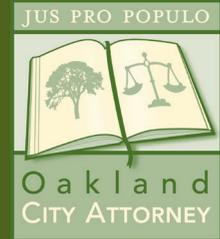


OAKLAND CITY ATTORNEY'S OFFICE



Annual Report

FISCAL YEAR 2014-2015



law in the service of the public
jus pro populo

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Introduction

PURPOSE & MISSION

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

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

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

The Annual Report for FY 2014-15 details financial results, litigation trends, advisory work and special initiatives that the Office undertook during the fiscal year beginning on July 1, 2014 and ending June 30, 2015.

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

AWARDS

One of the year's highlights was the California State Bar's selection of City Attorney Barbara J. Parker as the 2015 recipient of the Ronald M. George Public Lawyer of the Year award. The Public Lawyer of the Year Award recognizes exceptional attorneys who have dedicated a significant portion of their careers to public service. Scott Dickey, chair of the state Bar's Public Law Section, announced the Ms. Parker's selection: "Throughout her career, Ms. Parker has served the public, both as a lawyer and as a community leader. Her dedication to promoting and advancing the public interest through public law practice made her stand out among this year's other highly-qualified nominees. The Executive Committee is proud to honor her with the 2015 Public Lawyer of the Year Award."



A transcript of Ms. Parker's acceptance speech at the State Bar convention is posted on the City Attorney's web site.

Please see a detailed list of this fiscal year's highlights in the *Special Programs, Initiatives and Affirmative Litigation* section of this report.

TOP PRIORITIES

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

Office Profile

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

ADVISORY DIVISION

The Advisory Division provides legal services that address the full spectrum of municipal affairs. Examples include drafting legislation and contracts, providing advice on housing and economic development projects, providing advice on labor and employment matters, land use, negotiating real estate transactions and providing advice regarding finance, municipal bonds, retirement, benefits, elections, tax, constitutional law, ethics and conflicts of interest. The Advisory Division also includes the Neighborhood Law Corps, which initiates legal proceedings to address public nuisance/quality of life issues in Oakland's neighborhoods.

LITIGATION DIVISION

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

OPERATIONS GROUP

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

EXECUTIVE TEAM

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

REFLECTING OAKLAND'S DIVERSITY

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

As of the date of this report, our team of dedicated professionals included:

42 Attorneys:

City Attorney, two Chief Assistant City Attorneys, two Special Counsel, seven Supervising Deputy City Attorneys, 25 Deputy City Attorneys and five Neighborhood Law Corps attorneys.

33 Support Staff:

Three Executive Assistants, eight Paralegals, nine Legal Secretaries, four Operations Managers, three Public Service Representatives, two Information Technology ("IT") staff, one Claims Investigator, one Analyst, One Accountant and an Open Government Coordinator.

Financial Results

SUMMARY

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

With the addition of two attorney positions and two paralegal positions in FY 2014-15, the City Attorney's total budget for staff and operating costs was \$13.13 million, down from a high of \$15.46 million in the previous fiscal year due in part to cost savings from vacant positions.

The City spent an additional \$1.29 million on litigation expenses (court fees, retention of experts, arbitration expenses, etc.).

As detailed below, the total cost of outside counsel, including both City Attorney matters and citywide projects, was \$5.22 million.¹ This amount represents a drop of more than 23 percent from the high point in FY 2012-13, before the Council and Mayor began to restore some of the 33 staff positions that were cut from the City Attorney's Office over the previous decade.

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. In FY 2014-15, payouts for claims and lawsuits filed against the City totaled \$10.09 million – a decrease of more than 30 percent from the previous year's total of \$14.58 million.

This year payouts related to police matters (civil rights, use of force, wrongful death, etc.) also decreased by nearly 75 percent compared to the previous fiscal year.

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

¹ In FY 2014-15, the City spent a total of \$5.42 million on outside legal services. However, the City's waste collection contract included an \$851,606 payment by Waste Management as part of a settlement to reimburse the City for legal fees, expert consultants and staff costs, including \$201,270 the City spent in FY 2014-15 on outside counsel to assist in negotiating the contract. Therefore, counting the reimbursement, the actual cost of outside counsel in FY 2014-15 was **\$5.22 million**.

REVENUE RECOVERED

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

This year, the City Attorney's Office recovered \$1.84 million for the City, money that goes to the City's general fund to help pay for vital services such as libraries, police and fire, road repair and parks.

Revenues include \$490,000 collected from defendants in the City's antitrust lawsuit against major banks and financial institutions, and \$40,000 in damages collected from the owners of the Hillside Apartments, a residential complex in East Oakland where tenants have been plagued by crime and violence. For more information about these cases, see *Special Programs, Initiatives & Litigation*.

Case Name	Jurisdiction	Docket No.	Collected to Date	Collected in FY 2014-15	Description
8603 and 8701 Hillside (Alvernaz Partners, LLC)	Alameda County Superior Court	RG14737036	\$40,000.00	\$40,000.00	Causes of action include nuisance, breach of contract & civil RICO.
AlG Financial Products Corp.	US District Court San Francisco	C08-02116 MEJ/ C11-3651	\$531,875.00	\$490,000.00	Guaranteed Investment Contract ("GIC").
Bower, Dulcey	Alameda County Superior Court	RG12635283	\$21,827.30	\$21,827.30	Infrastructure lawsuit.
Bankruptcy, Collections, Etc.	N/A	N/A	\$230,527.07	\$3,386.16	Substandard housing conditions.
Gardner, Hong	Alameda County Superior Court	RS09491541	\$47,597.19	\$47,597.19	Problem landlord lawsuit.
Mann, Dharminder	Alameda County Superior Court	RG12652651	\$37,500.00	\$37,500.00	False claims and breach of contract.
Northwest Trustee Services, Inc.	Alameda County Superior Court	RG13702774	\$397.67	\$397.67	Deed of trust issues on sale of property.
Pacific Renaissance	Alameda County Superior Court	RG3111924 & RG03108416	\$2,891,408.29	\$311,291.15	Overcharging the residents and thereby the owners are non-compliant with the terms of the contract.
Schmitt, Helene	Alameda County Superior Court	RG12623557	\$750.00	\$750.00	Harassment & discrimination lawsuit.
Spitler, Richard (641 W. Grand Ave.)	Alameda County Superior Court	RG14735472	\$35,000.00	\$35,000.00	Public nuisance including blight, code violations, habitability issues.
Waste Management	N/A	N/A	\$851,606.84	\$851,606.84	Reimbursement for legal costs related to waste collection contract.
Woods, Paul (Occupy Oakland)	Alameda County Superior Court	RG12627189	\$600.00	\$600.00	Vandalism & property damage.
TOTAL			\$4,689,089.36	\$1,839,956.31	

Outside Counsel Costs

PROTOCOL

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

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

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

BACKGROUND

In numerous reports to the City Council, including our Annual Reports, we demonstrated that contracting out legal services to more expensive outside attorneys and firms increases the total cost of legal services and reduces the money available for other vital City services such as police, libraries, sidewalks and streets.

During the decade preceding FY 2013-14, budget cuts eliminated more than a third of the City Attorney's staff (19 attorneys and 14 support staff). The City Attorney lost positions every year between FY 2002-03 and FY 2011-12.

While the City Council cut City Attorney staff, the demand for legal services remained high and increased. Because of the loss of in-house staff, the City Attorney had to contract out more legal work to less efficient and more expensive outside counsel. In fact, the higher cost of outside counsel far outweighed the "savings" from cutting in-house legal staff. For example, during the four-year period of FY 2007-08 through FY 2010-11, staff cuts reduced the Office's budget by \$3 million. However, during that same period the cost of outside counsel rose from \$1.74 million to \$6.38 million, an increase of \$4.64 million. In other words, Oakland spent much more on outside counsel than it saved by cutting in-house legal staff.

In FY 2012-13, for the first time since the cuts began, the budget did not cut additional positions. In FY 2013-14, the City Council's budget restored two attorney positions and one legal secretary position to the Office, and in FY 2014-15, the Council budget restored an additional two attorneys and two paralegals to the City Attorney's Office.

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

The staff positions restored in FY 2014-15 further helped us to keep the overall cost of outside counsel significantly lower than the amount we expended in FY 2012-13.

COST ANALYSIS

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

In FY 2014-15, the City spent a total of \$5.42 million on outside legal services. However, the City's waste collection contract included an \$851,606 payment by Waste Management as part of a settlement to reimburse the City for legal fees, expert consultants and staff costs, including \$201,270 the City spent in FY 2014-15 on outside counsel to assist in negotiating the contract. Therefore, counting the reimbursement, the actual cost of outside counsel in FY 2014-15 was **\$5.22 million** (see *Figure 1* on the following page).

This year's total is 23.5 percent less than the outside counsel costs for FY 2012-13, the last year before Council began to restore some of the positions that it previously cut. This year's amount also is lower than that the 5-year average of \$5.43 million. It is also important to note that the City Attorney's Office was able to keep the amount relatively low considering the major projects the City undertook this year requiring retention of outside counsel.

In addition to the amount the City spent on outside counsel as part of the City's waste collection agreement, a large part of the total cost of outside counsel this year was due to two major City projects: settlement of a clean water lawsuit the U.S. Environmental Protection Agency filed against the City of Oakland and other Bay Area local cities and districts and former Oakland Army Base development project. The City spent \$908,669 on outside counsel for these two projects alone.

This year, the City of Oakland spent a total of \$1,112,562 on outside counsel for City projects (not including the reimbursement from Waste Management). Outside counsel expenses for these projects were paid from project funds, not from the Self-Insurance Liability Fund, which is the fund the City generally taps to pay for outside counsel on litigation and advisory matters.

