

OAKLAND CITY ATTORNEY'S OFFICE



# Annual Report

FISCAL YEAR 2017-2018



law in the service of the public  
**jus pro populo**



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## MESSAGE FROM CITY ATTORNEY BARBARA J. PARKER



During Fiscal Year (“FY”) 2017-2018, our Office continued to fulfill our mission to zealously protect and advance the rights of all Oakland residents.

This year, our work included high profile lawsuits against some of the largest and most powerful companies in this country and the world to hold them accountable for violating Oaklanders’ rights.

For example, we filed a cutting-edge public nuisance lawsuit against the five largest publicly traded fossil fuel companies in the world – Chevron, ConocoPhillips, Exxon Mobil, BP and Royal Dutch Shell (collectively known as “Big Oil”) – to make them pay for sea walls and other massive costs that Oakland will incur due to sea-level rise and other climate changes caused by their production of massive amounts of fossil fuels. Although the defendants’ knew for decades that fossil fuels caused climate change, they engaged in a campaign to deceive the American public and deny the reality of fossil-fuel driven global warming.

We defeated Wells Fargo’s attempt to dismiss our lawsuit to stop the bank’s predatory and racially discriminatory mortgage lending against African American and Hispanic borrowers, and to recover damages Wells Fargo’s violations of the federal Fair Housing Act have caused to the City of Oakland. Wells Fargo is our country’s largest mortgage lender and is headquartered in San Francisco.

We continued aggressive actions against human trafficking at massage parlors and spas. As of the date of this report, we have closed down about 25 illicit massage business that were operating as fronts for human trafficking and prostitution, and we have recovered nearly \$1 million in civil penalties and fees from those cases.

We continued to protect and uphold tenants’ rights by filing lawsuits against abusive landlords to ensure their compliance with applicable habitability and rent-related laws. We fought to protect Oakland neighborhoods by filing environmental justice lawsuits. And we challenged the unconstitutional, discriminatory and inhumane policies of the current federal administration by filing lawsuits and taking other affirmative actions such as filing amicus (“friend-of-the-court”) briefs and pursuing administrative actions.

We continue to ably and justly represent the City when it is sued and provide critical legal advice to City officials, departments, commissions and boards regarding the City laws, services, policies, projects and programs.

The City Attorney has published an Annual Report every year since Fiscal Year 2000-01 to provide you, our residents, businesses and taxpayers a transparent and comprehensive accounting of the work our Office performs on your behalf.

Consistent with prior annual reports, the FY 2017-18 Annual Report details financial results, litigation trends, advisory work, affirmative litigation and special initiatives that my Office undertook during the fiscal year beginning on July 1, 2017 and ending June 30, 2018.

I look forward to hearing your questions and comments about this report and about the services we provide. I have an open door policy and welcome all feedback about the work we are doing on behalf of the people of Oakland.

## Mission of the City Attorney's Office

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

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

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

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

## TOP PRIORITIES

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



# Office Profile

## ■ EXECUTIVE TEAM

The **Executive Team** includes the City Attorney, Chief Assistant City Attorney (Advisory Division), Chief Assistant City Attorney (Litigation Divisions), Special Counsel (Labor & Employment Division), the Chief Operations Officer (Operations Division) and the Chief of Staff (Policy, Open Government & Communications).

## ■ ADVISORY DIVISION

The **Advisory Division** includes the Land Use Unit, Real Estate Unit, General Government & Finance Unit and Code Enforcement, Rent & General Public Safety Unit. The 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, land use, negotiating real estate transactions and providing advice regarding finance, municipal bonds, retirement, benefits, elections, tax, constitutional law, ethics and conflicts of interest.

## ■ AFFIRMATIVE LITIGATION, INNOVATION & ENFORCEMENT DIVISION

The **Affirmative Litigation, Innovation & Enforcement Division** includes the Neighborhood Law Corps (NLC) and the Community Lawyering & Civil Rights Unit (CLCR).

The Neighborhood Law Corps is an award-winning program that in recent years has focused on preventing illegal dumping, suing abusive landlords who violate the rights of Oakland tenants and shutting down hotels, massage parlors and other businesses that collude in human trafficking and the sexual exploitation of minors.

The Community Lawyering & Civil Rights Unit focuses on proactive lawsuits and other actions to protect and advance the rights and interests of the people of Oakland with a goal of:

1. securing and maintaining racial, economic, environmental, and social justice an equity and
2. to protect constitutional and civil rights and enforce laws prohibiting discrimination based on race, class, sexual orientation, gender and other protected classes.

## ■ GENERAL & COMPLEX LITIGATION DIVISION (DEFENSE)

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

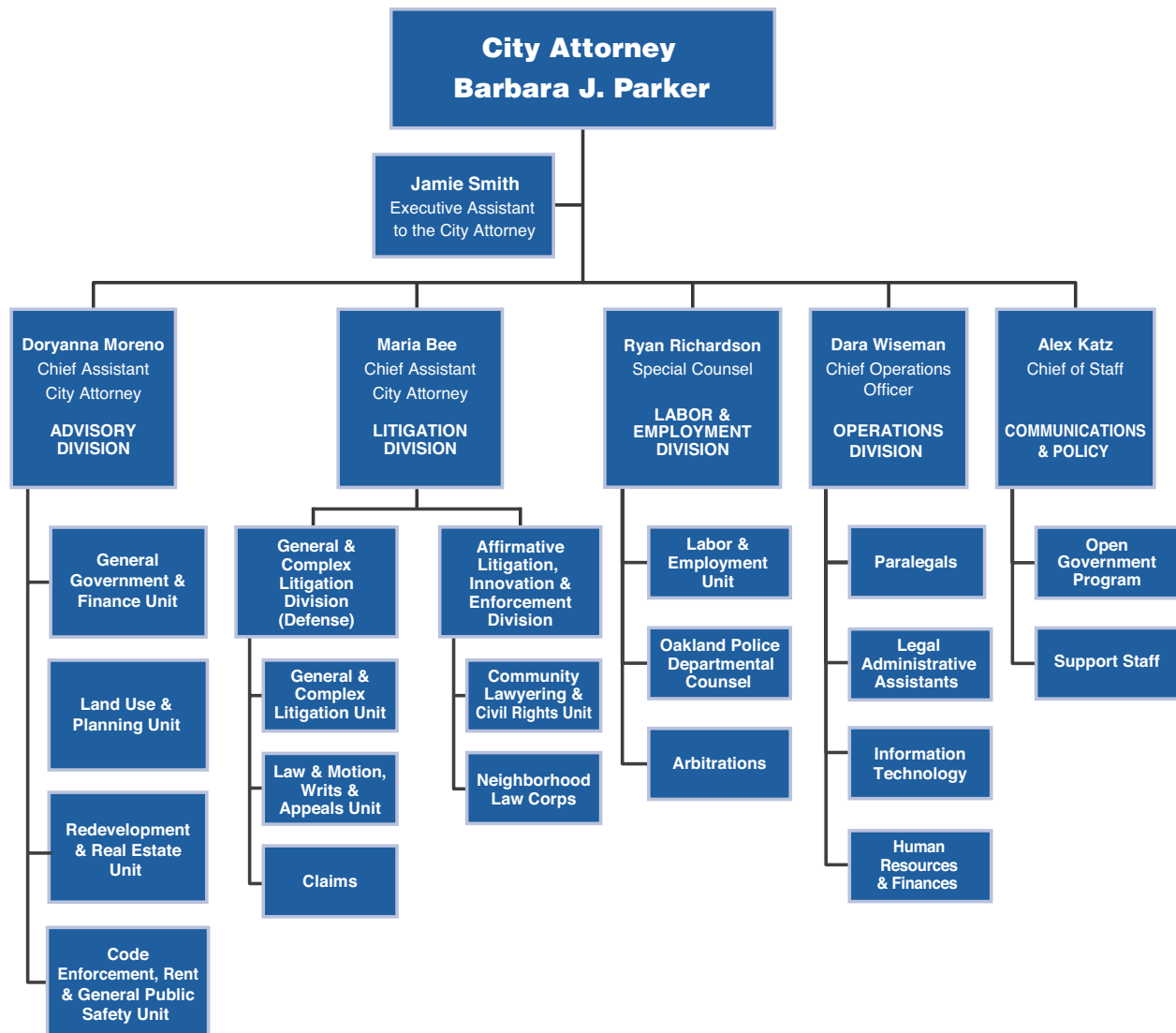
■ **LABOR & EMPLOYMENT DIVISION**

The **Labor & Employment Division** includes labor and employment, Police Departmental Counsel and arbitrations. The Division advises the City on labor and employment matters and includes a unit that focuses on providing advice and counsel to the Oakland Police Department. The unit also represents that City in arbitrations and provides advice regarding employment law and the City’s obligations.

■ **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 administrative assistants and paralegals.

**Figure 1: Organizational Chart**



## CELEBRATING AND RECOGNIZING THE POWER OF DIVERSITY

The Oakland City Attorney's Office continues to be one of the most diverse legal teams in our country. We are proud of and value our diversity in all areas, including but not limited to age, gender, race, sexual orientation and disability status. We recognize the power of diversity to enhance our public service to the residents of one of the most diverse cities in America by providing a broad range of points of view, perspectives, insight and strategies.

Based on employee disclosures, when we prepared this report, our 70-member staff was approximately 67% women and 63% people of color and we have a wide range of ages, LGBTQ employees and persons with disabilities in our Office.

Our team includes:

- **38 attorneys:** City Attorney, two Chief Assistant City Attorneys, three Special Counsel, four Supervising Deputy City Attorneys, 23 Deputy City Attorneys and five Neighborhood Law Corps attorneys. Our attorney staff is about 52% people of color and 63% women.
- **32 support staff:** three Executive Assistants, eight Paralegals, 10 Legal Administrative Assistants, one Office Assistant, two Public Service Representatives, one Legal Support Supervisor, two Information Technologists, one Claims Investigator, one Accountant, one Open Government Coordinator & Legal Services Coordinator and two executive managers. Our support staff is approximately 75% people of color and 72% women.

## DISTINGUISHED SERVICE AWARD

The Alameda County Bar Association awarded the Oakland City Attorney's Office the 2018 Distinguished Service Award for Law Firm of the Year.

We greatly appreciate and deeply value this honor and recognition by our peers in the Bar Association.

*Oakland City Attorney Staff at the January 2018 ACBA awards dinner (rows from left to right): former Supervising Deputy City Attorney Colin Bowen (now Alameda County Superior Court Judge), former Senior Deputy City Attorney Pelayo Llamas (now Alameda County Superior Court Commissioner), Senior Deputy City Attorney Michelle Meyers, City Attorney Barbara Parker, Chief Assistant City Attorney Maria Bee, Deputy City Attorney Jason Allen, former Chief Assistant City Attorney Otis McGee, Supervising Deputy City Attorney Kim Bliss & Deputy City Attorney Christina Lum*



# Financial Results

## SUMMARY

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

The amount the City pays to resolve claims and lawsuits, including settlements and judgments varies from year to year depending on the types of cases that are filed against the City and the types of cases the City initiates, and the timing of the resolution of claims and lawsuits.

## OUTSIDE COUNSEL COSTS

As detailed below, the total cost of outside counsel increased in this fiscal year compared to the preceding year due to several high profile and complex lawsuits, including the defense of the City's ban on the storage and handling of coal at the former Oakland Army Base (\$2.83 million), litigation arising from the tragic loss of 36 lives in the 31st Avenue warehouse fire (\$2.5 million), and a police wrongful death case (\$875,682).

## PAYMENTS FOR JUDGMENTS AND FOR SETTLEMENTS OF CLAIMS AND LAWSUITS

The total amount the City paid to plaintiffs who filed claims or lawsuits against the City increased mainly due to one high liability case involving an accident in which a police vehicle collided with a motorcyclist causing severe injuries, including amputation of the 33-year old Plaintiff's leg below the knee, several fractures and fusion of his spine. (*Van Fleet v. City of Oakland.*). The City settled that lawsuit for \$12 million. The City paid \$3 million and the City's excess insurance carrier paid \$9 million. Under the City's excess insurance agreement that was in effect during this fiscal year, the City was responsible for payment of the first \$3 million per incident, the excess insurance carrier then was responsible for payment of the next \$22 million, and the City then was responsible for any amount exceeding \$25 million.

## OFFICE BUDGET & EXPENSES

This year, the Office's operating costs for personnel, supplies and other expenses totaled \$18.56 million.

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

## CITY ATTORNEY-SECURED DOLLARS

The Oakland City Attorney's Office seeks to secure the highest possible amount of dollars to compensate the City for damages it has suffered, to reimburse the City's costs and fees for in-house and outside counsel, and fair and just amounts in penalties, fines, etc. These dollars provide funds for vital City services and programs and to implement City policies. We join class action lawsuits or other litigation to protect Oakland's rights and interests and we pursue affirmative litigation to protect civil and constitutional rights and economic interests, enforce City laws, and enhance the quality of life of our community. Our Office recovered attorney's fees and costs, civil penalties, payments for damages, settlement payments and other payments on behalf of the City.

This fiscal year, the City Attorney secured more than **\$1.52 million** for the City, dollars that help to pay for critical services such as libraries, police and fire, road repair and parks and legal services.

