oakland.
- Negotiated fines and settlements with tobacco retailers and attorneys.
- Prepared evidence and testimony for administrative hearings.
- Reviewed H&S Code § 11570 letters for nuisance properties.
- Recovered $20,750 in Tobacco Retailer License (TRL) fines.
- Met with club owners, property owners, problem solving officers and community members to remove nuisance business owners from several locations. As a result, complaints regarding the nuisance activity decreased.

Public Safety Unit

- Assisted City and OPD in achieving highest level of compliance to date with the 50 tasks and subtasks detailed in the Negotiated Settlement Agreement as modified by the Amended Memorandum of Understanding in *Delphine Allen v. City of Oakland*. In its 18th Quarterly Report, the Monitoring Team acknowledged the City's hard work in achieving total policy compliance with all remaining 22 tasks, and partial implementation compliance with 21 remaining tasks, with a deferred assessment on one remaining task. In order to assist OPD in achieving this landmark, the Public Safety Unit engaged in the following:

  1. Review court orders and court filings and evaluate city options.
  2. Negotiated and drafted contracts/amendments to city contracts with the Allen Compliance Director and the Monitoring Team.
  3. Regularly attend meetings held by the Office of Compliance Director and the federal court monitoring team.
  4. Attend meetings on IPAS concerning contracts with Sierra Systems, Microsoft and other providers on ways to make IPAS II fully operational and interactive.
  5. Advised on legal matters such as crowd control legal standards, street closures, declaring unlawful assembly, First Amendment free speech right, issuing dispersal orders, use of force, etc.;
  6. Assisted with the overhaul of procedures for conducting Force Review Boards and attended numerous Force Review Boards to analyze patrol officers' use of force and recommend training points;
  7. Regularly reviewed and advised on Compliance Director reports, assistance and meetings;
  8. Drafted City Council resolution increasing City Administrator approval authority and providing for expedited City Council review of contracts for services and retention of experts requested by the Compliance Director to improve compliance
  9. Attended and advised OPD during weekly Internal Affairs meetings;
  10. Assisted and advised on reviews of OPD policy related to lapel cameras, use of force, vehicle pursuit, mutual aid and crowd control, use of force reporting, use of oleo capsicum spray, use of canines, stop data and racial profiling, strip searches and undercover operations;
  11. Assisted OPD in drafting an agreement with an independent expert to review, analyze and interpret OPD's stop-data;

12. Attended “meet and confer” bargaining sessions with the Police Union on behalf of the City relative to policy changes sought by the Compliance Director;
13. Prepared protocol for attorney review of Internal Affairs/Personnel cases;
14. Reviewed and advised on a multitude of Internal Affairs investigations and complaints re policy compliance and police misconduct;
15. Reviewed and assisted with mandatory quarterly Court filings of all Retaliation and Harassment investigations by OPD;
16. Facilitated hiring of Subject Matter Experts and review contracts as required by the Compliance Director under the City’s expedited protocol for hiring and negotiating with Compliance Director mandated SMEs;
17. Attended and advised on Stop Data meetings with OPD.

- Attended Council meetings on various public safety topics including the Tools for Violence ordinance.
- Met with concerned parents, students and teachers and worked with representatives of the Oakland Unified School District to develop an MOU detailing peace officer mentorship and interaction with students on campus in implementing the “Safe Passages” federally funded grant program where a select number of Oakland peace officers are responsible for ensuring that students arrive and depart school grounds safely and also provide mentoring. Among other provisions, OPD has pledged to work with the District in notifying student parents or guardians before beginning any questioning of a minor student on school premises.
- Provided extensive legal services to Oakland Fire Department, Oakland Police Department and the Office of Emergency Services on responses to critical incidents.
- Conducted extensive training on public records and the Public Records Act for attorneys and City staff.
- Advised City Administration, Fire and Police departments on numerous Public Records Act requests.
- Reviewed extensive records to determine compliance with the Brown Act and City policies.
- Reviewed and provided legal advice and recommendations on various contracts and MOUs.