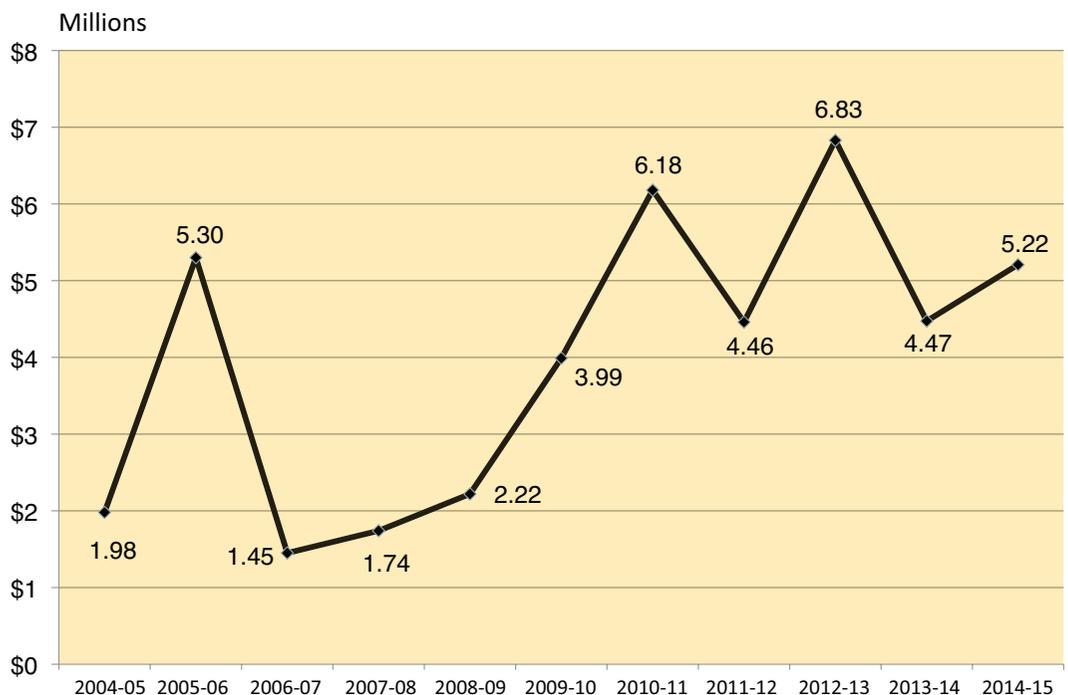
City project funds paid for outside counsel on major projects in FY 2014-15 including:

- Waste Collection Contract (\$201,270)
- Army Base Development Project (\$617,832)
- U.S. Environmental Protection Agency Lawsuit (\$290,838)

With the restoration of seven staff positions, including four attorney positions, the City Attorney’s Office was able to handle a significant amount of work in house that otherwise would have been contracted out to more expensive and less efficient outside counsel. Without a doubt, the Council’s restoration of in-house positions to the City Attorney’s Office in the last two fiscal years was a factor in keeping the total cost of outside counsel relatively low this year.

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

Figure 1: Outside Counsel Timeline



Litigation Division

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

Litigators take an aggressive and strategic approach to limit the City’s financial exposure and to managing liability at the claims stage to limit expensive lawsuits. Only a very small percentage of claims evolve into lawsuits (this year: 3 percent), underscoring the effectiveness of this strategy.

CLAIMS FILED

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

The City received 514 claims this year, slightly less than the 5-year average of 536. The largest increase in claims was in the category of Municipal Infrastructure.

Table 1: Types of Claims Filed

Category	2010-11	2011-12	2012-13	2013-14	2014-15	5-year average
Municipal Infrastructure*	358	351	384	324	366	357
Police Matters**	93	101	86	62	53	79
City Vehicle Accidents	64	45	69	70	75	65
Other	67	43	33	18	20	36
Total Claims/Year	582	540	572	474	514	536

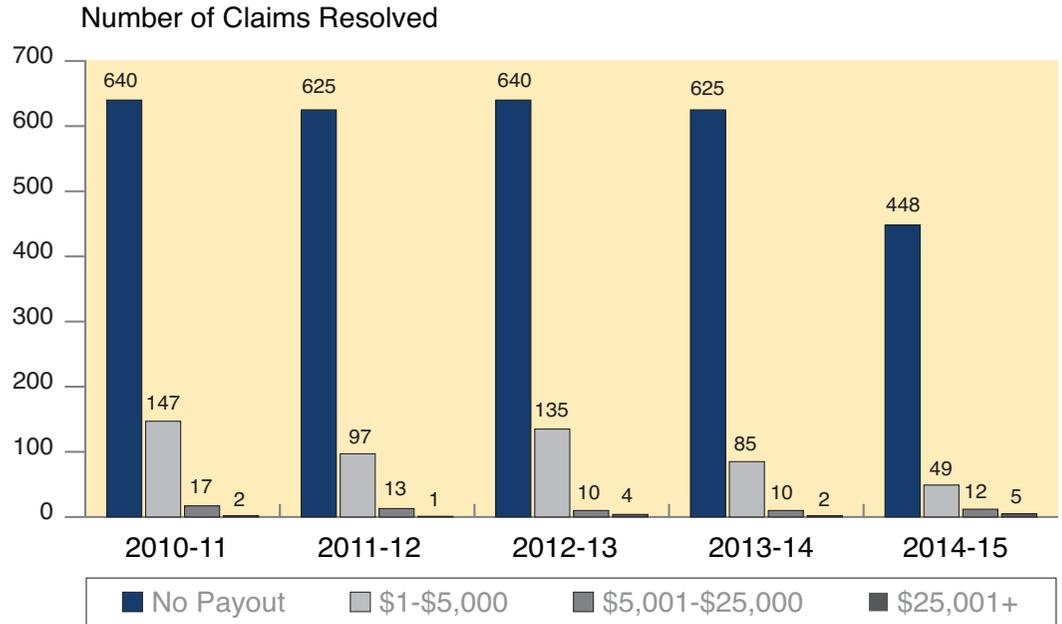
*Municipal Infrastructure includes sewers, trip & fall, bicycle and auto accidents, etc. on streets and sidewalks.

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

CLAIMS RESOLVED

We resolved a total of 514 claims in FY 2014-15. The large majority of claims (87 percent) were resolved with no payment of money whatsoever. **Less than 1 percent** of claims resolved this year resulted in a payout of more than \$25,000.

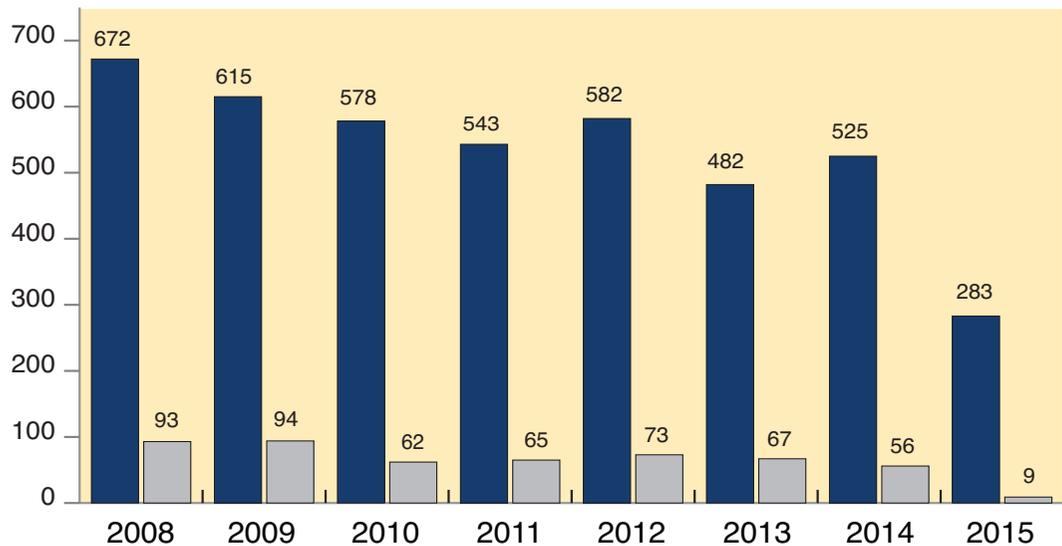
Figure 2: Claims Resolved Over 5 Years



Claims that Evolve into Lawsuits

The City Attorney’s Office aggressively manages liability at the claims stage to limit expensive lawsuits. When liability is clear, we seek to settle claims early to avoid the higher cost of litigation. The vast majority of claims never evolve into lawsuits, underscoring the effectiveness of this strategy. This year, only about 3 percent of claims turned into lawsuits.

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



LAWSUITS FILED AGAINST THE CITY

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

In FY 2014-15, plaintiffs filed **177** lawsuits against the City of Oakland.

Notably, the number of lawsuits filed against the City dropped by almost half in the category of Police Conduct. However, the number of lawsuits increased in every other category, most notably in the category of Municipal Infrastructure. This year also saw a significant increase in the number of claims and payouts related to infrastructure. We note this increase to the City Administration and City Council. Additional risk management, including increased resources dedicated to fixing infrastructure problems, likely would reduce the number of high liability lawsuits and significant payouts in this area.