**Table 1: Money the City Attorney Secured for the City**

Case Name	Jurisdiction	Docket Number	Collected to Date	Collected this FY	Description
<i>City of Oakland v. AMBAC Financial Group</i>	U.S. District Court, Northern District of California	CGC 08-479241	\$1,484,011.81	\$702,293.04	Settlement with some defendants in fraud lawsuit against major bond insurance companies.
Bankruptcy / Collections Cases	N/A	N/A	N/A	\$2,200.67	Recovery based on bankruptcy and collections matters.
<i>City of Oakland v. Kilpatrick</i>	Alameda County Superior Court	RG16820040	\$209,071.42	\$209,071.42	Lawsuit against owners of Single Room Occupancy (SRO) building owner for violations of Oakland's Tenant Protection Ordinance.
<i>People v. HS Harrison (Yan Lan Healing Spa)</i>	Alameda County Superior Court	RG17850269	\$208,250.00	\$190,000.00	Lawsuit shut down massage business that was a front for prostitution/human trafficking.
New Cingular Wireless (Class Action)	Los Angeles County Superior Court	BC462270	\$152,410.49	\$152,410.49	Class action complaint for refunds of taxes erroneously paid and collected in violation of law (related to AT&T tax litigation filed in USDC in Chicago).
<i>People v. Odashima (888 98th Avenue)</i>	Alameda County Superior Court	RG16833442	\$75,000.00	\$75,000.00	Lawsuit shut down massage business that was a front for prostitution/human trafficking.
<i>People v. Kalyan (Starlite Motel)</i>	Alameda County Superior Court	RG15761249	\$70,000.00	\$70,000.00	Lawsuit to shut down prostitution and human trafficking at motel.
<i>People v. Chiok (Oak Spa)</i>	Alameda County Superior Court	RG17845916	\$47,997.75	\$47,997.75	Lawsuit shut down massage business that was a front for prostitution/human trafficking.
<i>People v. Solanki (Mills Motel)</i>	Alameda County Superior Court	RG15776025	\$30,555.60	\$18,333.36	Nuisance abatement for code violations.
360 Ventures VII (Oriental Wellness Center)	N/A	N/A	\$24,000.00	\$19,000.00	Pre-litigation settlement shut down massage business that was a front for prostitution/human trafficking.

Case Name	Jurisdiction	Docket Number	Collected to Date	Collected this FY	Description
<i>People v. Cho</i> (2447 Telegraph Ave.)	Alameda County Superior Court	RG16834869	\$23,020.79	\$17,708.30	Lawsuit shut down massage business that was a front for prostitution/human trafficking.
<i>People v. Dy</i> (3200 Telegraph Ave.)	Alameda County Superior Court	RG17858447	\$18,000.00	\$2,500.00	Lawsuit shut down massage business that was a front for prostitution/human trafficking.
Pendleton Partners (Ace/Top Spa)	N/A	N/A	\$13,095.40	\$9,166.78	Pre-litigation settlement shut down massage business that was a front for prostitution/human trafficking.
<i>Progressive Solutions Inc. v. City of Oakland</i>	U.S. District Court, Northern District of California	16-cv-04805	\$7,014.50	\$2,014.50	Recovery of attorney's fees in trade secrets/contract dispute.
<i>Yi v. City of Oakland</i>	Alameda County Superior Court	RG17855841	\$818.88	\$818.88	City prevailed in collecting the tax assessment plaintiff claimed was exempt from taxation.
<i>City of Oakland v. Nand</i> (7248 MacArthur Blvd.)	Alameda County Superior Court	RG15756817 / RG15756819	\$15,000.00	\$6,000.00	Lawsuit against property owner for blight, health/safety and building code violations.
<b>Total:</b>				<b>\$1,524,515.19</b>	

## HIGHLIGHTS

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

In 2008, the City Attorney filed this fraud lawsuit against a number of major bond insurance companies. The lawsuit was handled by outside counsel on a contingency fee basis so that the law firm receives fees only if the City prevails. The defendant companies charged California cities and other public agencies millions of dollars to guarantee their debts, while at the same time concealing financial shenanigans that made it impossible for the firms to provide the services they were paid to provide. In FY 2017-18, defendant Ambac Assurance Corporation paid \$754,888 to settle Oakland's lawsuit. The total recovery to date is about \$1.5 million. The lawsuit continues against the remaining defendants.

### ***Oakland v. Kilpatrick, Alameda County Superior Court Case No. RG16820040***

In May 2018, a coalition of civil rights organizations and attorneys, including the City Attorney, secured a \$1 million settlement in a lawsuit against the owners of a residential building in Oakland's Chinatown for violating Oakland's Tenant Protection Ordinance. The building's owners intentionally made living conditions unbearable for their elderly and Chinese-speaking tenants in an attempt to force them to vacate their units so they could renovate the building and increase rents to dramatically higher market rates. The owners demolished kitchens and bathrooms, leaving them gutted and unusable for months at a time, and issued notices of demolition in English, although almost all of the tenants read only Chinese. Tenants also complained that the landlords threw away tenants' clothes, shoes, a child's tricycle and other items and tore down Chinese New Year decorations. Tenants also had no hot water for weeks on end. The 14 plaintiff tenants received \$795,000 of the \$1 million settlement. They are represented by Advancing Justice – Asian Law Caucus and the firm Sundeen Salinas. The City received \$205,000 for costs and attorneys' fees.

### **Prostitution and Human Trafficking Cases**

Tragically, human trafficking and the sexual exploitation of women and girls continue to be in a state of crisis in Oakland. Disrupting and shutting down the human trafficking industry continue to be one of the top priorities of the City Attorney's Office. The Neighborhood Law Corps is continuing its work with Oakland police to investigate and prosecute businesses that cater to or profit from the sexual exploitation of women and girls in our community. We also continue to exercise the City Attorney's independent power under state law to shut down those businesses and hold operators/owners accountable. As of the date of this report, we have shut down 25 illicit massage parlors and spas where Oakland police investigations found evidence of prostitution and/or human trafficking. In this fiscal year, we recovered more than \$400,000 in settlements and fees for cases against the owners and operators of prostitution and human trafficking businesses.



# Outside Counsel Costs

## PROTOCOL

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

Since 2012, the City Attorney has maintained a Request for Qualifications (“RFQ”) process to make the hiring of outside counsel more competitive, open and transparent. The Office maintains a database of pre-qualified firms with expertise in a wide range of areas of law. To submit qualifications or read the outside counsel selection policy, go to [www.oaklandcityattorney.org](http://www.oaklandcityattorney.org).

## IMPACT OF UNDERSTAFFING ON OUTSIDE COUNSEL COSTS

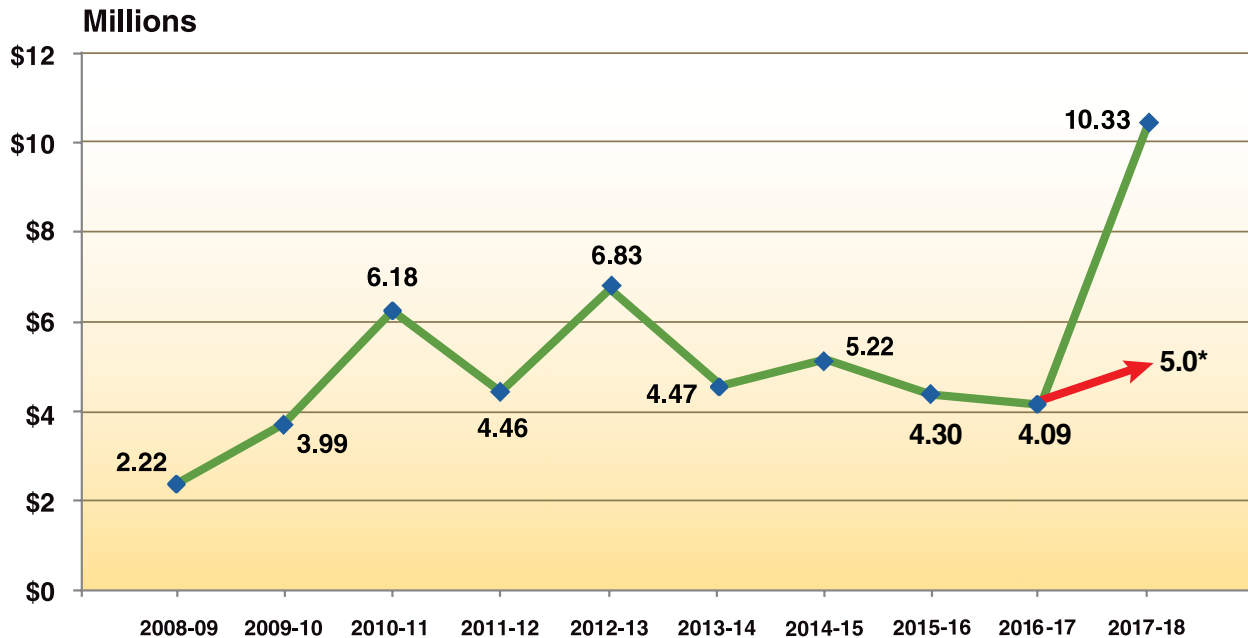
Contracting out legal services to more expensive outside attorneys and firms increases the total cost of legal services and reduces the money available for other vital City services such as police, libraries, sidewalks and streets.

Over the ten-year period beginning in FY 2003, the OCA lost more than one-third of its staff (19 attorneys and 14 support staff) due to the City Council’s budget cuts. Because of the loss of in-house staff, the City Attorney had to contract out a far greater amount of Charter-mandated legal work to more expensive and less efficient outside counsel. In other words, Oakland spent more to hire outside counsel for charter-mandated work than it saved by cutting in-house legal staff. The City Council has restored a few of the positions that were cut. However, we have not restored the majority of the positions that we lost due to budget cuts **and** the demand for legal services has remained the same or increased due to the important, progressive and cutting edge policies, laws and programs our Council has pursued.

For example, this year, the City spent \$875,682 on outside counsel fees for one police wrongful death lawsuit (*Perkins v. City of Oakland*). The amount spent on this case alone would have more than covered the annual cost of three in-house litigation attorneys, any one of whom could have handled this case and numerous other assignments.

As we anticipated in last year’s report, outside counsel costs for several high profile and complex matters have significantly increased the total cost of outside counsel this year. This is shown in the ten-year timeline below.

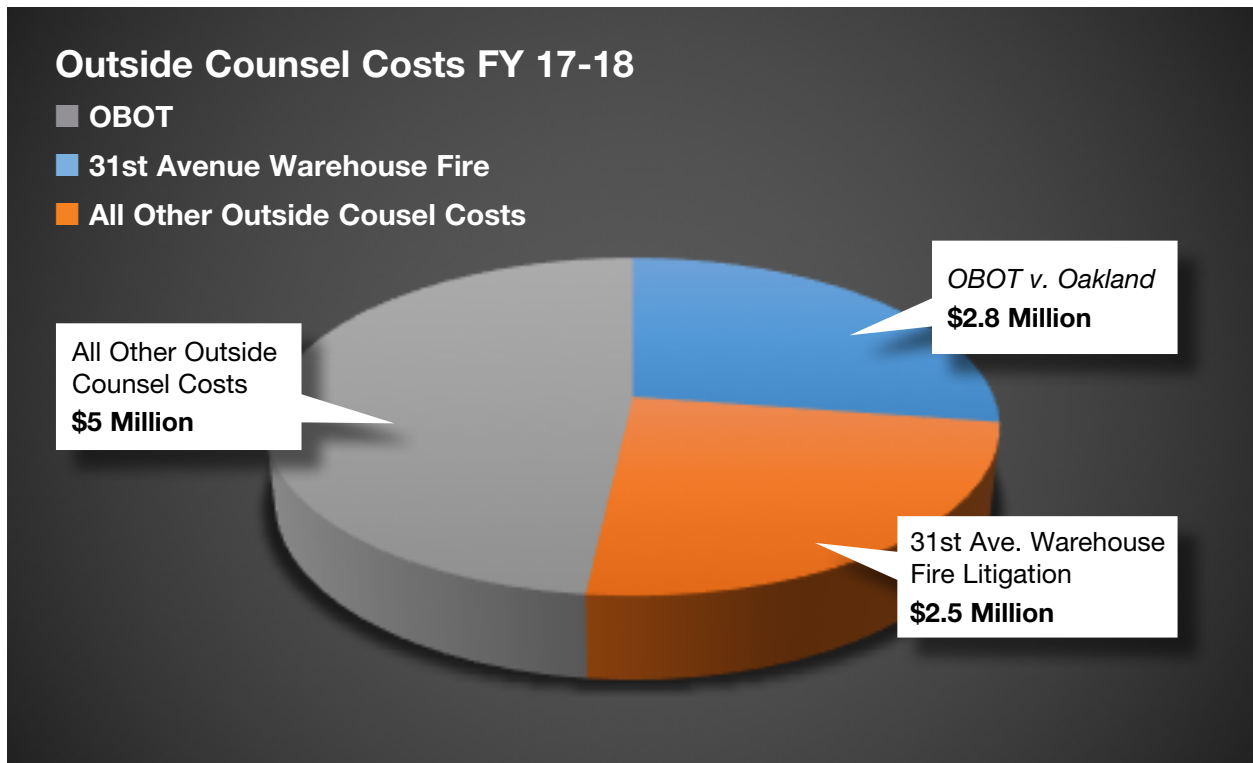
**Figure 2: Outside Counsel Timeline**



\*This year, two major cases (OBOT and the 31st Avenue warehouse fire) were responsible for more than half of the total cost of outside counsel. Without those cases, total counsel costs were about \$5 million, in line with the totals for preceding years.