- Worked with legal counsel for AEG Management (operator of the Oakland Alameda County Coliseum Complex) to finalize an agreement for OPD to provide security for Coliseum events.
- Assisted Councilmember in drafting and instituting a ban on fully automated reverse-vending machines which purchase used cell phones, mp3 players and other electronics based upon the alarming rise in violent cell phone robberies within the city.
- Advised Oakland Fire Department on labor/employment matters.
- Reviewed Citizens' Police Review Board cases and provided legal consultation to the Executive Director on matters related to OPD policies, Copley Press court decision, employee confidentiality and other issues.
- Provided advice and consultation to OPD and license unit of City Administration on legal restrictions and viable options for accessing/using crime data systems.
- Researched, advised and assisted in drafting amendments to Taxi ordinance.
- Conducted research of case law concerning constitutionality of juvenile curfews and attended Council meetings regarding the same.
- Researched parameters surrounding service animals in public spaces.
- Advised on renewal of Red Light Camera contract.
- Advised local Neighborhood Crime Prevention Councils on filling vacancies and adopting by-laws.
- Advised Oakland Police Department in instituting new protocols relating to interaction with mentally ill citizens under CA Welfare & Institutions Code § 5150.
- Assisted in drafting MOUs for extra policing assistance from the California Highway Patrol. Other contracts or amendments reviewed were: B&B contract amendment for tows of abandoned, stolen or nuisance vehicles, intergovernmental MOUs and professional services agreements with various service providers.
- Negotiated settlements in police discipline cases and drafted settlement agreements.
- Reviewed, edited and approved numerous contracts for professional services.

- Reviewed Internal Affairs investigative reports.
- Staffed monthly Public Ethics Commission meetings.
- Provided numerous oral and written opinions to the Public Ethics Commission and staff in response to requests for legal advice related to various ordinances, Commission investigations and monthly meeting materials.
- Staffed City Council Public Safety Committee meetings.
- Reviewed legislation, contracts and program initiatives in support of the Ceasefire program.
- Attended closed session meetings on police cases.
- Facilitated briefings and attended litigation/risk management meetings with City attorneys and representatives.
- Advised on matters related to (1) background checks for hiring, (2) allowable interview questions, (3) employee harassment restraining orders, (4) drug testing, and (5) police and fire strikes.
- Attended council meetings and provided advice on privacy issues raised by the proposed Domain Awareness Center. Regularly attend community advisory meetings for the Domain Awareness Center project and advised City staff on legal issues respecting privacy rights.
- Provided legal advice regarding proposed Charter amendments concerning the Public Ethics Commission's duties, power and enforcement capabilities. Assisted in preparing the Charter amendment for submission to the County for the November 2014 ballot.
- Worked with OPD's Vehicle Abatement Unit to improve its vehicle nuisance abatement seizure notices to comply with due process and recent Court actions.
- Attended Force Review Boards on a regular basis and provided legal advice and conducted research for OPD on issues raised in Force Review Boards including Taser use.
- Conducted training to OPD on how to draft legislation authorizing MOUs and contract procurement and associated reports.
- Regularly reviewed, edited and provided constructive feedback to OPD and Fire on a large volume of MOUs, grant agreements, and general professional services and supply contracts.

- Advised OPD and Fire on legal issues associated with conducting request for proposals/qualifications and bidding procedures required by local law and best practices.
- Advised OPD on legal options in negotiating to extend the City's long term vehicle tow contract.
- Advised OPD Internal Affairs on investigations into officer involved shootings, in custody deaths, vehicle pursuits, police force incidents, handling of persons in mental distress, etc.
- Researched and advised OPD in issues of concealed carry weapon issues and administrative hearings.
- Attended and advised OPD in accident/pursuit board hearings.
- Reviewed and advised OPD on policy updates for vehicle pursuit policies, canine deployment and OC spray.
- Researched police responsibilities and liability in the context of seizing guns from domestic violence suspects and mental health subjects.
- Advised on matters related to the Oakland Animal Shelter.
- Reviewed and advised on the Fire Code amendments and revisions.