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

Table 2: Types of Lawsuits Filed

Category	2010-11	2011-12	2012-13	2013-14	2014-15	5-year average
Municipal Infrastructure	53	45	40	37	53	46
Police Conduct Matters	14	27	27	25	13	21
Personnel/Labor (non-lawsuits and lawsuits)	63	45	59	30	42	48
City Vehicle Accidents	6	8	6	6	13	8
Other	43	28	21	32	56	36
Total Lawsuits/Year	179	153	153	130	177	158

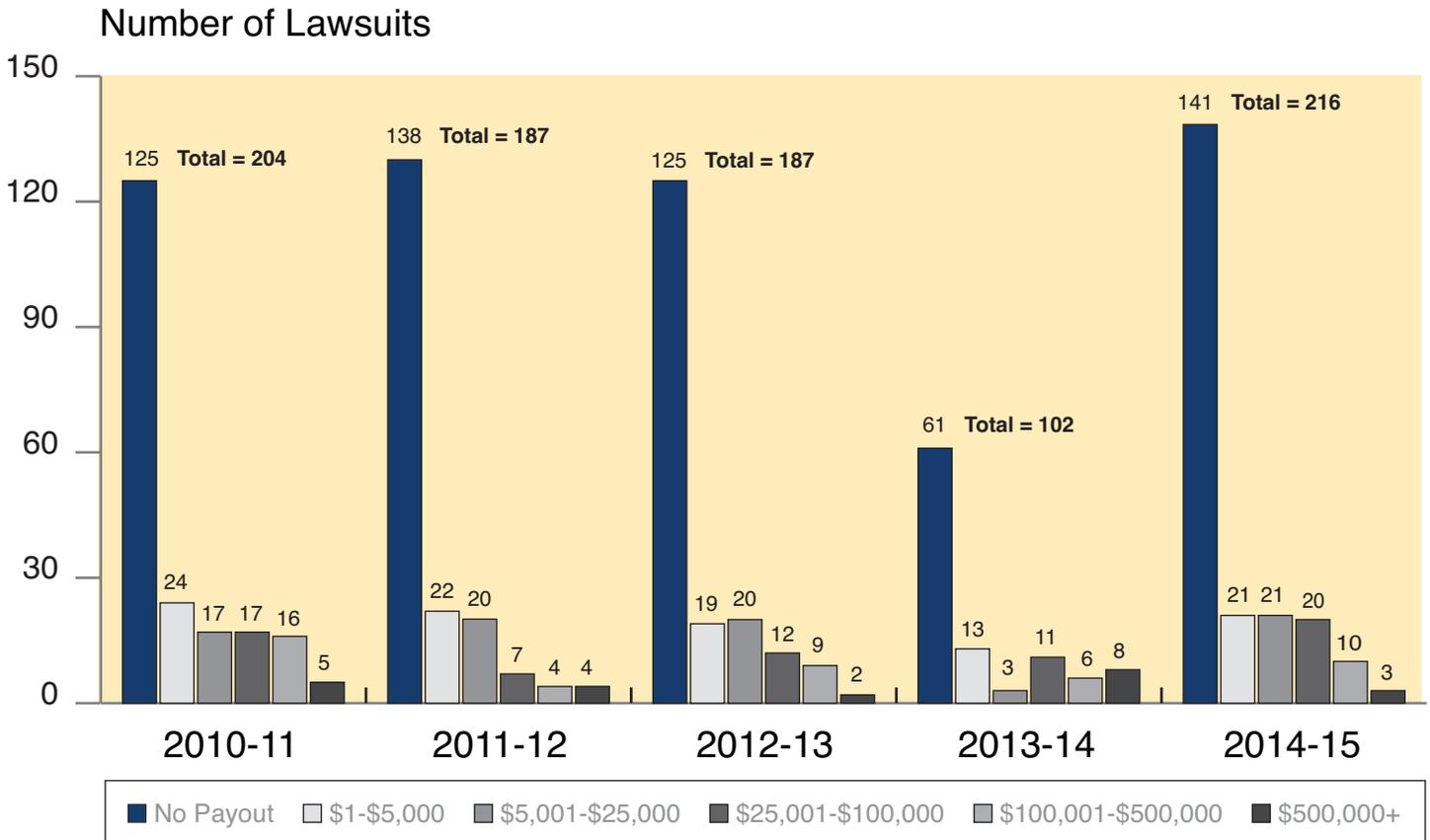
LAWSUITS RESULTS

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

This year, about two thirds of lawsuits were resolved with zero payment of money, up from about one third in FY 2013-14.

The City paid more than \$100,000 in only about 6 percent of lawsuits.

Figure 5: Lawsuits Resolved Over 5 Years



DEFENSE VERDICTS

The City prevailed in a number of high profile cases in FY 2014-15. Highlights include:

***Ray v. Basa* U.S. District Court Case No. 11-cv-02923-YGR, and *Ray v. Leal* U.S. District Court Case No. 11-cv-05550-YGR**

Plaintiff Edward Ray is a state prisoner incarcerated at the La Palma Correctional Center in Arizona. In October 2011, Mr. Ray filed the civil rights lawsuit *Ray v. Leal* alleging that Oakland police violated his constitutional rights during an arrest.

Mr. Ray was arrested in 2006 after a high speed chase in East Oakland on suspicion of robbery of a convenience store. He and his son were eventually convicted of several counts of robbery in connection with other crimes in Oakland. Mr. Ray is currently serving a lengthy prison sentence. His lawsuit against three officers alleged excessive force.

On March 31, the Court found the entire complaint untimely and dismissed it with prejudice.

The Court also granted the City's motion for summary judgment in the case *Ray v. Basa*, in which Mr. Ray alleged that Oakland officers violated his rights when they removed his minor daughter from her home which had no working toilets or running water. He also alleged that officers defamed him by telling the press that the child had witnessed violence and drug use in the home.

The Court noted that Mr. Ray, while represented by counsel, had voluntarily relinquished his parental rights and did not contest the social workers' findings or police reports, thereby implicitly admitting the claims. The Court also agreed that Mr. Ray's lawsuit was untimely and that he had provided no persuasive evidence to excuse his delay in filing.

***Shields v. Ablecki* Alameda County Superior Court Case No. RG14734700**

The Court sustained the City's and OPD officers' demurrer without leave to amend and dismissed the City and officers from this case involving a serious car wreck. In August 2013, a citizen alerted officers in the Recruiting and Internal Affairs Offices that something was off about a man sitting in an idling truck on 16th Street near the Frank H. Ogawa cul-de-sac. The officers went to the truck and persuaded the man to park in the cul-de-sac, but he would not shut off the engine, open the door or roll down the window. The officers assessed that the man was drunk or having a medical emergency. Though the officers could not have known at the time, the man was in a diabetic shock. Dressed in plain clothes, the officers called for uniformed officers and an ambulance. The man began reversing and so the OPD officers flagged down a CHP officer who happened to be nearby and asked to use his baton. The CHP officer ran to the truck and smashed the window. The man sped off and rear ended a SUV, severely injuring the SUV's driver. The SUV driver sued both the motorist who hit her and the City of Oakland. Agreeing that the City had no liability for her injuries, the Court sustained our demurrer without leave to amend and dismissed the City and OPD officers from the case.

Hazzard v. City of Oakland, et al.

Alameda County Superior Court Case No. RG12642082

On December 8, 2014, the California Court of Appeal affirmed the Alameda County Superior Court's judgment dismissing Plaintiff's lawsuit.

Plaintiff filed a complaint against the City and each member of the City Council alleging that the City engaged in fraud and deceit, and failed to comply with the competitive bidding process set forth in the Oakland Municipal Code when the City selected the Master Developer for the redevelopment of the former Oakland Army Base. Plaintiff argued that the City had no basis to waive the competitive bidding process, that the Master Developer did not have sufficient financial capacity to complete the project and that the project would ultimately place the City in financial ruin. Plaintiff sought declaratory and injunctive relief.

The Alameda County Superior Court granted our Office's motion to dismiss plaintiff's complaint. The court found that plaintiff's complaint failed to make required allegations to show that he had standing (the legal right) to bring the lawsuit and that his complaint also failed to make allegations to show the City had failed to comply with a mandatory duty. Applicable law requires the allegations to state a basis for declaratory or injunctive relief. Plaintiff filed an appeal. After considering our Office's briefs and oral argument, the Court of Appeal upheld the Superior Court's dismissal of plaintiff's complaint.

Cobain-Perez v. City of Oakland

U.S. District Court Case No. 13-cv-05162-VC

On November 5, the U.S. District Court for the Northern District of California dismissed a civil rights lawsuit filed by a plaintiff who was arrested after an altercation with security guards at a West Oakland grocery store.

The security guards told responding police officers that the plaintiff had attempted to use a counterfeit \$100 bill, that he was intoxicated and hostile, and that he had shoved one of the guards.

The guards placed Plaintiff under citizen's arrest and called the Oakland Police Department. The responding officers detained Plaintiff, investigated, and then cited Plaintiff. Plaintiff sued claiming that he was the victim and that the officers improperly detained, arrested and cited him. The City filed a motion to dismiss the case on the grounds that the officers responded appropriately. The Court agreed and dismissed the case.

Mix v. City of Oakland

Alameda County Superior Court Case No. RG12661429

On October 3, 2014, the State Court of Appeal ruled in favor of the City in a case challenging the City's issuance of pension bonds.

Plaintiff David Mix filed a complaint in 2012 challenging the validity of a City Council ordinance authorizing the issuance of bonds to fund the City's Police and Fire Retirement System (PRFS). Mr. Mix argued that a judgment from 15 years ago authorizing the City to fund the PFRS system did not apply to the most recent bonds. The trial court ruled in favor of the City and Mr. Mix appealed that decision. The Court of Appeal held that Mix's writ of mandate was untimely and affirmed the trial court's dismissal.

Spring Mathews, et al. v. City of Oakland, et al.

Northern District of California Case No. C12-03235

In August 2014, a federal court jury in San Francisco returned a verdict in favor of the City of Oakland in *Spring Mathews, et al. v. City of Oakland, et al.*, a lawsuit filed by family members of a man who was fatally wounded after he pointed a gun at Oakland Police officers following a high speed pursuit in 2011.

On January 26, 2011, Oakland Police officers responded to a gunfight involving several individuals at an apartment building on Lockwood Street near 78th Avenue. Officers saw two individuals, later identified as Martin Flenaugh, II and Jereme Brown, fleeing from the scene in a red sedan. A long pursuit ensued that ended with a serious accident when the suspects ran a red light and hit another car while crossing San Leandro Street near 85th Avenue. Mr. Flenaugh, age 19, got out of the car on the passenger side with a gun in each hand and pointed both guns at an officer. Fearing for his life, the lives of other officers and the lives of innocent bystanders, the officer shot Mr. Flenaugh. Police recovered both handguns at the scene. Bullet casings from one of the guns were found at the Lockwood crime scene.

In 2012, family members of Mr. Flenaugh filed a federal civil rights and wrongful death lawsuit against the City alleging that he was unarmed when he was shot. At trial, Mr. Brown testified that Mr. Flenaugh did not have a gun and was not involved in the gunfight on Lockwood Street.

However, during cross examination, the City Attorney's defense team played recordings of Mr. Brown's phone calls from jail to impeach his testimony. In those calls, Mr. Brown said Mr. Flenaugh was armed on the day he was killed, and fired shots during the gunfight. He also called Mr. Flenaugh "trigger happy." Oakland Police officers and an independent witness all testified that Mr. Flenaugh was armed and aimed guns at an officer when he exited the car.