As we advised in previous annual reports, in some years the necessity of hiring outside counsel for major cases will dramatically increase the City’s outside counsel costs. Examples of such cases that were filed against the City and reflected in this year’s report are: (1) the Oakland Bulk and Oversize Terminal’s (“OBOT”) lawsuit challenging the City’s coal ban at the former Oakland Army Base, and the City’s appeal of the trial court’s ruling (\$2.8 million), and (2) the cases filed on behalf of dozens of plaintiffs regarding the tragic December 2, 2016 warehouse fire in the Fruitvale District that resulted in 36 deaths (\$2.5 million). These two cases alone accounted for more than half of all outside counsel costs this year. When you deduct the outside counsel costs for those two cases as depicted in the chart above and the pie chart below, the outside counsel costs for 2017-18 are in line with the preceding years.

**Figure 3: Outside Counsel Costs**



We also note that the City paid significant outside counsel fees (\$875,682) in this fiscal year for a police wrongful death lawsuit (*Perkins v. City of Oakland* – case is ongoing at the time of this report). The City also paid \$558,792 in outside counsel fees this year in a lawsuit filed by software company Progressive Solutions, Inc. (*“PSI” v. City of Oakland*). In that case, a former City contractor filed a lawsuit claiming the City exposed the company’s trade secrets after the contract expired and the City selected a different company to provide the services. The City won this lawsuit.

# Payouts

## TOTALS

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 works strategically to limit financial exposure and to seek fair and just resolution of cases and claims.

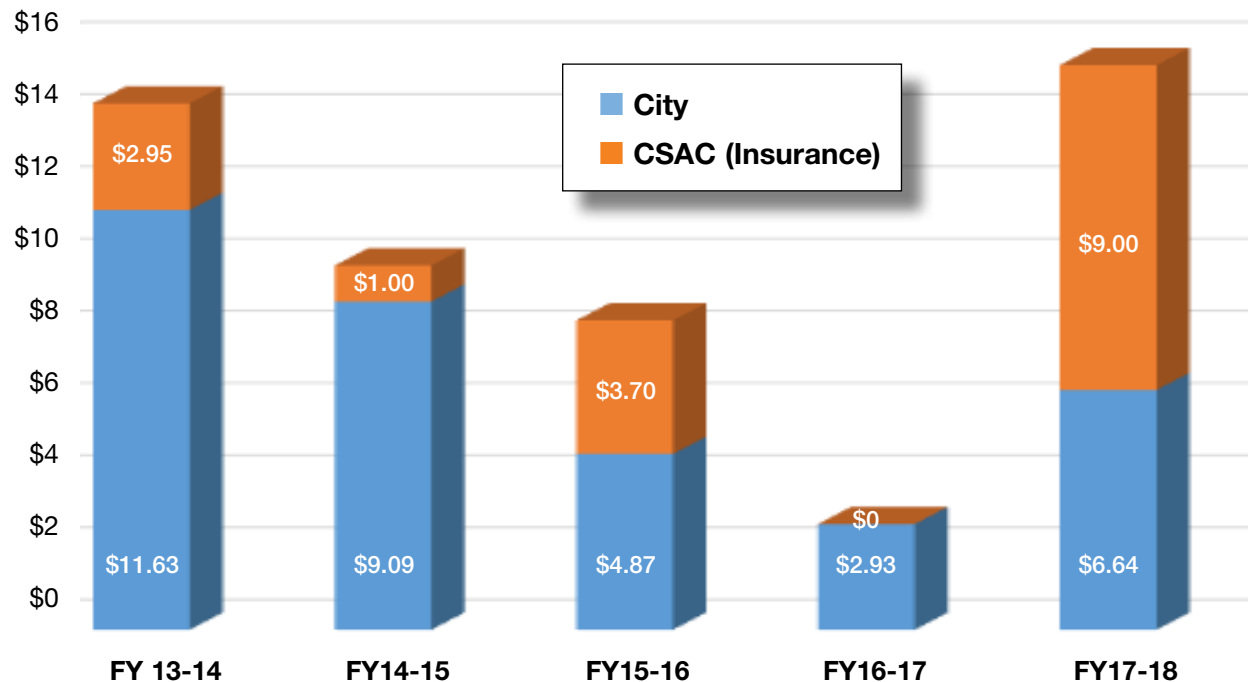
The City Attorney’s Office provides the City Council legal advice and analysis of potential settlements or trials. The City Attorney has up to \$25,000 in settlement authority per case. The City Council approves settlements exceeding \$25,000 except for categories of cases that the City Attorney has independent authority to bring under state law or as granted by the Council.

This year, total payouts increased mainly due to one high liability case involving a police vehicle accident that caused severe injuries (*Van Fleet v. City of Oakland*). That case resulted in a \$12 million settlement. The City paid \$3 million of that settlement, and the City’s insurance carrier (CSAC Excess Insurance Authority) paid \$9 million, so the total amount of payouts that the City paid out of its coffers this year was **\$6.64 million** (see Figure 4 below).

The City settled one other case involving a sexual misconduct scandal involving numerous Oakland police officers (*Abuslin v. City of Oakland*) for \$989,000. Payouts would have been \$2.65 million without these two settlements.

**Figure 4: Total Payments Made by City v. Total Payments Made by CSAC (Insurance Carrier)**

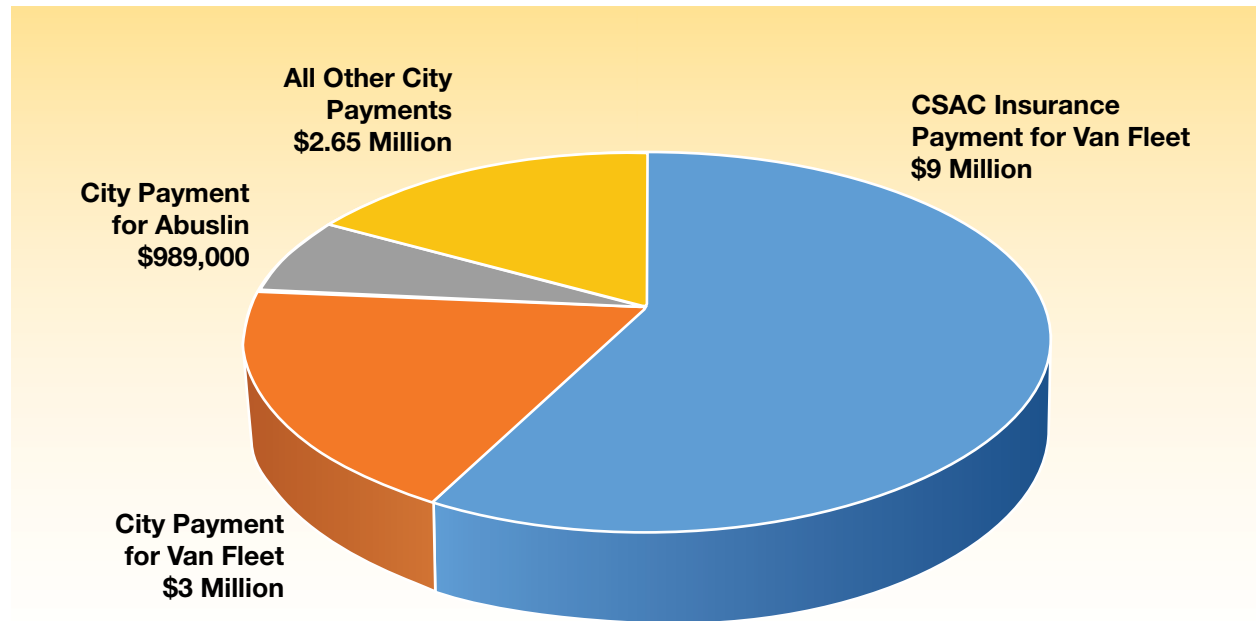
Millions of Dollars



**Note:** To be consistent with previous Annual Reports, the chart tracks total payouts, including payments by the City and payments by the City’s insurance carrier (CSAC Excess Insurance Authority). During this fiscal year the insurance agreement provided for the City to pay the first \$3 million for each “incident” and for CSAC to pay amounts in excess of \$3 million up to \$25 million per “incident.”

The chart below shows that Oakland’s insurance carrier (CSAC) paid the majority of total payouts in this fiscal year. Two cases were responsible for the majority of payments by the City: *Van Fleet v. City of Oakland* and *Abuslin v. City of Oakland*.

**Figure 5: Payouts FY 2017-18**



## PAYOUTS BY CATEGORY

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

**Table 2: Payouts of Claims, Lawsuits & Arbitrations of More Than \$100,000 FY 17-18**

Case	Type	Total Judgment/ Settlement	Total Paid by City
Van Fleet, Elliott	Plaintiff suffered severe injuries, including partially amputated leg, when his motorcycle was hit by a police SUV that ran a red light in downtown Oakland.	\$12,000,000 (settlement)	\$3,000,000 (\$9M paid by insurance carrier)
Abuslin, Jasmine	Alleged sexual misconduct scandal by multiple police officers.	\$989,000 (settlement)	\$989,000
Prator, James	Alleged dangerous sidewalk responsible for fractured leg.	\$877,780.63 (settlement)	\$877,780.63
Torres, Joseph	Alleged race discrimination, retaliation & emotional stress related to failure to promote Oakland Fire Department employee to captain.	\$450,000 (settlement)	\$450,000
Ross, Ronald	Plaintiff was convicted of attempted murder and spent almost seven years in prison before he was exonerated. Lawsuit alleged Oakland Police Department’s investigation resulted in prosecution and wrongful conviction.	\$300,000 (settlement)	\$300,000
<b>Totals:</b>		<b>\$14,616,780.63</b>	<b>\$5,616,781</b>

**Table 3: Payouts - Police Matters**

Category	2013-14	2014-15	2015-16	2016-17	2017-18	5-year Average
Conduct: Suspect Chase	\$721	\$6,800	\$21,652	\$100	\$4,600	\$6,774
Use of Force	\$5,388,500	\$1,400,000	\$9,978	\$5,000		\$1,700,870
Conduct: Non-force	\$885,764	\$0	\$553	\$309	\$1,289,399	\$435,205
Conduct: Strip Search	\$0	\$0	\$0	\$0	\$0	\$0
Wrongful Death	\$0	\$185,000	\$450,000	\$1,200,000	\$0	\$367,000
Vehicle Accidents	\$38,300	\$75,365	\$2,904,461	\$102,521	\$12,158,574	\$3,055,844
Property Loss/ Miscellaneous	\$13,962	\$37,900	\$3,444	\$31,330	\$2,133	\$17,754
Towing	\$74,750	\$2,600	\$1,717	\$0	\$6,891	\$17,192
Personnel/Labor	\$1,132	\$0	\$0	\$0	\$0	\$226
Other / Admin Hearings	\$0	\$0	\$0	\$0	\$35,000	\$7,000
<b>Total Paid</b>	<b>\$6,403,129</b>	<b>\$1,707,665</b>	<b>\$3,391,805</b>	<b>\$1,339,260</b>	<b>\$13,496,597</b>	<b>\$5,267,691</b>

**Table 4: Payouts – Infrastructure**

Category	2013-14	2014-15	2015-16	2016-17	2017-18	5-year Average
City Buildings, Parks, Etc.	\$4,383	\$113,180	\$10,466	\$2,911	\$36,339	\$33,456
Sewers & Storm Drains	\$201,930	\$657,428	\$1,014,024	\$213,767	\$132,912	\$444,012
Sidewalks, Curbs, Etc.	\$354,001	\$1,305,500	\$1,062,300	\$727,205	\$1,238,610	\$937,523
Streets, Signals & Lights	\$3,284,862	\$2,752,573	\$652,288	\$48,000	\$106,646	\$1,368,874
Inverse Condemnation	\$129,384	\$0	\$16,244	\$8,122	\$13,122	\$33,375
Trees	\$59,969	\$27,874	\$14,850	\$33,387	\$52,875	\$37,791
<b>Total Paid</b>	<b>\$4,034,529</b>	<b>\$4,856,555</b>	<b>\$2,770,171</b>	<b>\$1,033,392</b>	<b>\$1,580,504</b>	<b>\$2,855,030</b>

**Table 5: Payouts – City Vehicle Accidents**

Category	2013-14	2014-15	2015-16	2016-17	2017-18	5-year Average
Police	\$39,021	\$82,166	\$2,904,461	\$102,521	\$12,163,174	\$3,058,269
Public Works	\$2,063,890	\$2,130,930	\$97,476	\$84,640	\$51,584	\$885,704
Parks & Recreation	\$13,500	\$3,301	\$1,344	\$5,192	\$0	\$4,667
Fire	\$556,821	\$28,828	\$11,864	31,782	\$11,968	\$128,252
Other Departments	\$7,500	\$9,367	\$38,749	\$8,574	\$0	\$12,838
<b>Total Paid</b>	<b>\$2,680,731</b>	<b>\$2,254,591</b>	<b>\$3,053,894</b>	<b>\$232,708</b>	<b>\$12,226,726</b>	<b>\$4,089,730</b>

**Table 6: Payouts – Employment/Labor**

Category	2013-14	2014-15	2015-16	2016-17	2017-18	5-year Average
Police	\$1,132	\$0	\$0	\$0	\$0	\$226
Parks & Recreation	\$0	\$0	\$0	\$0	\$0	\$0
General Government/ Other	\$436,000	\$227,795	\$725,000	\$0	\$0	\$277,759
Public Works	\$34,663	\$646,999	\$0	\$75,000	\$0	\$151,332
Fire Services	\$0	\$0	\$32,426	\$0	\$450,000	\$96,485
<b>Total Paid</b>	<b>\$471,795</b>	<b>\$874,794</b>	<b>\$757,426</b>	<b>\$75,000</b>	<b>\$450,000</b>	<b>\$525,803</b>



## DIVISIONS OF THE CITY ATTORNEY'S OFFICE

### Affirmative Litigation, Innovation & Enforcement Division

In 2016 City Attorney Parker launched this division to make a top priority of affirmative litigation and other actions and initiatives to secure justice and equity for all Oakland residents and workers and to fight discrimination based on race, gender, sexual orientation, age, disability, immigration status, economic status or other protected status. Our affirmative work also includes actions to protect rights that are being undercut and/or decimated on a regular basis by the current federal administration.