Development &Real Estate Unit

- 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 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 PaliCourt, Felton Acres, Skyway Lane and Skyline Ridge).
- Advised on the environmental review and approval of redevelopment of Safeway shopping center at intersection of College and Claremont Avenues.
- Advised on the implementation of the approved redevelopment of the Foothill Square Shopping Center, including a new Foods Co. supermarket.
- Advised on the approved Oakland Zoo expansion and assisted in successfully defending legal challenges to the approvals.
- Negotiated terms for the City purchase of two parcels for affordable housing development in the Brooklyn Basin (Oak to Ninth) project.
- Advised on implementation of 3100 unit Brooklyn Basin (Oak to Ninth) redevelopment project.
- Advised on proposed development of a dog play area in Lake Merritt area.
- Advised 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.
- Advised 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.
- Advised 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.
- Advised 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.
- Advised 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.
- Advised on interim regulations regarding mobile food vending.

- Staffed all City Planning Commission meetings and provided 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 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.
- 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.
- Assisted staff in preparing, reviewing and acting on responses to request for proposals regarding a citywide billboard franchise agreement.
- Advised staff and City Council on numerous complex issues arising from state legislation eliminating redevelopment agencies.
- Advised on the Oakland Redevelopment Successor Agency's ("ORSA's") successful application for a Finding of Completion from the California Department of Finance ("DOF") certifying ORSA's compliance with payment obligations and other dissolution requirements.
- Drafted and advised on a Bond Expenditure Agreement providing for the transfer of $93 million in unobligated bond proceeds from ORSA to the City.
- Reviewed and advised on preparation of the Long Range Property Management Plan for the disposition and use of 36 former Redevelopment Agency properties, which was approved by DOF.

- Drafted a Master Compensation Agreement with Alameda County taxing entities for the distribution of net proceeds from the sale of former Redevelopment Agency properties, now pending execution.
- Drafted and advised on adoption of City "boomerang" ordinance providing for set-aside of 25% of funds received by the City from redevelopment dissolution to the Affordable Housing Trust Fund.
- Reviewed drafts and advised on semi-annual Recognized Obligation Payment Schedules ("ROPS"), and advised on numerous issues raised during review by DOF of the ROPS, including several successful challenges to DOF rejection of ROPS funding items.
- Advised on compliance with "clawback" order from the State Controller reversing various transfers of assets of the former Redevelopment Agency to the City.
- 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.
- Closed affordable housing development loans on several projects, including construction of Mural Apartments at the MacArthur BART Transit Village, construction of 1701 Martin Luther King Jr. Way in North Oakland, rehabilitation of Marcus Garvey Apartments in West Oakland, rehabilitation of the Madrone Hotel, rehabilitation of Sojourner Truth Manor, rehabilitation of CL Dellums Apartments and rehabilitation of Eldridge Gonaway Apartments.
- Provided ongoing legal services to the Oakland Workforce Investment Board ("WIB") and WIB staff.
- Drafted and negotiated numerous funding contracts with providers of workforce development services to adults and youth.
- Advised staff on creation of the West Oakland Jobs Center.
- Initiated drafting ordinance updating and codifying the City's real property acquisition and disposition laws.
- Continued drafting and negotiating agreements with AC transit and funding agencies for the Broadway Shuttle service.

- Negotiated an amendment to the Exclusive Negotiating Agreement for the Coliseum City project, and advised on numerous issues involving the Coliseum City project.
- Negotiated extensions to an Owner Participation Agreement, as well as a parking agreement, for the 1100 Broadway project.
- Reviewed funding agreements for the Broadway Basement Backfill program to assist downtown business owners/tenants.
- Advised on agreements with Caltrans and West Oakland Economic Development Corporation for development of Caltrans vacant site at 5th and Kirkham.
- Advised staff on numerous issues arising from 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.
- Advised 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, a Project Labor Agreement, Army Base Oversight Commission, West Oakland Jobs Resource Center, public records requests and miscellaneous jobs monitoring issues.
- Completed negotiation of and oversaw execution 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.
- Advised staff on proposed conveyance of Army Base North Gateway properties to relocate recyclers from West Oakland residential neighborhoods; completed draft disposition agreement for development of one parcel designated for recycling Assist staff in attempting to negotiate with third parties to clear potential obstacles to development.
- 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, and environmental cleanup
- Continued to advise City staff and reviewed contracts for services at the Army Base, including the restructuring of major utilities- serving contracts.