The jury deliberated for less than an hour before returning its verdict.

Longmire v. City of Oakland
Alameda County Superior Court Case No. RG11583958

On July 28, the California Court of Appeal upheld the Alameda County Superior Court's decision granting the City's summary judgment motion in the case.

An Oakland Police sergeant filed a lawsuit against the City after he was suspended for eight days in connection with allegations that he performed insufficient investigations in ten cases. Plaintiff claimed he was discriminated against because his superiors believed he was a Black Muslim and because of his association with the former Your Black Muslim Bakery. Plaintiff had served as lead investigator in the murder of Oakland journalist Chauncey Bailey, who was killed by members of the Bakery in 2007.

The Superior Court dismissed the lawsuit after the City filed a summary judgment motion. In a unanimous decision, the Appeals Court affirmed the judgment because the plaintiff "could not substantiate his claims with evidence (1) of the decision makers' perception of him as a Black Muslim, (2) that an adverse employment action was taken against him with respect to the Bailey investigation or (3) that the City's nondiscriminatory explanations were pretextual."

"None of his evidence could lead a reasonable factfinder to conclude the discipline was based on religious discrimination," the justices wrote.

Payouts

TOTALS

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

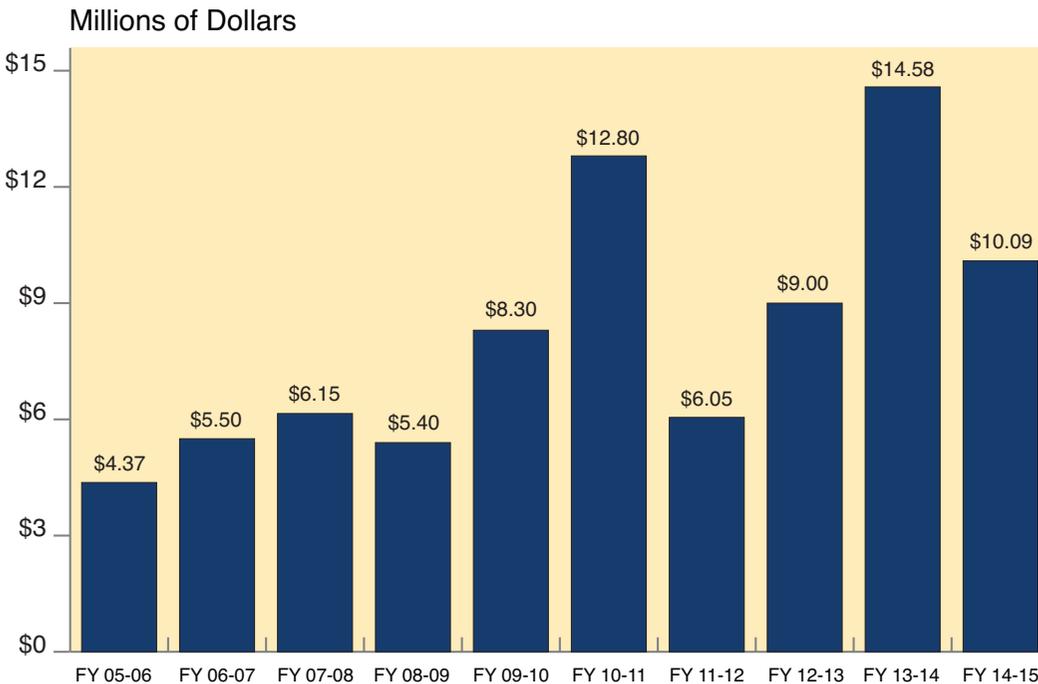
In FY 2014-15, payouts for claims and lawsuits filed against the City totaled **\$10.09 million** – a decrease of more than 30 percent from the previous year’s total of \$14.58 million.

Last year (FY 2013-14), when the City’s out-of-pocket costs were \$11.63 million, with the City’s insurance carrier paying the balance of the \$14.58 million total.

In FY 2014-15, the City’s insurance carrier will pay \$1 million of a \$2 million settlement of a fatal bicycle accident lawsuit (see *Table 3*). So total out-of-pocket cost to taxpayers for payouts was **\$9.09 million** – a relatively low number considering the City resolved a number of high liability infrastructure and police lawsuits in this fiscal year.

To be consistent with previous Annual Reports, the chart below tracks total payouts, including payments made by the City and payments made separately by the City’s insurance carrier (CSAC Excess Insurance Authority).

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



IMPORTANT INFORMATION ABOUT PAYOUTS

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

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

The City Attorney's Office provides legal advice and analysis of all cases to the City Council. In FY 2014-15, the City Council approved all settlements exceeding \$5,000.

The City's annual premium for general liability insurance in FY 2014-15 was \$2,903,484.

MAJOR PAYOUTS

Last year (FY 2013-14), payouts spiked due to three major cases alleging excess force and civil rights violations by police during protests. Those three cases cost the City almost \$6 million in settlements alone. This year, the City only had one major settlement of a lawsuit alleging violation of civil rights during a protest. As the below chart shows, this year the City paid far more to settle lawsuits alleging injuries or deaths related to infrastructure – potholes, uneven sidewalks, missing storm grates, etc. – than it paid to settle major civil rights or police use of force cases.

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

Case	Type	Total Amount
<i>Lee, Nancy</i>	Fatal bicycle accident	\$2,000,000
<i>Smith, Linda</i>	Plaintiff alleged she was hit by car driven by City employee at 14th and Franklin	\$2,000,000
<i>Angell, Steven</i>	Alleged violation of civil rights by OPD during Occupy Oakland protest	\$930,000
<i>Guzman, Socorro & Maximino</i>	Alleged injury sustained from trip & fall on uneven sidewalk	\$500,000
<i>Cortez, Michael & Toscano, Richard</i>	Alleged discrimination against City employees	\$380,136
<i>White, Donna</i>	Alleged denial of rights under Title II of ADA	\$348,000
<i>Balsbaugh, George</i>	Alleged injury sustained from trip & fall	\$314,317
<i>Gray, Gerard & Christina</i>	Alleged property damage caused by sewer backup	\$287,000
<i>Maheu, Luc</i>	Alleged wrongful death of wife caused by dangerous condition of public property	\$250,000
<i>William, Jr., Jack</i>	Alleged bicycle collision caused by a deep hole	\$249,333
<i>F.R. (minor) thru Matthew Raynor</i>	Alleged OPD officer shot him in the face without warning	\$230,000
<i>Local 21</i>	Alleged City contracting out to Museum Foundation	\$168,000
<i>Reier, Ellen</i>	Alleged property damage caused by sewage backup	\$122,476
<i>Blueford, Adam</i>	Alleged wrongful death police shooting	\$110,000
<i>Chitmon, Eloise</i>	Alleged injury caused by missing storm grate	\$105,000
<i>Castaneda, Ana</i>	Alleged bicycle injury due to pothole	\$100,000
	Total:	\$8,094,263

PAYOUTS BY CATEGORY

Total payouts fell by more than 30 percent this fiscal year to \$10.09 million, just below the five-year average of \$10.5 million.

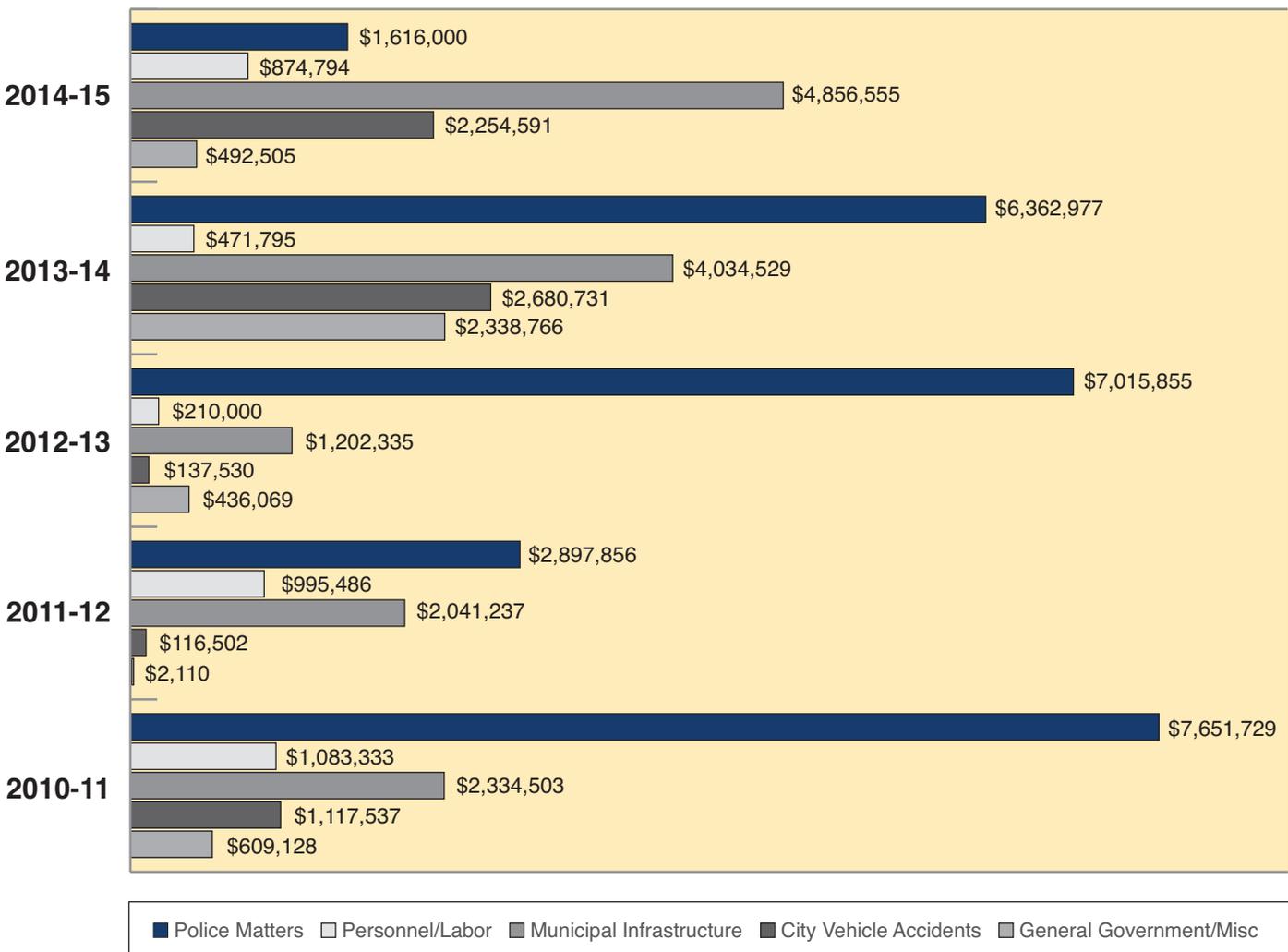
This year, payouts of claims and lawsuits related to police matters (civil rights, use of force, wrongful death, etc.) fell by almost 75 percent from the previous fiscal year. Payouts spiked in the police category last year due to three major cases alleging excess force and civil rights violations by police during protests.