The Affirmative Litigation, Innovation & Enforcement Division includes two units: the Community Lawyering & Civil Rights Unit (“CLCR”) and the Neighborhood Law Corps (“NLC”). The Community Lawyering & Civil Rights Unit focuses on affirmative litigation and other initiatives to secure social, racial, economic and environmental justice and equity, to protect all Oaklanders’ civil and constitutional rights and to enforce laws prohibiting race, sex and other forms of discrimination against protected classes. The Neighborhood Law Corps (NLC) is a unit of recently licensed attorneys who tackle quality of life issues and public nuisances including human trafficking, illegal dumping and violations of tenants’ rights.

### ENVIRONMENTAL JUSTICE

#### ***People of the State of California v. BP, Chevron, ConocoPhillips, Exxon and Royal Dutch Shell***

In September 2017, the City Attorney filed a groundbreaking public nuisance lawsuit against the five largest publicly-owned fossil fuel companies in the world: Chevron, ConocoPhillips, Exxon Mobil, BP and Royal Dutch Shell. The lawsuit asks the court to hold defendants accountable for the costs of sea walls and other infrastructure necessary to protect Oakland from the ongoing and future consequences of climate change caused by the companies’ products.

The fossil fuel industry’s own records show that the defendant companies intentionally misled the American public and the world about the dangers of fossil-fuel driven climate change. The defendant companies knew for decades that their products would cause “severe” warming and sea level rise. Industry scientists warned the companies as early as the 1970s and 1980s of “catastrophic” consequences for life on this planet.

For example, in 1968, a scientific consultant working for the American Petroleum Institute, a trade association representing fossil fuel companies, warned that carbon dioxide emissions were “almost certain” to produce significant temperature increases and a rise in sea levels. In 1980, API and its member companies learned that “likely impacts” of global warming would include “globally catastrophic effects.” An internal Exxon document from 1982 predicts a massive increase in global mean temperatures between the years 2000 and 2100 based on increasing carbon dioxide concentrations.

Despite their knowledge of scientific consensus on these issues, and despite warnings from their own scientists and/or scientists working for their trade association, the defendants spent the last 30 years engaging in a misinformation campaign to convince the world that global warming is not real, and even if it was, it was not connected to human use of fossil fuels.

Like the tobacco companies that were sued in the 1980s, the defendants knowingly and recklessly created an ongoing public nuisance that is causing harm now, and in the future risks catastrophic harm to human life and property, including billions of dollars of damage to public and private property in Oakland and San Francisco.

Our lawsuit forced the companies to admit in court that climate change is a reality. But they nevertheless refuse to accept any responsibility for the damage they caused. Of course, the defendants continue to engage in massive fossil fuel production, continue to promote fossil fuels, and have developed multi-decade future business plans based upon increased fossil fuel usage even as global warming has entered a severe danger zone.

Unfortunately, Federal District Court Judge William Alsup dismissed Oakland's lawsuit and a similar lawsuit filed by San Francisco.

We have appealed the ruling and look forward to presenting our case to the Ninth Circuit Court of Appeals and asking the appellate court to reverse Judge Alsup's decision.

Judge Alsup ruled: "The problem (of global warming) deserves a solution on a more vast scale than can be supplied by a district judge or jury in a public nuisance case."

Our lawsuit was never about solving global warming in its entirety. Our lawsuit focuses specifically on holding these fossil fuel companies responsible for the costs to the City of Oakland – costs that are directly linked to the companies' reckless actions that violate California law.

We all recognize that the problem of climate change requires a broad, comprehensive solution. Unfortunately, we also are well aware that the current executive branch will take no action to stop this imminent threat to life on our planet.

Oakland's lawsuit included "tutorials" by three of the preeminent experts on the science of climate change. Their presentations to the court were compelling and alarming.

Rising seas are not just a theoretical threat to Oakland, San Francisco and our entire planet. Climate change models show large parts of Oakland, including the Oakland airport, I-880 and large parts of East and West Oakland under water by the end of this century, especially during storm surges. A recent state report, *Rising Seas in California*, projects as much as 10 feet of additional sea level rise in the San Francisco Bay by 2100, a scenario that would cause almost unimaginable harm to Oakland and every other city with a shoreline.

Our appeal is only the first round in our fight to ensure that Big Oil does not get to pocket the obscene profits from its deception campaign and massive sale of fossil fuels. We are committed to ensuring that the defendants pay the costs of sea walls and other infrastructure necessary to protect Oakland from the ongoing and future consequences of climate change and sea level rise they caused.

**Surging Seas Risk Zone Map:** The light blue on the map shows land that will be under water with 10 feet of sea level rise, a scenario that a recent state report says is possible by the end of this century, and would cause unimaginable damage to Oakland and every other coastal community in the world.



### **County of Santa Clara et al., v. Atlantic Richfield Co. et al**

This year, the Affirmative Litigation Division continued to prosecute Oakland’s case against companies that knowingly manufactured and sold poisonous lead paint.

Prior to publication of this report, the U.S. Supreme Court declined to review the case, bringing an end to nearly two decades of litigation against the lead paint companies.

The lawsuit was initially filed in 2000 by then-Santa Clara County Counsel Ann Ravel. Oakland and eight other California cities and counties subsequently joined the lawsuit.

The lawsuit alleged that defendants ConAgra Grocery Products Company, NL Industries, Inc., and the Sherwin-Williams Company aggressively marketed lead paint, even though they knew it was highly toxic to young children, and thereby created a public nuisance that threatens the health of California’s children to this day.

When lead paint is allowed to peel, exposed to friction or disturbed during construction, young children or pregnant women can ingest it. When this happens, lead acts as a cumulative neurotoxin and may result in irreversible brain damage. Despite widespread industry knowledge of the hazard, the defendants continued to market lead paint as safe for residential use until it became unlawful to do so. As a result, nearly every home built before 1978 contains lead paint hazards.

This case affirms that private companies, no matter how powerful or big they are, must face consequences when they knowingly harm people. Lead paint is prevalent in Oakland homes and disproportionately affects communities of color and low-income communities. In this case, the defendants knew they were selling a product that poisoned children, yet they continued to sell and market it as safe. It is long past time for these companies to be held accountable for the harm their products have caused and continue to cause in homes throughout Oakland and California.

## ***Oakland v. Santos Engineering***

This year, the City Attorney's Neighborhood Law Corps won an important environmental justice case against an illegal debris hauling operation that discharged huge amounts of dangerous dust into a West Oakland residential neighborhood.

The lawsuit filed in January 2018 charged the company, Santos Engineering, with intentionally blowing dust from construction debris into the neighborhood, allowing contaminated water to flow into the City's storm water system and operating in open violation of Oakland zoning laws. Handling and breaking down construction debris creates vast amounts of dust that potentially contains asbestos or other hazardous materials. Instead of mitigating the harm from these activities, Defendant Moacir Santos knocked out parts of the warehouse ceiling and installed a fan to blow dust directly outside of the property and into the surrounding neighborhood. The company also illegally tapped into an East Bay Municipal Utility District fire hydrant and allowed contaminated water to run into the City's storm water system.

In April 2018, the court ordered an injunction to stop the company from operating illegally at its warehouse on Poplar Street, near homes, a playground and a farm in West Oakland. A settlement in the case is pending at the time of this report.

West Oakland neighborhoods have long suffered disproportionately from pollution in the air, soil and ground water, and that has taken a toll on the health of West Oaklanders. It is unconscionable and contemptible for anyone to try to profit from poisoning the neighborhood – including the children and adults who live there.

## **Illegal Dumping Enforcement Program**

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

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

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

The NLC uses that evidence to build cases against dumpers, and the City Administrator's Office issues citations. To date the City has issued approximately 300 citations for illegal dumping from 2013 to the present including hundreds of thousands of dollars in fines against illegal dumpers.

## **RACIAL AND ECONOMIC JUSTICE**

### ***Oakland v. Wells Fargo***

In this fiscal year, we continued our lawsuit against Wells Fargo for the bank's predatory and discriminatory mortgage lending practices against African American and Hispanic applicants that led to a wave of foreclosures, blight and diminished property tax revenues in Oakland. The bank's practices violated the federal Fair Housing Act.

In June 2018, a federal judge denied Wells Fargo's motion to dismiss our lawsuit. The court ruled that Oakland had provided enough evidence to show that the bank's racially discriminatory lending practices may have resulted in a spike in foreclosures and a massive reduction in property tax revenue.

The City of Oakland has suffered great financial harm as a result of these racially discriminatory practices and the ensuing foreclosure crisis.

We are continuing to pursue justice for the City of Oakland and to ensure the bank ceases these predatory and racially discriminatory practices.

In Oakland and across our country, Wells Fargo's discriminatory conduct devastated individuals, families and communities, increasing poverty and wiping out or drastically reducing wealth of African American and Hispanic families while bankers prospered.

Evidence shows that Wells Fargo, our nation's largest mortgage lender and one of the most powerful companies in the world, systematically provided more expensive and higher risk loans to African American and Hispanic borrowers in Oakland and elsewhere, despite the fact that they qualified for the more favorable loans that the bank regularly offered to white borrowers.

When Wells Fargo issued racially discriminatory loans, the bank knew that many of those loans would result in foreclosure and devastate families throughout our community. Yet Wells Fargo simply ignored this reality and continued to issue toxic, discriminatory loans because they generated significant revenue.

We are committed to holding Wells Fargo accountable for its callous and racially discriminatory actions, and to making sure the bank ceases these discriminatory mortgage lending practices.

### ***Oakland v. Kilpatrick***

This year, a coalition of civil rights organizations and attorneys, including the City Attorney, secured a \$1 million settlement in a tenant protection lawsuit against the owners of a residential building in Oakland's Chinatown.

The lawsuit, which was filed in June 2016, asked the court to order that the owners of 524 8th Street maintain tenants' Single Room Occupancy units in a habitable and safe condition and enjoin them from discarding tenants' property and gutting their kitchens and bathrooms.

The owners intentionally made living conditions unbearable for their elderly and Chinese-speaking tenants in an attempt to force them to vacate their units so they could renovate the building and increase rents to dramatically higher market rates.

The owners, who purchased the 8th street property in 2015 as Green Group LP, publicly expressed their hope that remodeling the building would draw a “new demographic” of tenants including tech workers, who would pay premium rents.

To achieve their goal, the owners demolished kitchens and bathrooms, leaving them gutted and unusable for months at a time, and issued notices of demolition in English, although almost all of the tenants read only Chinese. Tenants also complained that the landlords threw away tenants’ clothes, shoes, a child’s tricycle and other items and tore down Chinese New Year decorations. Tenants also had no hot water for weeks on end.

This settlement puts unscrupulous property owners on notice that Oakland will hold them accountable for violations of tenants’ rights and will not tolerate owners who make living conditions so miserable that tenants are compelled to move out. Displacing tenants from their homes frequently plunges families into poverty and homelessness and uproots them from the community. Every family that pays rent in Oakland is entitled to decent housing free from harassment and exploitation.

### ***People v. Choice Hotels International***

The City Attorney and local nonprofit Centro Legal de la Raza prosecuted a lawsuit this year against the owners of an East Oakland hotel for systematically violating state and local labor laws, including Oakland’s Minimum Wage and Sick Leave Ordinance.

The City Attorney and Centro Legal sued the owners of the Quality Inn on Enterprise Way in January 2017 for refusing to pay overtime, failing to provide sick leave, retaliating against employees who called in sick, refusing to provide rest breaks and engaging in other illegal conduct over a period of at least four years.

We secured a settlement after this fiscal year with defendant Hemant Investments, LLC. The settlement includes an injunction ordering the hotel to improve working conditions, provide required sick leave, properly train supervisors and compensate former housekeeping employees for the alleged violations. Choice Hotels International, Inc., the Delaware-based franchiser of the Quality Inn brand, also signed the settlement agreement. The agreement to improve working conditions also requires that the employer create a break room for meal and rest periods, and ensure that housekeepers are not required to fumigate the hotel rooms. The agreement allows the City of Oakland to conduct spot inspections to ensure full compliance and requires that the hotel allow any current employee to talk with City representatives free from retaliation.

Centro Legal and the City Attorney jointly filed the lawsuit – Centro Legal on behalf of eight plaintiffs who worked as housekeepers at the Quality Inn, and the City Attorney on behalf of the City of Oakland and the People of California. The employee plaintiffs were separately compensated under the terms of a confidential settlement agreement.

Oakland's Minimum Wage and Sick Leave law entitles every Oakland worker, regardless of their profession, race, gender or immigration status, to basic rights including sick leave and a minimum wage. We will continue to hold employers accountable for wage theft, exploitation and abuse of workers; these actions not only violate state and local laws, they undermine Oakland families' well-being and stability.