- Advised City staff on continuing issues related to the supervision of the City's 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.
- Completed 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.
- Finalized 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.
- Managed construction litigation related to Fox Theater.
- Handled administrative writs contesting Rent Board decisions.
- Negotiated, revised and executed a number of leases/licenses and amendments.
- Continued to negotiate, draft/revise, and execute 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 and numerous easement agreements with the Port of Oakland.
- Continued 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 management obligations under Scotlan Convention Center management agreement.
- Advised staff on potential development of the Kaiser Convention Center and issues related to theOakland Museum.
- Advised on Visual Supply Co. agreement under City's business incentive program.
- Advised on Caltrans Purchase & Sale Agreement and related issues 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.
- Negotiated revisions to renew the Oakland Athletics Stadium License Agreement
- Reviewed and revised an amendment to the Coliseum Transit Village Exclusive Negotiating Agreement.
- Advised staff on business relocation matters relating to MacArthur BART Transit Village.
- Advised staff on legal issues relating to the proposal for the development of 1901 Telegraph.
- Reviewed an amendment to a License Agreement for Safe Passages youth-serving nonprofit.
- Advised staff regarding the potential assignment of a Lease Disposition and Development Agreement regarding a Sears-owned parcel near its (now-closed) retail store in downtown Oakland.

- 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.
- Advised staff regarding documentation for the sale by the City of two lots of surplus property located at 51st and Lawton.
- Reviewed and advised on Economic Development Activities Quarterly informational reports.
- Assist staff in achieving expansion of Foreign Trade Zone.
- Draft new lease for Summit Garage to ensure adequate parking for the public and staff for Pill Hill medical visits/work.
- Advised and negotiated new 66-year lease with East Oakland Youth Development Center to obtain new market tax credit financing to renovate, modernize and expand youth facilities in East Oakland.
- Reviewed Frank Ogawa Plaza leases including a bookstore, wine bar and restaurant.
- Drafted and advised on City's Real Estate Property Disposition Ordinance, codifying local real estate law.
- Advised and negotiated Port of Oakland lease with OPD to conduct training activities.
- Advised on disposition issues regarding two adjoining development parcels in Downtown Oakland's City Center.
- Advised on development of T-12 parcel, a major development site in Downtown Oakland.
- Advised and negotiated Exclusive Negotiating Agreement for a multi-use development at 2330 Webster and 2315 Valdez Streets.
- Advised on development of a City-owned 12th Street Remainder Parcel.
- Advised on development of Foothill Square project.
- Assisted staff in proceeding with proposed development of 3455 & 3461 Champion Street into a productive new community-serving use.

- Advised Council regarding Rotunda Garage Disposition & Development Agreement and related issues.
- Advised on Request for Proposals for redeveloping Kaiser Convention Center.
- Advised on title issues pertaining to I-880/29th/23rd-Oakley Station Project.
- Advised on City's settlement negotiations with Crown Castle regarding placement and maintenance of telecommunications equipment in the City.
- Advised and drafted City's Open Data Policy.
- Advised on City's Digital Front Door project.
- Advised on Light Up Oakland Broadband Fiber Pilot Project.
- Advised and negotiated Trustee Agreement with Kiva.org to crowdfund local economic development.
- Advised on conservation easement issue regarding Oakland Zoo.
- Advised staff on policy matters related to sale versus ground leasing of City-owned properties.
- Advised on real estate issues pertaining to bond financing.
- Advised and negotiated security issues related to future traffic improvements for I-580/Stanley-Foothill Square Project.
- Assisted staff on legal issues related to Latham Square.
- Reviewed and managed City's ongoing appellate litigation with U.S. Department of Justice regarding Harborside medical cannabis dispensary.
- Advised on issues pertaining to continued successful operation of the Oakland Asian Cultural center.
- Consulted with staff on City approval of Uptown Apartment transfer for tax credit syndication.
- Advised on RecordTrac maintenance agreement.