Payouts related to infrastructure cases increased by 20 percent in FY 2014-15, in part due to a \$2 million settlement of a lawsuit resulting from a fatal bicycle accident.

In this case, the plaintiff alleged that the decedent suffered a fatal crash when he flipped over the handlebars of his bicycle after his front wheel got stuck in a rut on Grizzly Peak Boulevard, a popular road for cyclists. The road had been subject to complaints from motorists and cyclists for years due to its long-unrepaired potholes, ruts and grooves.

The category with the highest amount of payouts by far this year was municipal infrastructure due to a number of high liability cases.

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



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

Table 4: Payouts – Police Matters

Category	2010-11	2011-12	2012-13	2013-14	2014-15	5-year average
Conduct: Suspect Chase	\$3,582	\$7,500	\$0	\$721	\$6,800	\$3,720.56
Alleged Use of Force	\$2,963,472	\$96,350	\$1,864,928	\$5,388,500	\$1,400,000	\$2,342,650.00
Conduct: Non-force	\$4,149,266	\$2,750	\$0	\$885,764	\$0	\$1,007,544.80
Conduct: Strip Search	\$0	\$1,037,754	\$4,819,970	\$0	\$0	\$1,171,544.80
Alleged Wrongful Death	\$500,000	\$1,740,000	\$275,000	\$0	\$185,000	\$540,000.00
Vehicle Accidents	\$857,692	\$33,435	\$88,907	\$38,300	\$75,365	\$218,739.74
Property Loss/Misc.	\$30,580	\$13,347	\$55,330	\$13,962	\$37,900	\$30,223.68
Towing	\$4,830	\$155	\$0	\$74,750	\$2,600	\$16,467.00
Personnel/Labor	\$583,333	\$583,333	\$0	\$1,132	\$0	\$233,559.57
Other / Admin Hearings	\$0	\$0	\$73,800	\$0	\$0	\$14,760.00
Total Paid	\$9,092,755	\$3,514,624	\$7,177,935	\$6,403,129	\$1,707,665	\$5,579,221.63

Table 5: Payouts – Infrastructure

Category	2010-11	2011-12	2012-13	2013-14	2014-15	5-year average
City Buildings, Parks, Etc.	\$14,040	\$8,237	\$68,623	\$4,383	\$113,180	\$41,692.56
Sewers & Storm Drains	\$1,078,558	\$228,979	\$200,974	\$201,930	\$657,428	\$473,573.73
Sidewalks, Curbs, Etc.	\$1,011,615	\$643,322	\$278,271	\$354,001	\$1,305,500	\$718,541.73
Street, Signals & Lights	\$171,659	\$1,030,402	\$125,767	\$3,284,862	\$2,752,573	\$1,473,052.64
Inverse Condemnation	\$0	\$0	\$421,252	\$129,384	\$0	\$110,127.18
Trees	\$58,532	\$132,797	\$107,022	\$59,969	\$27,874.43	\$77,258.89
Total Paid	\$2,334,504	\$2,043,737	\$1,201,909	\$4,034,529	\$4,856,555	\$2,894,246.72

Table 6: Payouts – City Vehicle Accidents

Category	2010-11	2011-12	2012-13	2013-14	2014-15	5-year average
Police	\$857,692	\$33,435	\$88,907	\$39,021	\$82,166	\$220,244.04
Public Works	\$48,059	\$50,982	\$28,731	\$2,063,890	\$2,130,930	\$864,518.22
Parks & Recreation	\$16,173	\$8,979	\$6,616	\$13,500	\$3,301	\$9,713.80
Fire	\$181,115	\$21,661	\$9,262	\$556,821	\$28,828	\$159,537.35
Other Departments	\$14,497	\$1,445	\$4,014	\$7,500	\$9,366	\$7,364.58
Total Paid	\$1,117,536	\$116,502	\$137,530	\$2,680,731		\$810,459.80

Table 7: Payouts – Payouts – Personnel/Labor

Category	2010-11	2011-12	2012-13	2013-14	2014-15	5-year average
Police	\$583,333	\$583,333	\$0	\$1,132	\$0	\$233,560
Parks & Recreation	\$0	\$0	\$0	\$0	\$0	\$0
General Government/ Other	\$55,000	\$409,753	\$95,000	\$436,000	\$227,795	\$244,710
Public Works	\$250,000	\$2,400	\$115,000	\$34,663	\$646,999	\$209,812
Fire Services	\$195,000	\$0	\$0	\$0	\$0	\$39,000
Total Paid	\$1,083,333	\$995,486	\$210,000	\$471,795	\$874,794	\$727,082

Advisory Division

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

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

Table 8: General Government & Finance Unit

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

GENERAL GOVERNMENT & FINANCE UNIT HIGHLIGHTS:

Municipal Finance

- Advised the City's Tax Administrator regarding enforcement and interpretation of Oakland's tax ordinances, including the business tax, parking tax, transient occupancy tax, real property transfer tax and utility users' tax.
- Advised the City Administrator and various City departments regarding the use of monies including grants proceeds, tax-exempt bond proceeds, special tax revenues and other restricted funds.
- Advised and assisted the Revenue and Management Agency in matters relating to debt collection, placement and enforcement of liens citywide.
- Advised various City tax boards of review.
- Provided legal analysis and advice to the Budget Department and Controller in matters relating to the City budget, fund transfers and expenditures, and use of restricted funds
- Provided ongoing legal advice to the City's Deferred Compensation Committee regarding administration of the Deferred Compensation Program.
- Advised the City Administrator on various issues regarding the Police and Fire Retirement System.
- Advised the Police and Fire Retirement System regarding various issues such as the Brown Act, Public Records Act, and division of pension benefits upon divorce.
- Managed outside counsel in continuing litigation between the City and the Retired Oakland Police Officers' Association relating to compensation for retired police officers.
- Advised and assisted Human Resources Management in drafting, finalizing and implementing a Retirement Health Savings Plan for the benefit of City employees.
- 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. The City entered partial settlement with defendant Bank of America for \$325,000.
- Supervised the City's litigation against municipal bond insurers.

- Supervised outside counsel in action before the California Board of Equalization by various California cities and counties seeking redistribution of \$12 million in sales tax revenue collected by the City.
- Advised regarding issuance of \$128,825,000 in City of Oakland General Obligation Refunding Bonds.
- Advised regarding issuance of \$22,510,000 (tax-exempt) and \$66,675,000 (taxable) Oakland Redevelopment Successor Agency Subordinated Tax Allocation Refunding Bonds.
- Advised regarding the issuance of \$79,735,000 in Oakland–Alameda County Coliseum Authority Lease Revenue Bonds (Oakland Coliseum Arena Project).
- Advised regarding the issuance of \$49,245,000 (tax exempt) and \$108,975,000 (taxable) City of Oakland 2015-2016 Tax and Revenue Anticipation Notes,
- Advised the Economic Development Division and drafted legislation for the 10-year renewal of the Laurel Business Improvement District and the creation of the Tourism Business Improvement District.
- Assisted the public in resolving contested parking citations and guided citizens in the appeals process.

General Government

- Provided regular oral and written advice to over 30 departments, commissions, divisions and agencies.
- Staffed and provided legal advice to the City Council’s Life Enrichment Committee, Education Partnership Committee, Finance Committee, and Public Works Committee.
- Provided legal advice to numerous Oakland boards and commissions, including the new Bicycle Advisory Commission, the Cultural Affairs Commission, the Public Art Advisory Commission, the Commission on Persons with Disabilities, the Wildfire Prevention Assessment District Commission, the Violence Prevention and Public Safety Oversight Committee, the Public Safety and Services Violence Prevention Commission, the Commission on Aging, the Youth Advisory Commission, the Children’s Fairyland Board, the OFCY Planning and Oversight Commission, the Parks and Recreation Advisory Commission, the Library Commission, and the Head Start Advisory Board.
- Provided advice and training to the City Council, boards and commissions, and City staff on open meetings laws, including the California Brown Act and Oakland Sunshine Ordinance.
- Provided advice and 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 a redistricting commission ballot measure for the November 2014 ballot.
- Advised and assisted in drafting an ordinance banning the use of bullhooks on elephants in Oakland.
- Advised and assisted in drafting a resolution to award \$577,000 grant for the provision of immigration legal services to undocumented minors fleeing violence in other countries.
- Reviewed contracts, grant agreements, resolutions, and staff reports for the Parks and Recreation Department, including programs and services that provide Oakland residents greater access to nature, wildlife, and recreation, such as Oakland's Feather River Camp, Woodminster Theatre, 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.
- Drafted an agreement between Friends of Oakland Parks and Recreation and the City for continued fundraising to support Oakland's parks.
- 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, and soccer fields.
- Advised the Parks and Recreation Department on joint projects with the Oakland Unified School District.
- Drafted a management agreement between the City and the East Bay Zoological Society for management of the Oakland Zoo.
- Drafted a grant agreement for funding of the Chabot Space and Science Center.
- Advised staff on use of Measure WW funds for improvements at the Chabot Space and Science Center.
- Assisted the Parks and Recreation Department in establishing fixed park hours.
- Reviewed hundreds of contracts, grant agreements, staff reports, ordinances and resolutions for the Human Services Department, including Kids First grant agreements, Oakland Unite grant agreements, numerous services contracts and grant agreements for programs for children and families, Head Start, youth, adults and seniors, paratransit services, and homeless programs.
- Reviewed contracts, grant agreements, resolutions and staff reports for the Oakland Public Library to provide Oakland residents' greater access to library services and other youth programs.
- Reviewed contracts, grant agreements, resolutions and staff reports for City funding of local artists and nonprofit arts and cultural organizations, and for public art projects throughout the City, including graffiti abatement and murals.