## **SOCIAL JUSTICE**

### **Anti-Human Trafficking Lawsuits against Illicit Massage Parlors**

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

This year the NLC continued to work with Oakland police to investigate and prosecute businesses that cater to or profit from the sexual exploitation of women and girls in our community, in particular illicit massage parlors and spas. Over the last three years, the NLC has successfully shut down 25 massage parlors where police investigations found evidence of trafficking and prostitution. We also have secured a number of injunctions against operators of the businesses and we have recovered more than \$800,000 in civil penalties and fees from our lawsuits against the business owners and operators.

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

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

We are committed to continuing to do everything we can to disrupt this criminal industry which depends on and profits from the abuse of women and girls in our community.

### ***People v. Purdue Pharma***

This year, Oakland joined the lawsuit that Santa Clara County and the Orange County District Attorney brought against leading manufacturers of opioids, drugs that have caused a nationwide epidemic of abuse and addiction, including in Oakland and Alameda County.

The lawsuit, initially filed in May 2014, charges that opioid manufacturers have engaged in a campaign of false advertising that trivialized the risks of opioids – a deceptive business practice that resulted in rampant over-prescription and a crisis of opioid-related addiction, injuries and deaths in California and the nation as a whole. Evidence indicates that the epidemic has disproportionately impacted Oakland's African American and homeless populations.

The rise of opioid addiction and overdoses in our community is directly related to deceptive marketing that aggressively promoted these drugs while covering up the risks. Although there are legitimate medical uses for opioids, they are highly addictive drugs that have been vastly over-prescribed as a direct result of the manufacturers' deceitful and irresponsible tactics. Families in Oakland are suffering the consequences.

Named defendants in the lawsuit include manufacturers Janssen Pharmaceuticals, Inc., Endo Health Solutions, Inc., Actavis PLC and Purdue Pharma L.P., the manufacturer of OxyContin.

In 2012, there were 464.4 opioid prescriptions for every 1,000 Alameda County residents – almost one prescription for every two residents of the county.

The rate of emergency room (“ER”) visits related to opioids in Alameda County increased by almost a third between 2009 and 2014. During that time period, the rate of opioid-related ER visits by African Americans was more than three times higher than the rate of the county as a whole.

It is readily apparent that these companies are peddling their wares to every demographic, but they shamelessly prey upon some of the most vulnerable populations.

The law in California is clear: pharmaceutical companies cannot mislead doctors or patients about the dangers of their products and then walk away with impunity. There is growing consensus across our nation country that these companies must be held accountable for the crisis their products created.

## **OAKLAND FIGHTS BACK**

From the beginning of Trump's presidency, Oakland has filed numerous amicus briefs and other legal actions to challenge some of the federal government's most unconstitutional, inhumane and callous policies.

Only five days after he took office, Trump issued an executive order declaring that sanctuary jurisdictions that did not cooperate with federal immigration agents would no longer receive federal funds for after school programs, child care, law enforcement and other critical services. San Francisco filed a lawsuit, and Oakland and a broad coalition of cities, counties and other local jurisdictions filed an amicus (“friend-of-the-court”) brief asking the court to block Trump's executive order. The Ninth Circuit U.S. Court of Appeals ruled that Trump abused his authority when he issued an executive order threatening to deny federal funding to sanctuary cities like Oakland.

Early in Trump's term, Oakland also filed an amicus brief challenging his administration's blatantly unconstitutional Muslim travel ban.

This year the Affirmative Litigation Division continued to file lawsuits and other actions to fight back against the Trump administration's constant assaults on the rights and interests of Americans.

In June 2018, we filed briefs in two cases: a lawsuit challenging Trump's inhumane and cruel decision to end protected status for Haitian refugees, and a lawsuit that asks the court to block Trump's efforts to dismantle core civil rights protections in the federal Fair Housing Act (“FHA”), which was enacted 50 years ago.



In the FHA housing case, a group of civil rights organizations filed a lawsuit in May challenging the government's decision to suspend a regulation called the Affirmatively Further Fair Housing rule, which requires that local governments have a plan to address segregation and discrimination in housing. The rule is a critical tool to enforce the FHA's goal of desegregating housing and providing equal opportunity for African American, Hispanic and other people of color, people with disabilities, survivors of gender-based violence and low-income people.

To suspend the rule legally, the government would have to give the public notice and opportunity to weigh in, and would have to replace the rule with a "Plan B" to accomplish the goal of less segregation and discrimination. Of course, the Trump administration did neither.

It is no surprise that Trump would attempt to gut the Fair Housing Act, the very law that the federal government sued him and his father for violating back in 1973. At the time, investigators found that Trump company managers were telling African American applicants that no apartments were available in their buildings, while they offered apartments to white applicants. Sadly, Trump is now using his power as president to dismantle the very law that was designed to protect people of color from people like him.

Another example of Trump's hostility toward people of color is the administration's decision to end protected status for almost 60,000 Haitian refugees who fled to our shores after the 2010 earthquake that killed hundreds of thousands of people in that country.

Also in June 2018, Oakland joined 25 other cities and counties across the country in supporting a lawsuit that the NAACP Legal Defense & Education Fund filed to block the government's decision. The lawsuit charges the Trump administration with taking "irrational and discriminatory government action" in revoking protected status for Haitian immigrants.

The NAACP lawsuit, which was filed on January 24, uses Trump's own racist words as evidence that the government intended to discriminate based on race. For example, it was widely reported that during a January 2018 meeting with lawmakers on immigration, Trump said "we don't need more Haitians," but supported more immigrants from places like Norway. The lawsuit also cites another widely reported comment by Trump from a June 2017 cabinet meeting that Haitians "all have AIDS."

Congress created the Temporary Protected Status ("TPS") program to protect immigrants who cannot safely return to their home countries due to armed conflict, natural disaster or other extraordinary circumstances. Refugees from Haiti's earthquake had to meet rigorous standards to earn protected status, including having no serious criminal record and undergoing review by the U.S. Citizenship and Immigration Service.

Oakland and 25 other cities and counties filed an amicus brief to support the NAACP's challenge. The brief says that communities like Oakland would be harmed by the loss of residents who contribute meaningfully to their communities, pay taxes and raise children, thousands of whom are U.S. citizens.

The Trump administration asserts that emergency conditions no longer exist in Haiti, so the Haitians must go. Many of the refugees now face the impossible choice of leaving their U.S.-born children here, or taking them back to a country that experts say has not yet recovered from the earthquake that killed approximately 300,000 people in 2010.

Of course, Trump's decision to end protected status for refugees of a horrific natural disaster is not just discriminatory, but yet another example of unmitigated cruelty. It is almost too heartless to believe, like the photos of screaming children who were pulled from their parents' arms at the border and thrown into chain link cages.

Also this year, Oakland joined the State of California's lawsuit challenging the Trump administration's unconstitutional decision to add a question about citizenship status to the 2020 census.

California Attorney General Xavier Becerra filed the lawsuit in March 2018. The amended complaint includes Oakland, Los Angeles County and the cities of Fremont, Stockton, Los Angeles and Long Beach as plaintiffs.

The clear goal of the citizenship question is to discourage noncitizens and their family members from participating in the Census. The resulting undercount would detrimentally impact California by reducing the state's Congressional representation and federal funding for disaster relief, infrastructure, public health, education, police, fire and other critical services.

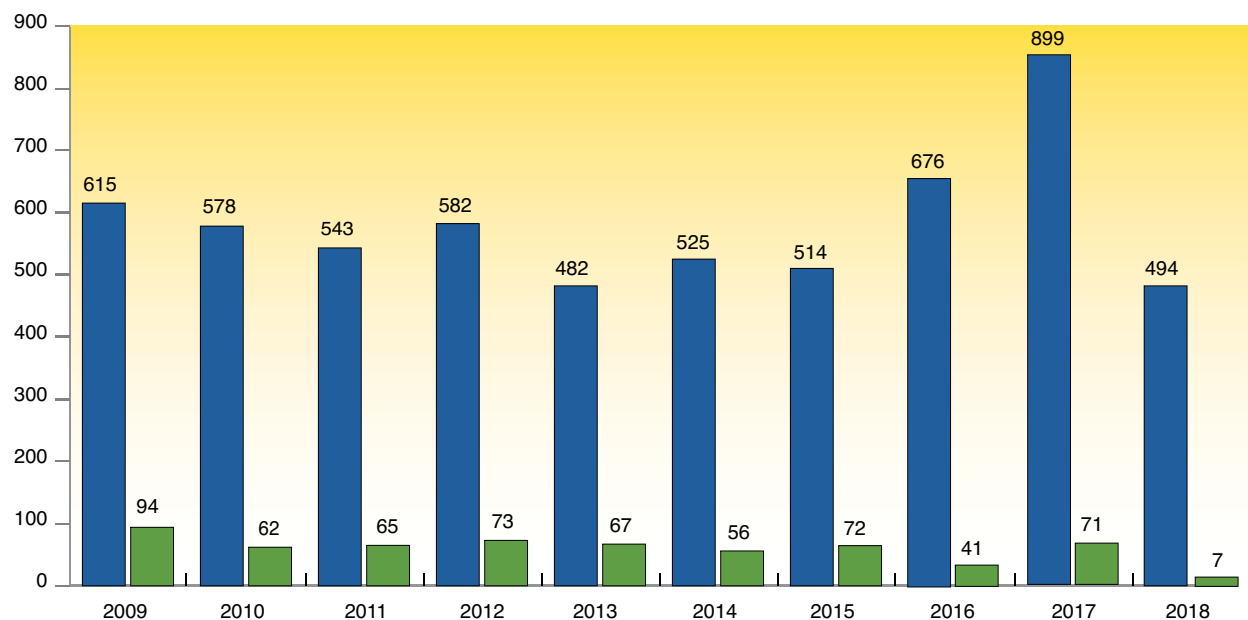
We will continue to fight back to defend Oakland residents from the current administration's corrupt, cruel and unconstitutional policies.

## General and Complex Litigation Division (Defense)

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

Litigators employ a strategic approach to limit the City's financial exposure and to managing liability at the claims stage to limit expensive lawsuits, and to resolve claims on a fair, just and equitable basis. Only a very small percentage of claims evolve into lawsuits (only **1.4 percent** in FY 2017-18), underscoring the effectiveness of this strategy.

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



## CLAIMS

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

The City received 616 claims this year, down from last year’s total of 756. Most of that increase was in the category of Municipal Infrastructure, which includes “trip and fall” claims, potholes, etc. Additional risk management, including increased resources dedicated to fixing infrastructure problems, likely would reduce the number of claims, high liability lawsuits and payouts in this area. Notably, the total number of claims involving municipal infrastructure fell by 24%, while claims involving city vehicle accidents rose significantly by almost 42%.

**Table 7: Types of Claims Received by Fiscal Year**

Category	2013-14	2014-15	2015-16	2016-17	2017-18	5-year Average
Municipal Infrastructure*	324	366	401	562	427	416
Police Matters**	62	53	77	51	62	61
City Vehicle Accidents	70	75	68	67	95	75
Other	18	20	37	76	32	37
<b>Total Claims/Year</b>	<b>474</b>	<b>514</b>	<b>583</b>	<b>756</b>	<b>616</b>	<b>589</b>

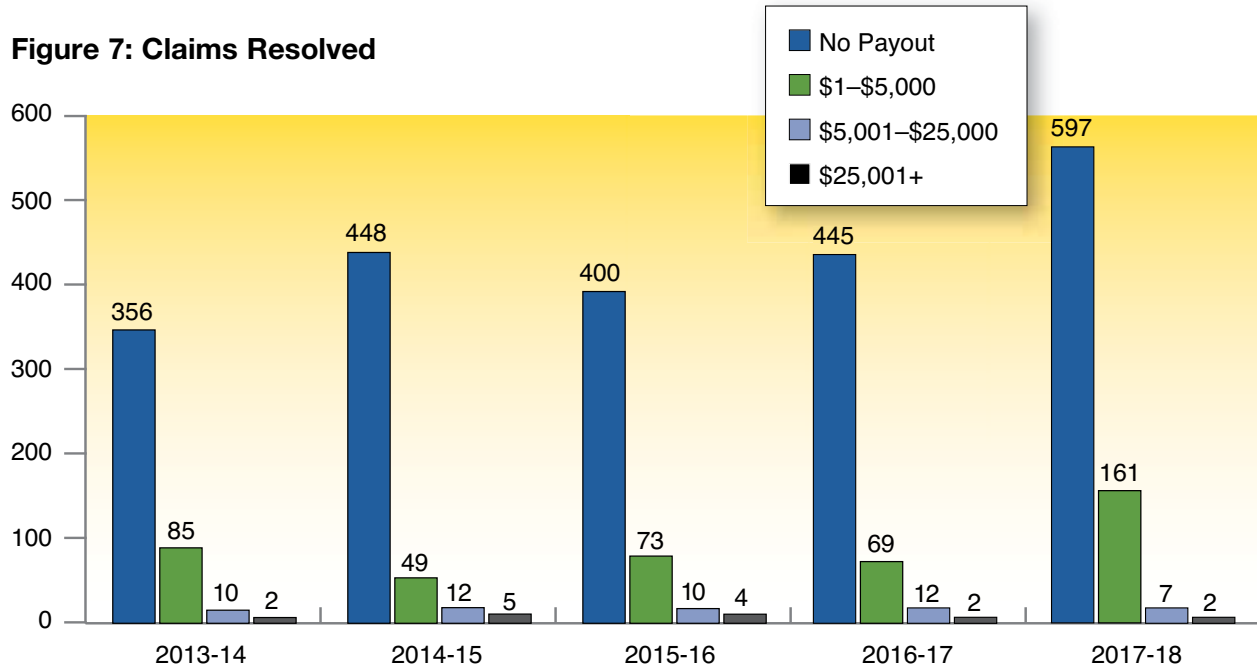
\*Municipal Infrastructure includes sewers, trip & fall, bicycle and auto accidents, etc. on streets and sidewalks.