- Advised Council about potential impact of third party bankruptcy litigation on Rotunda Building Disposition & Development Agreement.
- Advised on development of Caltrans Mandela Parkway parcel.
- Provided staff with legal advice on State's "Kill Switch" cell phone legislation and other similar efforts.
- Advise on data protection and privacy issues.

Land Use& Planning Unit

- Advised on the preparation of master land use plans and associated environmental review for five major planning areas of the City: Central Estuary (which was adopted), Broadway-Valdez, Lake Merritt BART Station, Coliseum area and West Oakland.
- Advised staff in the City's implementation of the Measure DD-funded public open space improvements, including updated design for Snow Park and Sausal Creek Restoration.
- Advised on legal issues regarding potential new baseball stadium for Oakland A's.
- Advised on legal issues regarding the City's plans for a new Oakland Raiders stadium.
- 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 Development Agreement, as well as ongoing advice relating to implement of various standard conditions/mitigation measures.
- Advised on the environmental review and approval of the AMG Senior Housing Project (115 units) at High/McArthur and assisted in defending against subsequent legal challenge. Advised on the environmental review and approval of the Safeway Shopping Center at 51st and Broadway
- Advised on the environmental review and approval of the Sprouts Supermarket Project on Broadway.
- Advised on the environmental review of the Zero Waste Franchise.

- Advised staff on the Request for Proposals for Development Impact Fees.
- Advised on the implementation of the approved redevelopment of the Foothill Square Shopping Center, including a new Foods Co. supermarket.
- Advised on the implementation of the approved Oakland Zoo expansion Project.
- Advised on implementation of 3100 unit Brooklyn Basin (Oak to Ninth) redevelopment project.
- Advised on code compliance and land use issues associated with operation of Head Royce School.
- Advised staff and City Council on new land use approvals under the Jack London Square development agreement.
- Advised 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 on permanent legislation and ongoing litigation regarding regulations for crematories in the City.
- 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 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.
- Advised staff in implementing the City's approved Housing Element and development of the new Housing Element.
- Advised staff on land use and environmental issues relating to the International Boulevard Transit Oriented Development plan.
- Advised 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.
- 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 the Phases 1 & 2 of the Final Development Plan and Final Subdivision Map.
- Advised on environmental review and approval of modifications to Wood Street development project in West Oakland.
- Advised on condominium conversion issues.
- Assisted in drafting amendments to Oakland's condominium conversion ordinance.
- Advised the Landmarks Preservation Advisory Board.
- 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 application submittals and CEQA process for the Children's Hospital seismic expansion.
- 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 the remediation of the Leona Heights Sulfur mine, which is underway.
- Advised staff on the environmental review of a proposed driving range at the Chabot Golf course.
- Advised on City's Parklets program and assisted in drafting related documents (application, encroachment permit, etc.)
- 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.

Labor & Personnel Unit

- Advised Police Department and Fire Department on numerous Public Records Act requests.
- Provided labor and employment legal advice to Police and Fire on an ongoing basis.
- Attended grievance meetings with Fire Chief and advised Chief regarding grievance responses.
- Provided advice to Fire Chief at biweekly personnel meetings.
- Advised Police, Fire and the Department of Human Resources Management regarding various contract interpretation (MOU) issues.

- Provided guidance and direction to outside counsel handling OPD arbitration cases.
- Conducted training classes for OPD command staff regarding how to conduct “Skelly” due process hearings for officers facing discipline.
- Attended Skelly due process hearings on behalf of the City in cases involving serious employee misconduct and advised Skelly officers regarding their recommendations.
- Negotiated settlements on behalf of Police and Fire in discipline cases and drafted settlement agreements.
- Attended “meet and confer” bargaining sessions with the Police Union on behalf of the City and drafted agreements resulting from those meetings.
- Reviewed, edited and approved numerous contracts for professional services.
- Provided advice to Police and Fire on administrative investigations and employee discipline.
- Reviewed, researched and edited Internal Affairs investigative reports.
- Advised regarding Oakland Police Officers Association grievances.
- Reviewed staff reports and resolutions related to personnel issues.
- Reviewed and advised on Internal Affairs investigations and complaints re: police misconduct.