- Provided advice to the ADA Programs Division on matters of ADA compliance in City programs and on City property.
- Assisted the City Administrator in extending a contract to provide security services in the downtown area.
- Drafted ballot titles, summaries, and impartial legal analyses on several ballot measures proposed for the November 2014 and November 2016 ballots.
- Drafted legal opinions and trained and advised staff on various issues regarding the use of City resources for campaign purposes.
- Provided advice to the City Clerk and staff as needed in connection with administering the November 2014 general election.
- Prosecuted and settled lawsuit under the California False Claims Act seeking penalties and damages arising out of false and altered documentation submitted with reimbursement requests in multiple façade improvement and tenant improvement projects grants.
- Worked with outside counsel in continued litigation against the federal government to prevent the forfeiture of the property used by Harborside Health Center, a City permitted medical cannabis dispensary, to uphold Oakland's regulatory scheme for the safe distribution of medical cannabis.
- 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.
- Helped prepare and conduct new Councilmember trainings.

PUBLIC WORKS 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
- Reviewed hundreds of Schedule M-Independent Contractor Schedules for City professional services contracts.
- Advised the Contracting and Compliance Department with respect to nearly a hundred professional services contracts and construction contracts for Parks and Recreation.
- Negotiated a consent decree and settled litigation against the City by the U.S. Environmental Protection Agency, California State/Regional Water Board and environmental groups involving Oakland's aging sewer collection system, and provided on-going advice with respect to implementation and compliance with the consent decree
- Advised the Public Works Agency and the City Council with respect to the award of the solid waste collection, recycling and site disposal franchises and the negotiation and drafting of franchise agreements (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 LED lighting conversion project, RFP procurement and contract negotiation and execution, and implementation/installation of LED lights City-wide.
- Advised the Public Works Agency on a negotiated settlement of take-over by project contractor's surety, and project completion and close-out of the City-wide LED lighting project due to contractor default.
- Advised the Public Works Agency on RFP and agreements for proposed installation of solar power panels on City buildings.
- Advised the Public Works Agency on solar power purchasing agreements/ procurement program with the County of Alameda, including applying City community benefit programs.
- 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 with respect to dozens of IT software and maintenance agreements including agreements with Microsoft and Oracle for implementation of a new citywide 360 operating system.
- Advised the Finance Department and the Information Technology Department on Oracle R-12 upgrade, and AST Public Sector Budgeting IT contracts.

- Advised the Information Technology Department and negotiated agreements with Sierra Systems and Microsoft for IPass Phase 2 Police Officer Tracking software system for the City for compliance with federal consent decree.
- Advised on Oakland Army Base Design-Build Agreement, Owner Controlled Insurance Program, maintenance of public improvements, permitting and plans/specification sign-offs, role and structure of Public Works staff involvement, and implementation of horizontal project construction.
- Advised the City Council with respect to illegal dumping matters, including review of existing maintenance agreements and Caltrans/City Letter of Understanding.
- Advised the Public Works Agency and negotiated with AC Transit with respect to Conditions of Approval, City/AC Transit Cooperative Agreement and Implementation Agreement, and Memorandum of Understanding on the Business Sustainability Program, for proposed AC Transit Bus Rapid Transit system in City's right of way.
- Advised the Public Works Agency on the Piedmont Pines Undergrounding project and advised the Mayor and the Councilmember with respect to PG&E's obligations for Phase 2 of the project
- Advised the Public Works Agency on new City-wide electronic parking meter system that replaced all standard metered parking to state-of-the-art parking meters.
- Advised the Public Works Agency on award and implementation of a new City-wide parking management agreement.
- Advised the City Clerk's Office on Netfile electronic public disclosure statement filing, and upgrade of the Granicus video recording of City Council meetings.
- Advised KTOP with respect to extension of the captioning services agreement.

TABLE 9: CODE ENFORCEMENT UNIT

Practice Areas & Responsibilities	
<ul style="list-style-type: none"> • Code Enforcement & Building Services • OPD Alcoholic Beverage Action Team • Problem Liquor Stores & Bars • Rent Board • Housing, Foreclosure & Eviction Issues • Affirmative Litigation & Legislation 	<ul style="list-style-type: none"> • Neighborhood Law Corps Program • Public Nuisance Abatement • Community Engagement • Quality of Life Issues • Blight & Zoning Issues • Prostitution Abatement (Hotels)

CODE ENFORCEMENT UNIT HIGHLIGHTS

Neighborhood Law Corps

- **People et al. v. Empyrean Towers LLC et al.** – In April 2015 the City filed a suit against a slumlord of a 96 unit residential hotel in Downtown Oakland for violating tenant protection and habitability laws and for creating a public nuisance. The residents had been subjected to illegal evictions; in addition to forced “move-outs” before the expiration of 30 days, then “move back in” for the purpose of denying occupants rights as tenants. City and County agencies documented widespread, repeated, dangerous and unhealthy conditions, including coliform contamination to the potable water system, inoperative elevator in a seven story building that housed persons with disabilities and the elderly, insecure doors and windows, and much more. In June 2015 the City obtained a judge’s order appointing a receiver to cure imminently dangerous health and safety hazards there, and to prevent irreparable harm. After the owner and defendant filed for Chapter 11 bankruptcy, in October 2015 a trustee replaced the receiver. The City is currently working with the trustee to ensure that the habitability conditions are rehabilitated and to advocate for the Empyrean Towers to remain as low-income housing.
- **People et al. v. Francis Rush et al.** – In March 2015 the City filed a suit against East Bay entrepreneurs that purchased the “Sausage Company” property in West Oakland in 2002 and then let it sit abandoned and infested with blight. The West Oakland community surrounding the Sausage Company suffered the blight public nuisance involving chronic graffiti, illegal dumping, squatters, overgrown vegetation, and more. Community members felt unsafe walking around Sausage Company, and the blight and insecurity created an environment that bred more blight and insecurity throughout the neighborhood. Since the City’s filing, the parties have met on a number of occasions to negotiate a plan for effectively preventing and promptly abating blight at the Sausage Company, and for compensating the City for its costs in doing the abatement work that the owners are responsible for.

- ***People et al. v. Yvonne Gillard et al.*** – In July 2015 the City filed a suit against the owner of an abandoned property in Sequoyah Heights that became overrun by a chop shop, squatters, and other crime; and the suit was filed against the financial institutions that were believed to have an interest in the property and a responsibility in preventing the public nuisance. A receiver has since been appointed to abate the public nuisance and to prepare the property for a move-in ready sale.
- **2271 Market** (illegal night club/strip club and an illegal auto detailing business) – Worked with community, OPD's ABAT and City Administrator's Office to have tenants (motorcycle club) evicted before administrative hearing. Moved out November 2014.
- **Illegal Auto Repair Business at 3554 Pierson Street** – Notices were mailed to tenant and landlord. Both entered an agreement with City to stop the illegal activity or pay fines.
- **Chaparral Motel** – Entered Deemed Approved Stipulated Conditions of Approval for Commercial Activity on February 25, 2015. Owners agree to implement specific operating policies and procedures to decrease the likelihood of criminal nuisance activity at the motel. The terms will remain in effect for 5 years. Owners may petition the City to terminate the agreement after 3 years if criminal activity decreases.
- **Starlite Motel** – Filed lawsuit on March 6, 2015. Causes of action: Red Light Abatement Act, Drug Nuisance, Public Nuisance and OMC 8.03 violations. Remedies sought: one-year statutory maximum closure of business, civil penalties of \$25,000 per defendant, OPD cost of investigation, attorneys' fees and costs, injunction, receivership and all other remedies that Plaintiffs are entitled.
- **Green Therapy** – Filed lawsuit on April 29, 2015. Causes of action: Red Light Abatement Act, Public Nuisance and OMC 5.36 violations (possible human trafficking at massage parlor). Remedies sought: one-year statutory maximum closure of business, civil penalties of \$25,000 per defendant, OPD cost of investigation, attorneys' fees and costs, injunction, receivership and all other remedies that Plaintiffs are entitled. Massage parlor tenants moved out and closed business in July 2015.
- **Mills Motel** – Filed lawsuit on June 30, 2015. Causes of action: Red Light Abatement Act, Drug Nuisance, Public Nuisance and violations of OMC 5.34 and 8.03. Remedies sought: one-year statutory maximum closure of business, civil penalties of \$25,000 per defendant, OPD cost of investigation, attorneys' fees and costs, injunction, receivership and all other remedies that Plaintiffs are entitled.
- **Townhouse Travel Inn** – Met with motel owners, working with them to implement policies to decrease the criminal nuisance activity. This is the motel where there was a large butane hash oil extraction fire in 2015.