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

## CLAIMS RESOLVED

We resolved a total of 767 claims in FY 2017-18. This year almost 78 percent of claims were resolved with no payment of money whatsoever. Less than one percent of claims resolved this year resulted in a payout of more than \$25,000.

**Figure 7: Claims Resolved**



## LAWSUITS FILED AGAINST THE CITY

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

In FY 2017-18, plaintiffs filed **130** lawsuits against the City of Oakland. Notably, lawsuits increased significantly in the area of city vehicle accidents.

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

**Table 8: Types of Lawsuits Received**

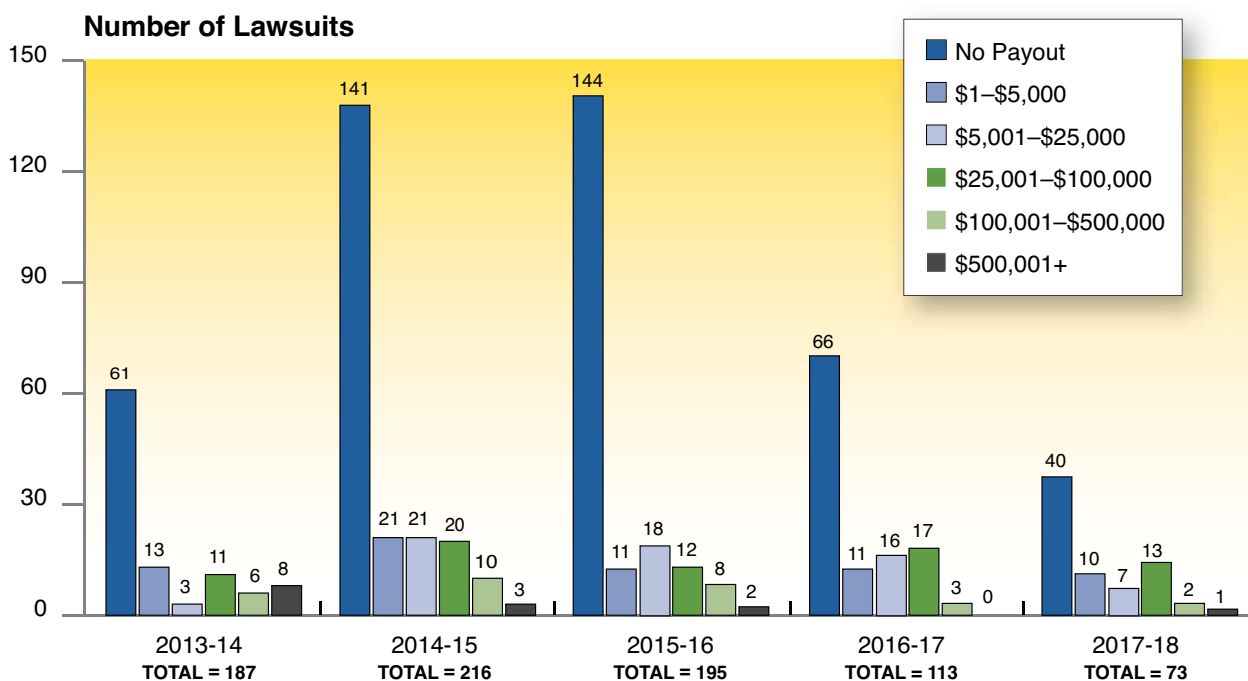
Category	2013-14	2014-15	2015-16	2016-17	2017-18	5-year Average
Municipal Infrastructure	37	53	62	48	53	51
Police Conduct Matters	25	13	10	14	17	16
Personnel/Labor (non-lawsuits and lawsuits)	30	42	27	16	6	24
City Vehicle Accidents	6	13	10	9	21	12
Other	32	56	77	62	33	52
<b>Total Lawsuits/Year</b>	<b>130</b>	<b>177</b>	<b>186</b>	<b>149</b>	<b>130</b>	<b>154</b>

**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. We seek to resolve cases on a fair, just and equitable basis.

This year, the City Attorney’s Office resolved 73 lawsuits. The majority (54 percent) were resolved with no payment of money whatsoever. Only four percent of the lawsuits resolved this year resulted in a payout of more than \$100,000.

**Figure 8: Lawsuits Resolved**



## 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; negotiating real estate transactions; issuing municipal bonds; providing advice about finance, bonds, retirement, benefits, elections, ethics and conflicts of interest; providing advice on police, fire and emergency services policies, procedures and practices; defending the City's ordinances against challenges in court; and initiating legal proceedings to address public nuisance/quality of life issues in Oakland neighborhoods.

In FY 2017-18, the Advisory Division was comprised of three main units. Examples of practice areas and responsibilities of each unit are included in **Tables 8-10**.

### GENERAL GOVERNMENT & FINANCE UNIT OF THE ADVISORY DIVISION

#### Municipal Finance

- Advised the City's Tax Administrator regarding enforcement and interpretation of Oakland's tax ordinances, including the business tax, parking tax, transient occupancy tax, real property transfer tax and utility users' tax.
- Advised the City Administrator and various City departments regarding the use of monies including grants proceeds, tax-exempt bond proceeds, special tax revenues and other restricted funds.
- Advised and assisted the Revenue and Management Agency in matters relating to debt collection, placement and enforcement of liens citywide.
- Advised various City tax boards of review.
- Provided legal analysis and advice to the Budget Department and Controller in matters relating to the City budget, fund transfers and expenditures, and use of restricted funds
- Provided ongoing legal advice to the City's Deferred Compensation Committee regarding administration of the Deferred Compensation Program.
- Advised the City Administrator on various issues regarding the Police and Fire Retirement System.
- Advised the Police and Fire Retirement System regarding various issues such as the Brown Act, Public Records Act, and division of pension benefits upon divorce.
- Managed outside counsel in continuing litigation between the City and the Retired Oakland Police Officers' Association relating to the amount of monthly benefits payable to retired police officers.

- Advised the Treasury Division regarding various financing transactions including tax exempt equipment lease agreements for new police, fire and public works radio-related infrastructure, vehicle financing, and information technology hardware and software for the Oracle budgeting system upgrade.
- Supervised the City’s litigation against municipal bond guaranteed investment contract (GIC) brokers and issuers for bid-rigging.
- Supervised the City’s litigation against municipal bond insurers.
- Advised the Treasury Division regarding questions and issues relating to banking contracts, outstanding financial obligations, mandated disclosures and reporting, responses to public records requests, and other issues relating to the City finances.
- Advised the City Administrator and City Council regarding investigation relating to potential debarment proceedings.
- Assisted the public in resolving contested parking citations and guided citizens in the appeals process.
- Advised and represented the Police and Fire Retirement System on estate and probate issues regarding amounts due from or owing to members or survivors upon death.

## **GENERAL GOVERNMENT**

- Provided regular oral and written advice to over 30 departments, commissions, divisions and agencies.
- Staffed and provided legal advice to the City Council’s Life Enrichment Committee, Education Partnership Committee, Finance and Management Committee, and Public Works Committee (which now encompasses the nascent Department of Transportation).
- Provided legal advice to numerous Oakland boards and commissions, including the Bicycle Advisory Commission, the Cultural Affairs Commission, the Public Art Advisory Commission, the Commission on Persons with Disabilities, the Wildfire Prevention Assessment District Commission, the Violence Prevention and Public Safety Oversight Committee, the Public Safety and Services Violence Prevention Commission, the Commission on Aging, the Youth Advisory Commission, the Children’s Fairyland Board, the OFCY Planning and Oversight Commission, the Parks and Recreation Advisory Commission, the Library Commission, the Alameda County-Oakland Community Action Partnership Administering Board, the Bicycle & Pedestrian Advisory Commission, the Sugar-Sweetened Beverage Tax Community Advisory Board, the Head Start Advisory Board and the newly-created Affordable Housing and Infrastructure Bond (Measure KK) Public Oversight Committee.
- Provided advice and training to the City Council, boards and commissions, and City staff on open meetings laws, including the California Brown Act and Oakland Sunshine Ordinance.



- Provided advice and training to staff and officials on public records laws, including the California Public Records Act and Oakland Sunshine Ordinance.
- Provided advice and legal opinions to staff and officials on a variety of public ethics issues, including conflicts of interest, gifts, mass mailings, incompatible activities, and post-employment activities.
- Advised and assisted in drafting for the November 2018 election ballot measures including a new parcel tax to fund library services, proposed amendments to the business tax ordinance for cannabis businesses, proposed amendments to the real estate transfer tax, and a proposed special business tax on rental property to fund homeless services and illegal dumping remediation.
- Advised the City Auditor on various legal issues concerning Auditor authority and operations.
- Advised the City's hearing officer on administrative hearings over vicious and potentially dangerous dogs.
- Reviewed contracts, grant agreements, resolutions, ordinances and staff reports for the Parks and Recreation Department, including programs and services that provide Oakland residents greater access to nature, wildlife, and recreation, such as Oakland's Feather River Camp, Woodminster Theatre, Metropolitan Golf Course, Lake Chabot Golf Course, wildlife programs at Peralta Hacienda Historical Park, boating and sailing activities, equestrian activities, and a variety of programs for Oakland's after-school programs and recreation centers.
- Advised the Parks and Recreation Department on the Lake Chabot Golf Course Driving Range Improvement Project contract dispute.
- Advised the Parks and Recreation Department on gifts in place, donation of in-kind services and materials, and project construction agreements for improvements to sports fields and facilities, such as new basketball courts, baseball fields, soccer fields, and children's playgrounds.
- Advised the Parks and Recreation Department on joint projects with the Oakland Unified School District.
- Advised staff on use of Measure WW funds for improvements at the Chabot Space and Science Center.
- Advised the Parks and Recreation Department on updating park use regulations.
- Advised staff on legislation and balloting related to the 10-year renewal of the Koreatown/ Northgate Community Benefit District.
- Reviewed hundreds of contracts, grant agreements, staff reports, ordinances and resolutions for the Human Services Department, including Kids First grant agreements, Oakland Unite violence prevention grant agreements, numerous services contracts and grant agreements for programs for children and families, Head Start, youth, adults and seniors, paratransit services, and homeless programs.

- Reviewed contracts, grant agreements, resolutions and staff reports for the Oakland Public Library to provide Oakland residents' greater access to library services and other youth programs.
- Reviewed contracts, grant agreements, resolutions and staff reports for City funding of local artists and nonprofit arts and cultural organizations, and for public art projects throughout the City, including graffiti abatement and murals.
- Provided advice to the ADA Programs Division on matters of ADA compliance in City programs and on City property, as well as the Ford GoBike bike share program sponsored by the Metropolitan Transportation Commission (Oakland is a participating city).
- Assisted the City Administrator in extending a contract to provide security services in the downtown area.
- Drafted ballot titles, summaries, and impartial legal analyses on several ballot measures proposed for the November 2018 ballot.
- Drafted legal opinions and trained and advised staff on various issues regarding the use of City resources for campaign purposes.
- Advised the Planning Department and the City Council regarding the threatened referendum on the Oakland Zoo expansion project.
- Provided advice to the City Clerk and staff as needed in connection with administering the November 2018 general election.
- Worked with outside counsel in litigation against Wells Fargo Bank for engaging in discriminatory home lending practices in violation of the Federal Fair Housing Act and the California Fair Employment and Housing Act.
- Drafted resolutions to support state legislation to control or limit guns and ammunition.
- Advised the City Council and the City Administrator on contract issues with respect to the implementation of a new municipal identification system and the extension of the program.
- Advised the City Clerk and KTOP on copyright licensing issues arising from the ongoing production of a documentary feature-length work.

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

- Reviewed over a hundred construction and professional services contracts for the Public Works Contracting Division and advised Public Works on contract claims and disputes.
- Developed and oversaw implementation of a Term Sheet and Term Sheet Instructions for IT's and Contract Compliance's use for Software as a Service ("SaaS") project/applications/contracts, the emerging cloud-based approach to IT contracting for licensing, software, maintenance, support and services, and data storage and retrieval.
- Reviewed hundreds of Schedule M-Independent Contractor Schedules for City professional services contracts and advised staff on independent contractor status issues.

- Advised the Public Works Agency, the Department of Transportation and the Contracting and Compliance Department with respect to over a hundred professional services contracts and construction contracts.
- Advised the Contracting and Compliance Department with respect to the Local Employment Program in connection with the Army Base redevelopment project and the proposed City Infrastructure Bond.
- Advised the Contracting and Compliance Department with respect to the City's adoption of a Border Wall Ordinance which prohibits the City from contracting with businesses and contractors that participate in the Border Wall.
- Advised the Contracting and Compliance Department in updating the City's Local Business Enterprise Program.
- Advised the Council and the Contracting and Compliance Department on the proposed Border Wall Ordinance that would prohibit the City from doing business with contractors that work on the border wall.
- Advised the City Council on legal procedures for debarment of public works contractors.
- Advised the Public Works Agency with respect to a consent decree which settled litigation against the City by the U.S. Environmental Protection Agency, California State/Regional Water Board and environmental groups involving Oakland's aging sewer collection system, and provided on-going advice with respect to compliance and implementation of the consent decree.
- Advised the Public Works Agency with respect to storm drain compliance with the Clean Water Act and the State's National Pollution Discharge permit issued by the California/Regional Water Board.
- Advised the Public Works Agency and the City Council with respect to the implementation of the solid waste collection, recycling and site disposal franchises (over \$1 billion in total contract value) for providing solid waste collection, recycling and site disposal services to Oakland residents and businesses, and amendments to those agreements.
- Advised the Public Works Agency with respect to ongoing contract issues related to the Waste Management of Alameda County's solid waste collection and site disposal franchise agreements and the California Waste Solutions recycling franchise agreement.
- Advised the Public Works Agency with respect to the negotiation, award and implementation of a franchise agreement in the City's public right of way for the Bike Share Program.
- Advised the Public Works Agency with respect to the lease/purchase of new public works compacter truck vehicles.
- Advised the Public Works Agency on RFP and agreements for proposed installation of solar power program for City buildings.
- Advised the Public Works Agency on solar power purchasing agreements/procurement program with the County of Alameda, including applying City community benefit programs, and advised and negotiated agreement with the contractor for the installation of solar panels on City buildings.

- Advised the Public Works Agency with respect to the City joining the Community Choice Energy Joint Powers Authority being formed by the County of Alameda and cities in Alameda County, and negotiated the East Bay Community Energy JPA agreement, and advised on resolution creating a citizen advisory committee.
- Advised the Public Works Tree Division regarding tree removal permits and appeals.
- Advised the Information Technology Department on the transfer of City data to the Business Intelligence Cloud Service.
- Advised the Public Works Agency on new parking program initiatives.
- Advised the Building Department with respect to the proposed building permit tracking program.
- Advised the Information Technology Department, OPD and OFD on the upgrade of the City's Computer Assisted Dispatch IT system.
- Advised the Information Technology Department and City Administrator on various complex information technology, cyber and cloud-based business transactions and system maintenance contracts including:
  - Maintenance Agreement with CenturyLink for HP Hardware Maintenance
  - Amick Brown (Cloud Network Architecture Project)
  - DoltLean (Community Police Review Association Application Development)
  - Xtelesis (Shoretel Telephone Project installation in Police Administration Building and Library)
  - Motorola (CAD/RMS Project)
  - Comrade (Housing Rent Adjustment Program Website)
  - Insight Global (Oracle Advanced Benefits Project/Other ITD Project Support)
  - ICSynergy (Oracle to Active Directory Integration Project)
  - Kloves (Configuration of ServiceNow, which is the new Help Desk Ticketing Software)
  - Fiber Master Plan (MOU with AC Transit)
  - BIAS (Oracle Project)
- Advised Budget and Treasury on the upgrade and successful implementation of the City's Oracle R12 Financial System/Reimplementation Project,
- Advised Budget and Treasury on the implementation of a new Business Tax revenue collection system.
- Advised OPD with respect to legislation and negotiation of additional VieVu Body Worn Cameras/Data storage and retrieval.

- Advised OPD and the Information Technology Department with respect to the Prime Plus/2.0 (formerly “IPass Phase 2”) Police Officer Tracking software system for the supervision, management, and assessment of police officer behavior.
- Advised the Fire Department and reviewed professional services contracts, including a contract with TruePoint for a new fire module information technology contract.
- Advised the City Administrator, Oakland Police Department, Fire Department, Public Works Agency and Information Technology with respect to the major purchase of mobile radios and implementation of the mobile radio replacement and EBRICSA integration project.
- Advised the Information Technology Department on the Data Center Modernization Project (Phase I), the BIAS contract and the Horizon contract (for system implementation of the City’s data storage migration to the cloud).
- Advised the Information Technology Department with respect to City broadband fiber optic communications study and City conduit dark fiber system.
- Advised the Information Technology Department, the City Administrator, the Public Works Agency and the Economic Development Department with respect to the updating of the City’s broadband/wireless master plan for the laying of fiber optic cable in Oakland’s public right of way by private companies and by public agencies such as BART and the need for a comprehensive policy for Oakland’s participation in these systems.
- Advised the Finance Department and the Information Technology Department on Oracle R-12 upgrade, and AST Public Sector Budgeting IT contracts.
- Advised the Finance and Treasury Department with respect to a Request For Proposals and contract negotiations for a new Parking Citation Information Technology System.
- Advised the City Administrator with respect to negotiation and execution of the Next Request contract, which is upgrading the RecordTrac public records request system.
- Advised the City Clerk and negotiated contracts with respect to transition of City’s file storage from GRM to Corodata.
- Advised the Economic Development Department on the implementation of the Open Counter contract, an application for small business owners to use in getting information regarding needed permits and other requirements needed to open a business in Oakland.
- Advised Public Works on transition of Oakland Army Base infrastructure and future maintenance of public improvements such as streets and lighting and underground structures.
- Advised the City Council with respect to illegal dumping matters, including review of existing maintenance agreements and Caltrans/City Letter of Understanding.
- Advised the Public Works Agency and negotiated with AC Transit with respect to implementation of AC Bus Rapid Transit project system in City’s right of way, including substitute public parking lots for mitigation of lost on-street parking.

- Advised the Public Works Agency on the Piedmont Pines II Undergrounding project.
- Advised the Public Works Agency with respect to the new County septic tank policy and new state law mandating the elimination of septic tanks in the Oakland hills and connection to the Oakland public sewer system, and related private property owner concerns with respect to extending the City sewer main to accommodate conversion from septic tanks to City sewer main connections.
- Advised the Public Works Agency on new City-wide electronic parking meter system that replaced all standard metered parking to state-of-the-art parking meters.
- Advised the Department of Transportation on award and implementation of a new City-wide parking management agreement.
- Advised the Department of Transportation on bike share issues and proposed ordinance for the permitting of scooter share operators in the City's right-of-way.
- Advised Department of Public Works on Embarcadero bridge construction project.

## **REAL ESTATE UNIT OF THE ADVISORY DIVISION**

- Negotiated and drafted lease termination agreement, promissory note and security agreement with Rudy's Can't Fail Café for Fox Theatre space.
- Negotiated and drafted restaurant lease and guaranty with Emporium for Fox Theatre space.
- Negotiated and drafted in-kind leases with Pro Arts and Bette Ono.
- Updated and extensively revised real estate form documents, including ENA, license, in-kind lease, commercial lease, easement, DDA's, LDDA, etc.
- Provided on-going advice and counsel to City staff regarding Oakland Army Base, including issues related to lease administration, mitigation measure implementation, public improvements project, and grant requirements.
- Negotiated and drafted additional extension amendment to Raiders operating agreements.
- Negotiated and revised management agreement with Shark's organization for Oakland Ice Center.
- Prepared Conduit Agreement form and negotiated Conduit Agreements with ExteNet.
- Drafted many licenses and advised real estate staff on same, including, without limitation, 11th Street crane license. 1911 Telegraph, 3550 Foothill, 7425 San Leandro, 796 66th Avenue, 9409 International, Lake Merritt Farmer's Market.
- Advised real estate staff on potential DDA amendments for 2016 Telegraph, negotiated and revised DDA amendments and provided input on drafting of staff report and ordinance.
- Reviewed and provided comments and advice to staff on CC&Rs for 23rd and Webster mixed-use project.

- Oversaw various closing issues, including finalization of the regulatory agreement, loan documents and ground lease, for the development and management of 94 mixed-income units at Fruitvale Transit Village IIA by East Bay Asian Local Development Corporation and Unity Council.
- Prepared 3035 International ENA.
- Drafted and negotiated purchase and sale agreement and multiple amendments for 641 West Grand property and handled closing of purchase of property.
- Prepared purchase and sale agreement for Girvin Street property.
- Prepared Head Start leases.
- Advised staff on and drafted LDDA for Kaiser Convention Center.
- Advised staff on and prepared fee agreement and fund agreement for West Oakland Community Fund.
- Advised litigation colleagues on title and real estate issues from time-to-time.
- Advised real estate staff on maintenance issues related to 1111 Franklin Garage and REA and advised on closing of garage.
- Advised staff on agreement for AC Transit parking lots and prepared license/management agreement.
- Advised staff on legal issues related to Derby Street/Aspire Charter School transaction and provided input on staff report and ordinance.
- Advised KTOP on licensing issues and revised license agreement.
- Drafted EBMUD Parking Garage Lease and Entry Permit and advised DOT on related legal issues.
- Analyzed garage management agreement related to ADA claim by garage customer and advised litigation colleagues on findings.
- Prepared Right of Entry for Air Quality Management Agreement and Bill of Sale for Air Quality Management Agreement.
- Provide ongoing advice to Housing and Community Development Department.
- Provide ongoing advice to the Oakland Workforce Development Board.
- Assist in the preparation of responses to Grand Jury Report regarding the Oakland Workforce Development Board.
- Negotiated and drafted Non-Exclusive Utility Easement for EBMUD.
- Assist in the drafting of many Grant Agreements, including for the West Oakland Job Resource Center, the Lao Family Community Development, the Spanish Speaking Unity Counsel, the Youth Employment Partnership, Inc. and Youth Uprising for Summer Jobs services.

- Draft License Agreement between the City of Oakland and West Oakland Job Resources Center for space at the West Oakland Branch of the Oakland Library.
- Draft predevelopment loan documents for Friendship Senior Housing Project.
- Draft loan documents for loan of Measure KK funds to provide rehabilitation funding for Fruitvale studios.
- Draft loan documents for the Emyrean Harrison hotel project.
- Draft predevelopment loan documents for Macarthur Affordable Units project.
- Review and provide comments to City of Oakland loan commitment letter for 3268 San Pablo Housing Development.
- Performed research and drafted memo advising City Administrator's office on appropriate means of disposing personal property acquired with federal grant funds and the applicability of local personal property disposition rules.
- Draft parking license agreement between City of Oakland and Class Parking, Inc. for parking near Oakland Coliseum.
- Negotiated Storm Drain Easement Agreement between City of Oakland and San Francisco Bay Area Rapid Transit District.
- Negotiated Fund-Pass Through Agreement between City of Oakland and San Francisco Bay Area Rapid Transit District in connection with the go-uptown project.
- Negotiated Right of Entry Agreement between City of Oakland and Claremont Hotel Property, LLC, in connection with City's repair of pedestrian stair path.
- Assist in the preparation of responses to tenant inquiries at the Uptown housing development relating to City's regulatory agreement and tenant rents.
- Draft loan documents for Cannabis Equity Assistance Program.
- Reviewed and provided comments to a host of resolutions relating to housing and other City of Oakland related matters.

## **LAND USE UNIT OF THE ADVISORY DIVISION**

- Provided ongoing transactional and CEQA advice in association with Planning Staff's processing of the application to renovate the Claremont Hotel (including analysis of a revised zoning approach to legalizing the hotel as a non-conforming use, and evaluation of the hotel's historic resource status).
- Provided substantive review of numerous administrative draft CEQA documents (including review of Environmental Impact Reports and exemption analyses for the Claremont Hotel, 2401 Broadway, Two Kaiser Plaza, 1433 Webster Street, 1100 Broadway, 295 29th Street, 601 MacArthur, 1750 Broadway, 500 Kirkham, 800 Pine, 6733 Foothill, 914 W. Grand, West Oakland BART parcel application and 401 Alice Street).



- Drafted substantial memorandum analyzing the potential expansion of use of the California Historic Building Code to lowing rated properties on City’s cultural heritage survey.
- Provided substantive and procedural assistance to the Department of Transportation in implementing updates to the City’s Bicycle Plan, transportation capital improvements, and the Telegraph Avenue paving and restriping project.
- Reviewed and advised regarding Title VI complaint related to West Oakland Army Base public outreach program and environmental justice issues.
- Reviewed and advised regarding appeals of Impact Fees, including drafting findings and determinations for determinations regarding such appeals.
- Reviewed and revised draft staff reports and legislative materials for the Landmarks Preservation Advisory Board and the Planning Commission, and provided regular attorney staffing for the meetings of the Planning Commission from the dais.
- Provided conflict of interest advice to Planning staff regarding potential conflicts of Planning Commissioners.
- Assisted in review and response to requests for documents under the Public Records Act for planning staff.
- Assisted in review and drafting of permanent regulatory ordinance to address conversion, demolition and rehabilitation of Single Room Occupancy hotels to replace Ordinance No. 13415 C.M.S., updating the Planning Code, and establishing an inventory and appeals process for determination of subject properties, including interpretation of applicability of emergency moratorium and analysis of potential Ellis Act restrictions on unit replacement requirements.
- Provided advice to members of City Council regarding franchise and sign relocation procedures for the digitization of billboards.
- Provided advice on appeal of permits for Suprema Meats.
- Provided transactional advice and legal research regarding the City’s regulatory authority with respect to applications to site wireless telecommunication facilities and distributed antenna systems within the public right of way.
- Summarized the effect of updates to density bonus law on specific applications, assisted staff in responding to challenges from applicants regarding submittal requirements, and drafted a new Density Bonus application form.
- Drafted the “Straws upon Request” ordinance for Councilmember Guillen, and advised upon an approach to CEQA compliance for its adoption.
- Drafted amendments to the City’s Public Art Ordinance to allow for payment of in lieu fees as capital contributions to City arts facilities.
- Drafted memorandum analyzing impact of state level shelter crisis legislation under AB 932, and provided advice as to the statute’s application to specific navigation centers and the community cabin program.