- **Motel 6** – Met with regional director and managers of both Motel 6 locations in Oakland in December 2014 to discuss implementing policies and procedures to decrease drug and prostitution activity at their locations.
- **CJ Aromatherapy** – Worked with law firm representing the landlord of the building where prostitution activity is occurring at a massage business.
- **Value Inn** – Entered Deemed Approved Stipulated Conditions of Approval for Commercial Activity on August 13, 2015. Owners agreed to implement specific operating policies and procedures to decrease the likelihood of criminal nuisance activity at the motel. The terms will remain in effect for 5 years.
- **Oakland Therapeutic** – Worked with OPD’s VICE/CEU to gather facts and file lawsuit. Filed lawsuit on August 21, 2015. Causes of action: Red Light Abatement Act, Public Nuisance and OMC 5.36 violations (possibly human trafficking at massage parlor). Remedies sought: one-year statutory maximum closure of business, civil penalties of \$25,000 per defendant, OPD cost of investigation, attorneys’ fees and costs, injunction, receivership and all other remedies that Plaintiffs are entitled.
- **Alouette Massage** – Worked with OPD’s VICE/CEU to gather more information. Worked with OPD’s VICE/CEU and City Administrator’s Office to have tenants evicted. Moved out in September 2015.
- **MoMo Spa** – Worked with OPD VICE/CEU to gather more information. Worked with OPD’s VICE/CEU and City Administrator’s Office to have tenants evicted. Moved out in 2015.
- **Kim’s Spa** – Prostitution activity and possibly human trafficking. Met with landlords to have tenants evicted. Worked with landlords’ eviction attorney to remove tenants. Tenants eventually moved out.
- **2940 Telegraph Avenue** – Another massage parlor with prostitution activity. Worked with OPD’s VICE/CEU and City Administrator’s Office to have tenants evicted. Tenants moved out late 2014.
- **Alliance Metals** – Alliance Metals has been a consistent nuisance recycling center since the 1980s. They operated under a Conditional Use Permit (CUP) that they originally obtained in 1980s. Worked with the City Administrator to issue citations for over 40 violations of the OMC and the CUP. After exhaustive negotiations, Alliance agreed to relinquish its CUP by August 20, 2016.
- **West Grand Hotel** – The West Grand Hotel has been a hub cocaine and heroin sales for decades. In addition, the 60+ unit building was replete with building code violations and major habitability issues, and has been declared a public nuisance several times by the City. Filed a lawsuit against the owners in August 2014 and settled on the eve of trial for a receiver and \$100,000. The receiver has been in place since March 2015.

- **Evelyn and Sukhandra Nand** – Owners of 7248 MacArthur, a 4-unit residential building in Eastmont neighborhood, allowed the structure go into severe disrepair, including a missing part of the roof, which eventually let do squatters and drug sales in the units. Filed a lawsuit against the owners in January 2015. Negotiations are ongoing.
- **Maxine Robinson** – Owners of 3411 Chestnut and 1081 32nd St allows her properties to be used for drug sales and squatters. 3411 Chestnut is known as “heroin haven” and is occupied by a hoarder. 1081 32nd St has been inhabited by squatters, who may have caused a fire in May 2015. Filed a lawsuit against the owner in September 2015 and litigation is ongoing.
- **Paul and Arlene Lum** – The slumlords of 3615 Market, a mixed commercial and residential building, refused to abate major building code violations for months. The tenants were living without essential utilities, after the landlord attempted to evict them by turning off water. Filed a lawsuit against the owners in October 2015, and the owners have since obtained permits and working toward rehabilitating the property. Litigation is ongoing.
- **Suprema Meats** – Neighbors have been complaining of noise from the meat distribution activity occurring in the early mornings daily at Suprema Meats, which is located in a residential area. As it turned out, Suprema Meats had expanded its operations over the years, including structural additions without permits. We worked with the City Administrator to issue citations and had a lengthy administrative appeals hearing. The administrative hearing decision is pending and Suprema has since initiated litigation against the City.
- **Hillside Apartments** – Filed lawsuit against owners of a 100 unit apartment complex that operates as a base for a violent criminal street gang connected to several homicides around the property over the years.
- Worked with City Administrator’s Office on squatters at abandoned properties.
- Illegal Dumping Enforcement Program (see *Special Programs, Initiatives & Litigation*).

RENT ADJUSTMENT PROGRAM

- Provided legal advice to rent board commissioners, hearing officers and other RAP staff.
- Handled three writs from Rent Board decisions.
- Assisted staff and City Council in drafting the tenant protection ordinance (“TPO”).
- Included TPO as cause of action in Empyrean case.
- Filed an amicus brief in the California Court of Appeal in support of a challenged regulation of the City of Berkeley’s Rent Stabilization Board.
- Assisted staff and the Rent Board in the Board’s adoption of regulation changes (to recommend to City Council) related to Seismic Strengthening Capital Improvements.
- Worked with staff and City Council to consider Ellis Act relocation fee changes and relocation fee changes generally.

CODE & ALCOHOL ENFORCEMENT

- Multiple Code Enforcement hearings.
- Researched a bond issue for 2930 Ford Street.
- Assisted 2020 E. 17th Street blighted property to come into compliance.
- Filed a lawsuit against Lucky Strike for illegal gambling and nuisance activity.
- Attended CSEC (Commercial Sexual Exploitation of Children) meeting.
- Multiple meetings about R-2 inspection (Residential) notices for the Fire Department.
- Investigated illegal gambling at 622 International Boulevard.
- Investigated illegal gambling at 10327 International Boulevard.
- Investigated Bingo activities/complaints at Foothill Square.

TABLE 10: PUBLIC SAFETY & RISK MANAGEMENT UNIT

Practice Areas & Responsibilities	
<ul style="list-style-type: none"> • Police & Fire Department General Advice • Police & Fire Department Personnel • Police Development, Training & Investigations • Negotiated Settlement Agreement • Police Department Reform Measures 	<ul style="list-style-type: none"> • OES Emergency Services • Use of Force & Vehicle Pursuit Boards • Public Safety Legislation & Initiatives • Community Policing Advisory Board • Public Safety Committee

PUBLIC SAFETY UNIT HIGHLIGHTS

- Reviewed all FY Oakland Police and Fire Department City Council reports.
- Drafted, provided advice on and approved resolutions and ordinances.
- Staffed the City Administrator’s Privacy Community Advisory Group.
- Drafted and negotiated Golden State Warriors Championship Series MOU with ACSO for supplemental law enforcement services.
- Advised city administration and drafted ordinance creating stand-alone department on Animal Services, including the establishment of an advisory board.
- Advised on City’s long term tow contract for City's audit of vendor.
- Reviewed and revised legislation submitted by community groups relating to recording police in public and advised on staff on associated state and federal law and attended Council meetings on the same.
- Advised City Administrator, City Council and OPD on NSA compliance and implementation in the case of *Delphine Allen v. City of Oakland*. Assisted OPD reach higher compliance; as reported in the 21st Monitor’s Quarterly Report, as of June 2014 OPD had reached full compliance with 19 of the 22 remaining Tasks; the remaining three tasks had achieved partial compliance.
- Advised City Administrator on Allen court order requirements re: notification to Compliance Director on disciplinary matters.
- Prepared court filings of reports on (1) NSA-related contracts and retention of consultants, (2) persons responsible for NSA tasks, and (3) IAD reports on retaliation, among others.
- Advised on Compliance Director’s authorities and stated in Allen court orders; worked with OPD on retention of experts and prepare contracts and legislation.
- Advised OPD on City Council’s resolution approving expedited contract procedure for NSA contracts.

- Reviewed and provided advice to Chiefs and OIG on Compliance Director's reports and court requirements.
- Attended closed sessions and provide updates on NSA compliance.
- Prepared and negotiated new and extensions of contracts for the Monitor and the Compliance Director.
- Regularly attend meetings held by the Office of Compliance Director and the federal court monitoring team.
- Staffed the EOC or remain on standby during activations for public protests and marches.
- Updated emergency orders and protocols for the Fire Department, Office of Emergency Services, on street closures and other municipal actions that may be needed during local emergencies.
- Attended and advised OPD in accident/pursuit board hearings.
- Regularly advised Police, Fire, and City Administration on numerous Public Records Act requests.
- Regularly attended activations of the EOC to respond to City critical incidents and advise OPD on relevant policy and legal standards.
- WPAD Wildfire Prevention Assessment District.
- Vegetation Management and Enforcement advice.
- Regularly attended biweekly meetings with Fire administration to track and be apprised of emerging legal issues impacting the department.
- Advised Fire Department on state regulations and laws in its transition out of Certified Unified Program Agency role, and associated records management process.
- Reviewed and advised on Fire Prevention Bureau's Fire Code Enforcement notices to abate on due process and 1st Amendment Considerations.
- Worked with the City Administrator and OPD to draft and negotiate an agreement with the ACSO for supplemental police services related to the Warriors Championship Series celebration.
- Advised OPD on renewal of City's long term tow contract and request for proposal process for new long term tow contract.
- Successfully negotiated with agency counsel from other jurisdictions to protect City's interests in intergovernmental MOUs provisions on indemnity and insurance provisions.
- City contract with Port for special services, 18th supplemental.
- MOU PORT Marine Security Patrol Boats.
- Advised on renewal of Red Light Camera contract.

- Regularly reviewed, edited and provided constructive feedback on a large volume of MOUs, grant agreements, and general professional services, supply contracts, and City legislation authorizing such items.
- Cease fire contract with CPSC.
- VBS Services contract for sexual assault examinations and blood tests.
- MOU with Open Hood.
- Red Flex red light contract.
- CPRB contracts for outside counsel; reviewed policies; provided support.
- Advised OPD and Fire on legal issues associated with conducting request for proposals/qualifications and bidding procedures required by local law and best practices.
- Advised OPD on legal options in negotiating to extend the City's long term vehicle tow contract.
- Regularly reviewed, edited and provided constructive feedback to OPD and Fire on a large volume of MOUs, grant agreements, and general professional services and supply contracts.
- Worked with outside law enforcement agencies on MOUs to assist OPD with various crowd management events.
- Assisted OPD in drafting an agreement with an independent expert to review, analyze and interpret OPD's stop-data.
- Responded to officer shootings and in custody death incidents, attended debriefings, and coordinated legal consultation meetings with OPD investigators and members of litigation and labor units.
- Attended as many as 15 OPD Force Review Boards; reviewed investigative files; researched legal issues and provided advice.
- Assisted with the overhaul of procedures for conducting Force Review Boards and attended numerous Force Review Boards to analyze patrol officers' use of force and recommend training points.
- Attended and advised OPD in accident/pursuit board hearings.
- Reviewed and advised OPD on policy updates for force board review policy.
- Facilitated briefings and attended litigation/risk management meetings with City attorneys and representatives.
- Attended "meet and confer" bargaining sessions with the Police Union on behalf of the City relative to policy changes sought by the Compliance Director.
- Held weekly attorney office hours for Internal Affairs to assist with investigations and NSA compliance.