- Advised regarding the allowable scope of conditions of approval requiring project labor agreements and labor conditions.
- Reviewed and provided comments on 2017 Mills Act contracts.
- Provided substantive advice on issuance of certificates of compliance under the Subdivision Map Act.
- Assisted Planning and Tree Division staff in issuance and implementation of requiring Tree Removal permits in conjunction with development approvals.
- Substantive and procedural advice in initial Planning Commission consideration and appeal of Mandela Hotel.
- Reviewed proposed amendment to Development Agreement for Brooklyn Basin for Residential Development and Marina Expansion proposal and associated scope of CEQA work, as well as affordable and senior housing components under existing entitlements, which will be built by MidPen Housing in conjunction with the City and Oakland Housing Authority.
- Drafted summary of SB 35 and analyzed application of streamlined approval provisions to specific applications.
- Analyzed pending application for supportive housing, maker space and multi-family housing at 900 Pine Street.
- Reviewed CEQA findings for numerous pieces of City legislation.
- Negotiated settlement and withdrawal of writ of mandate for approval of housing project at 1414 Martin Luther King Jr. Way.
- Reviewed and provided analysis and suggestions to draft bill providing for CEQA exemption and streamlining for Oakland A's stadium proposal.
- Drafted public improvements reimbursement agreement for project at 24th and Harrison
- Analyzed and provided substantive advice on approach to CEQA compliance for Leimert Bridge rehabilitation.
- Provided extensive analysis and memorandum detailing vested rights and issuance of building permits.
- Analyzed potential application of state density bonus law to live/work housing applications.
- Provided analysis of City ability to enforce private easement rights.
- Researched potential historic resource of Short Cut path by Claremont hotel and applicable CEQA authorities.
- Provided substantive CEQA, land use, and real estate legal advice and analysis to City Staff and Planning Commission on the approval of the Eastline Project at 2100 Telegraph Avenue, which was approved with two Final Development Plan proposals: 1.5 million square feet of office space, and another for 880,000 square feet of office space and 395 housing units.

- Provided substantive CEQA and land use legal advice to Staff and Planning Commission on the approval of 1900 Broadway, an over 450-unit apartment building that will increase the City's housing stock, develop a vacant and underused parking lot, and provide much needed renovation to the historic Tapscott Building.
- Drafted comments and findings on CEQA analysis for 412 Madison Street project, which, if approved, will result in approximately 157 apartment units, 89 garage parking spaces, and 1,300 square feet of ground floor commercial use in the Jack London Square area.
- Advised the City Administrator's Office and the Planning and Building Department on CEQA compliance and development project processing for all Cannabis related project applications that come before the City.
- Worked with the City Administrator's Office to develop Standard Operating Regulations for implementation of Chapters 5.80 and 5.81 of the Oakland Municipal Code regarding Cannabis applications and approvals.
- Provided legal advice to City Council, the City Administrator's Office and the Planning and Building Department on proposed Cannabis related ordinances and resolutions before the City Council.
- Assisted City Staff on drafting Planning Code amendments related to Transit Habitation Commercial Activities (Hotels).
- Provided legal advice to City Staff on Planning Code amendments that City Council directed for study and Planning Commission review and recommendation.
- Reviewed relevant conditions of approval associated with the Marriott Hotel project at 1431 Jefferson Street, and assisted City Staff interpreting conditions in response to legal issues raised by developer.
- Represented City Staff on ongoing enforcement of the Oak Knoll Project Conditions of Approval and various permits and construction bonds required for the project to begin construction.
- Advised City Staff and the Planning Commission on the Conditional Use Permit application for Aspire Charter School, which was proposed to be built in the Fruitvale District.
- Provided advice to City Staff on several Code Enforcement appeals involving Planning Code violations.
- Advised City Staff on CEQA questions involving a newly proposed outdoor sports facility at Bishop O'Dowd High School.
- Assisted City Staff on legal and planning aspects of applications for state grants such as the \$23,000,000 to \$33,000,000 Transformative Climate Communities Grant provided by the State of California Strategic Growth Council.
- Provided legal analysis to City Staff on various proposed state housing, transportation, and planning and zoning bills impacting the City of Oakland.

- Generally provided legal advice to City Staff on questions involving CEQA, the Subdivision Map Act, state Planning and Zoning laws, and Titles 16 and 17 of the Oakland Municipal Code.
- Analyzed and advised on RLUIPA claims made by applicants proposing a Native American spiritual activity and Sweat Lodge on residential property.
- Represented the City's interests in a land use mediation involving property owners involved in a development with planning approval and building code violations.
- Provided legal advice and analysis to City Council member and City Staff regarding Planning Code amendments for proposed seismic strengthening ordinance.
- Drafted revisions based on legal analysis to City Council member's proposed condominium conversion ordinance.

### **GENERAL PUBLIC SAFETY, CODE ENFORCEMENT & RENT UNIT**

- Advises Mayor, City Council and City Administration on cannabis issues and legislation.
- Drafts and reviews cannabis related ordinances.
- Advises on cannabis permitting and enforcement.
- Advises and assists OPD with alcohol and tobacco inspections and enforcement.
- Represents OPD at appeals of enforcement actions.
- Assists City Administrator, OPD and OFD with cabaret inspections and enforcement actions.
- Represents City at appeals of enforcement actions.
- Advises City Council and Rent Program staff on rent and eviction regulatory matters.
- Drafts and reviews rent and eviction ordinance and regulation amendment.
- Staffs Rent Board meetings.
- Drafts and reviews forms and materials that assist landlords and tenants.
- Reviews procurement and service contracts for the Rent Program.
- Assists with obtaining warrants from courts to inspect and/or abate violations on properties.
- Advises on code enforcement issues.
- Reviews code enforcement materials and forms.
- Represents code enforcement at violation and billing appeals.
- Advises on enforcement actions.
- Attends Building Services meetings.

- Advises OFD on enforcement issues, including assisting with inspection warrants.
- Reviews service and procurement contracts.
- Reviews and drafts resolutions and ordinances.
- Advised on Just Cause ballot measure to remove exemptions from owner-occupied duplexes and triplexes and allow Council to add eviction requirements.
- Advised on Tenant Move Out Agreement Ordinance – ensures tenants know their rights before entering into move out agreements and providing tenants time to reconsider move out agreements.
- Advised on Uniform Relocation Ordinance – require relocation for owner move-ins and condo conversions.
- Drafted FAQs explaining the new owner move-in relocation requirements for the public.
- Drafted Just Cause regulations requiring relocation language in eviction notices.
- Advised on Hardship Payment Schedule ordinance to assist low-income landlords to make relocation payments to tenants.
- Advised on Just Cause regulations to certification requirements for no-fault evictions.
- Worked on ordinance to protect tenants from being displaced by cannabis businesses.
- Advised on Rent Board Administrative Citations.
- Assisted litigation division with City v. Lippman litigation.
- Advised Fire Department in the development of policies regarding vegetation and residential property inspections.
- Advised Fire Department on due process considerations and drafted notice samples for Fire Code compliance.
- Advised Fire Department on vegetation management enforcement issues.
- Coordinated on behalf of Fire’s Emergency Management Services Division with Federal Emergency Management Agency staff to resolve questions on federal grant compliance.
- Advised Fire Department and City Administration on options for Memorandum of Understanding with Alameda County for Emergency Services.
- In conjunction with City Attorney’s Land Use unit, reviewed and advised on the City’s draft Vegetation Management Plan.
- Advised Fire Department on use of funds authorized by ballot Measures M and N.
- Reviewed and prepared resolutions authorizing grant agreements and intergovernmental memorandums of understanding.

- Advised Fire Department on Public Records Act compliance in the context of Fire documents including incident reports, arson records, and emergency medical response reports.
- Reviewed agreements for City to contract for: vegetation management services, procure emergency medical response provider equipment, and enter into reimbursement agreements with state and federal agencies.
- Advised City Administrator's Office and prepared ordinance enacting local rules for the licensure and sales of adult use (recreational) cannabis.
- Advised Mayor's Office, City Council's Office, and City staff and prepared ordinance placing restrictions on commercial cannabis activity licenses in regards to live work spaces.
- Advised City Administrator's Office and prepared ordinance clarifying location requirements, aligning local licensing categories with state law, and other technical changes for commercial cannabis activity licenses.
- In conjunction with City Attorney's Land Use unit, advised City Administrator's office on environmental impact issues and vested rights matters in the context of local commercial cannabis activity licenses.
- Advised City Administrator's Office on Public Records Act compliance in the context of City records relating to commercial cannabis activity licenses.
- Advised City Administrator's Office on enforcement options for unlicensed cannabis dispensaries.
- Reviewed agreements for the City Administrator's office to conduct loan programs and technical assistance for equity applicants under the City's cannabis program.
- Advised on due process and related issues for the City Administrator's office in context of City's enforcement on unauthorized cannabis licensees and non-compliant licensees.
- Staffed bimonthly Public Safety Committee meetings and advised the committee on Brown Act, Oakland's Sunshine Ordinance, Council Rules of Procedure, and specific matters on the meeting agenda.
- Attended monthly meetings as needed and advised City Administrator's office on legal questions raised in topics identified in agenda materials.

## LABOR & EMPLOYMENT DIVISION

The Labor & Employment Division handles the Office's handling of labor & employment matters, with a special focus on advice and counsel to the Oakland Police Department.

The Division includes Departmental Counsel for the Oakland Police Department to enhance the Office's handling of police matters, including police department policies and personnel/discipline cases.

### LABOR & EMPLOYMENT DIVISION HIGHLIGHTS:

- Assisted and advised in the implementation and interpretation of ballot Measure LL, which established a Police Commission ("Commission") to oversee OPD's policies and procedures and a Community Police Review Agency ("Agency") to investigate complaints of police misconduct and recommend discipline, including advising on the drafting and adoption of an enabling ordinance.
- Developed and administered multiple trainings for the Selection Panel that appointed most of the Oakland Police Commission as well as the Police Commission itself, including training on the Police Commission's powers under the Oakland Charter, state and local laws regarding open meetings, and laws regarding public records.
- Submitted and presented multiple reports to the Public Safety Committee of the Oakland City Council regarding police discipline arbitration decisions, the City Attorney's efforts to support the police discipline process, and recent developments in police discipline.
- Advised City Administration and Employee Relations throughout MOU bargaining with all of the City's civilian unions as well as International Association of Firefighters Local 55.
- Advised City Administration and City Departments on "meet and confer" issues, participated in resulting bargaining sessions, and drafted resulting polices and agreements.
- Advised City Administration and numerous City Departments (including Police, Fire, Public Works, Employee Relations, Human Resources, and Equal Opportunity Programs Division) on various personnel and labor issues, including leaves of absence, disability accommodations, workplace threats, drug testing, and workplace discrimination.
- Advised OPD Internal Affairs on investigations into police misconduct and reviewed resulting investigative reports, including an in-depth and interactive training for IAD investigators on important aspects of the investigation process.
- Developed and administered multiple trainings for the managers and commanders at both OPD and OFD who handle those department's Skelly hearings.
- Developed and administered multiple trainings for new and existing investigators in the Internal Affairs Division of the Police Department, command staff and division-level investigations coordinators on policies and best practices for conducting investigations.

- Attended Skelly due process hearings on behalf of the City in cases involving serious employee misconduct and advised Skelly officers regarding their recommendations.
- Provided personnel advice to Fire Chief at biweekly meetings and advised the Chief on responses to union grievances.
- Reviewed staff reports, resolutions and legislation related to personnel issues.
- Managed and resolved disputes with various unions over employee discipline and contract (MOU) interpretation by negotiating settlements and by representing the City at binding, labor arbitration hearings.
- Represented and defended the City before the California's Public Employment Relation Board as well as Oakland's Civil Service Board.
- Reviewed, edited and approved numerous contracts for professional services.
- Advised City Administration and City Departments on numerous Public Records Act requests.



## Special Programs & Initiatives

### OPEN GOVERNMENT PROGRAM

The City Attorney's Open Government Program advises the entire City regarding transparency and accountability in City government. The program provides technical and legal assistance to City departments regarding public records requests. It also advocates and advises regarding 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 2017-18, the Open Government Coordinator reviewed, responded to and facilitated more than 1,000 public records requests involving thousands of pages of documents.

## Conclusion

It is my distinct honor and pleasure to serve as City Attorney for our enlightened, progressive and innovative City. Oakland recognizes and champions the use of the law as a powerful and effective tool to improve our community, and to empower, protect and advance the interests of all Oaklanders. I and my team are dedicated to vigorously and astutely defending Oakland's policies, programs and laws in court, and to initiating legal action and other initiatives to uphold and enhance the constitutional, civil and other legal rights, economic interests and the quality of life of our residents.

Our faithfulness to accountability, fiscal responsibility and fair, honest, open, non-discriminatory and equitable City practices continue to provide the framework that guides our mission. I am grateful to the Oakland electorate for giving me the opportunity to serve the City I love.

## About Barbara J. Parker

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

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

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

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

Ms. Parker has resided in Oakland's Haddon Hill neighborhood near Lake Merritt for more than 30 years. She is the proud parent of Savannah Parker, a graduate of Spelman College, and the bursting-with-pride grandparent of Samuel Koda Clement.

## Contact Information

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