- Attended regular meetings with Internal Affairs to review investigations and advised on compliance with state and federal law and departmental policy as well as procedural and investigate practices.
- Prepared protocol for attorney review of Internal Affairs/Personnel cases.
- Reviewed and advised on a multitude of Internal Affairs investigations and complaints re: policy compliance and police misconduct.
- Advised OPD Internal Affairs on investigations into officer involved shootings, in custody deaths, vehicle pursuits, police force incidents, handling of persons in mental distress, etc.
- Negotiated settlements in police discipline cases and drafted settlement agreements.
- Reviewed OPD arbitrations and Allen court orders.
- Provided advice on personnel matters / administrative investigations related to police and fire.
- Attended City Council meetings on police and fire department matters.
- Staffed the regular Public Safety Committee meetings and provided advice on open meeting laws, City Council Rules of Procedure and parliamentary rules.
- Provided extensive legal services to Oakland Fire Department, Oakland Police Department and the Office of Emergency Services on responses to critical incidents.
- Reviewed claims and new cases re: OPD and Oakland Fire Department.
- Reviewed and prepared Council support resolutions for pending state legislation.
- Researched and advised on gun laws.
- Attended City Council meetings on several legislative items reviewed by the Public Safety Unit including Council resolutions adopting the Domain Awareness Center privacy and data retention policy, the City's Forward Looking Infrared Camera privacy and data retention policy, authorization for intergovernmental agreements to provide federal grants supporting Oakland Fire and Police operations and training and joint operations between federal law enforcement agencies and Oakland Police and procurement contracts.
- Staffed biweekly City Council Public Safety Committee meetings.
- Attended closed session meetings on police litigation cases.
- Conducted extensive training on public records and the Public Records Act for attorneys and City staff.
- Advised City Administration, Fire and Police departments on hundreds of Public Records Act requests.

- Advised CID on civil matters re: investigations, subpoenas, sealing of juvenile records and public records' requests.
- Discussed subpoenas with department staff and advised on responses.
- Conducted extensive research or review of extensive records to determine compliance with the Brown Act and City policies, such as PRR related to Stingrays, administrative investigations, PDRD disclosures, etc.
- Advised Oakland Fire Department on labor/employment matters.
- Provided advice and consultation to OPD and license unit of City Administration on legal restrictions and viable options for accessing/using crime data systems.
- Reviewed, edited and approved numerous contracts for professional services.
- Reviewed Internal Affairs investigative reports.
- Worked with OPD's Vehicle Abatement Unit to improve its vehicle nuisance abatement seizure notices to comply with due process and recent Court actions.
- Reviewed case law and C/O litigation re vehicle abatement actions.
- Conducted extensive review of public notices and advise/edits re vehicle tows.
- Attended Force Review Boards on a regular basis and provided legal advice and conducted research for OPD on issues raised in Force Review Boards including Taser use.

Public Ethics Commission:

- Staffed monthly Public Ethics Commission meetings.
- Provided numerous oral and written opinions to the Public Ethics Commission and staff in response to requests for legal advice related to various ordinances, Commission investigations and monthly meeting materials.
- Assisted in drafting a Governmental Ethics Act.
- Assisted in implementing Charter amendment expanding scope, powers and responsibilities of Ethics Commission.

TABLE 11: REAL ESTATE & DEVELOPMENT UNIT

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

REAL ESTATE & DEVELOPMENT UNIT HIGHLIGHTS

- Advised staff and City Council on numerous complex issues arising from state legislation eliminating redevelopment agencies, including proposed amendments to such legislation.
- Advised on issues related to implementation of 3100 unit Brooklyn Basin (Oak to Ninth) redevelopment project.
- Negotiated and finalized a Master Compensation Agreement with Alameda County taxing entities for the distribution of net proceeds from the sale of former Redevelopment Agency properties.
- Reviewed drafts and advised on semi-annual Recognized Obligation Payment Schedules (“ROPS”), and advised on numerous issues raised during review by DOF of the ROPS, including several successful challenges to DOF rejection of ROPS funding items.
- Prepared transactional documents and advised staff with respect to compliance with “clawback” order from the State Controller reversing various transfers of assets of the former Redevelopment Agency to the City.
- Attended Oakland Oversight Board meetings, made presentations on a variety of dissolution issues, and represented the City’s and ORSA’s interests before the Board.
- Monitored state legislative proposals to enact new economic development programs.
- Closed affordable housing development loans on several projects, including construction of the 1110 Jackson Street Apartments project, and rehabilitation of the Howie Harp Plaza affordable housing project.
- Negotiated terms for the City purchase of two parcels for affordable housing development in the Brooklyn Basin (Oak to Ninth) project, and advised on project funding and development issues.

- Assisted our Land Use Unit, as necessary, regarding issues on the implementation of the approved redevelopment of the Foothill Square Shopping Center, including a new Foods Co. supermarket.
- Consulted on real estate issues related to the Oakland Zoo.
- Negotiated an Exclusive Negotiation Agreement and License Agreement for development of an affordable housing and mixed-use commercial project at 7th and Campbell in West Oakland.
- Negotiated terms of a use agreement for and repayment of City funding to the Jack London Gateway Shopping Center in West Oakland.
- Provided ongoing legal services to the Oakland Workforce Investment Board (“WIB”) and WIB staff.
- Drafted and negotiated numerous funding contracts with providers of workforce development services to adults and youth.
- Advised staff to facilitate ongoing administration of the West Oakland Jobs Center.
- Drafted an ordinance updating and codifying the City’s real property acquisition and disposition laws, and advised staff and City Council on the draft ordinance. The ordinance was adopted in January 2015.
- Advised staff on agreements related to the Broadway Shuttle service.
- Drafted and negotiated an Exclusive Negotiation Agreement for the Coliseum City project, and advised on numerous issues involving the Coliseum City project.
- Negotiated extensions to an Owner Participation Agreement for the 1100 Broadway project.
- Advised staff on continuing issues arising from complex Lease Disposition and Development Agreement and related documents (e.g., Property Management Agreement, Community Jobs Agreement, etc.) with the Master Developer for an estimated half-billion dollar development on the City-owned Gateway portion of the former Oakland Army Base.
- Advised staff in ongoing issues regarding Army Base Gateway development matters, such as the design-build contract for the City’s public improvements, a Project Labor Agreement, Army Base Oversight Commission, West Oakland Jobs Resource Center, public records requests and miscellaneous jobs monitoring issues.
- Advised staff re: implementation of a Lease Disposition and Development Agreement with Oakland Maritime Support Services, Inc., for development of a truck-serving facility on the former Oakland Army Base that will ultimately relocate significant truck traffic from West Oakland neighborhoods to the former Base.

- Advised staff on continuing issues regarding proposed conveyance of Army Base North Gateway properties to relocate recyclers from West Oakland residential neighborhoods.
- Continued to advise on legal issues arising from a negotiated Cost Sharing Agreement with the Port of Oakland for coordinated development of the former Oakland Army Base, including issues over joint Port/City public infrastructure matters: grants and funding, environmental cleanup and rail track issues.
- Continued to advise City staff and reviewed contracts for services at the Army Base.
- Assisted staff in implementing a Memorandum of Understanding with EBMUD regarding the former Army Base development.
- Continued complex negotiations with the State Department of Toxic Substances Control regarding environmental remediation issues at the former Oakland Army Base.
- Staffed City-Port meetings on behalf of the City Attorney's Office.
- Advised City staff regarding existing and prospective agreements with outdoor advertising companies.
- Assisted City Collection staff in dealing with persons who owe money to the City who file bankruptcy.
- Negotiated, revised and executed a number of leases/licenses and amendments in which City leases property to private parties, and in which the City leases property as a tenant.
- Negotiated, drafted and executed many rights of entry to facilitate beneficial use of City properties.
- Negotiated several leases and numerous easement agreements with the Port of Oakland including a large number relating to development of the former Oakland Army Base.
- Continued to provide advice on real property acquisitions for 42nd and High Street project.
- Assisted staff in effectuating an assignment of the Marriott Hotel to a new owner that intends to upgrade the facility.
- Advised staff on several transactions related to the City's business incentive program.
- Assisted staff in preparing a proposed Purchase & Sale Agreement to acquire certain land owned by the Port at the former Army Base.
- Advised on leases with telecommunication companies on City property.

- Staffed regular and special meetings of the Community and Economic Development Committee and attended City Council meetings on numerous real estate and redevelopment matters.
- Advised staff on issues related to the proposed development of a multiuse complex in the Coliseum area that includes the Oakland A's Baseball team stadium.
- Negotiated revisions to renew the Oakland Athletics Stadium License Agreement
- Assisted staff in negotiating potential development of the Coliseum Transit Village project.
- Advised staff on legal issues relating to several new proposals for the development of 1901 Telegraph and 1911 Telegraph.
- Assisted staff in implementing assignment of a Lease Disposition and Development Agreement regarding a Sears-owned parcel near its (now-closed) retail store in downtown Oakland to a new developer.
- Reviewed contract extensions of several tenant/supplier entities.
- Reviewed and revised a number of Temporary Construction Easements to allow for completion of important public works projects.
- Reviewed and advised on Economic Development Activities Quarterly informational reports.
- Advised staff regarding proposed re-start of development of the T-12 parcel, a major development site in Downtown Oakland.
- Advised and negotiated term sheet and draft Disposition and Development Agreement for a multi-use development at 2330 Webster and 2315 Valdez Streets.
- Advised staff regarding issues related to development of City-owned 12th Street Remainder Parcel.
- Advised Council regarding issues concerning the Rotunda Garage Disposition & Development Agreement.
- Advised on Request for Proposals for redeveloping Kaiser Convention Center and negotiated Exclusive Negotiating Agreement with prospective developer.
- Advised and negotiated term sheet and Disposition and Development Agreement for a two-phase mixed-use residential and hotel project on the vacant parcel of land bounded by Broadway, 11th Street, 12th Street and Clay Street, commonly known as T-5/T-6.
- Advised and negotiated facilities agreements with wireless service providers.
- Advised staff on sale versus ground leasing of City-owned properties regarding specific proposed City-owned projects.

- Advised on real estate issues pertaining to bond financing.
- Advised on development of Caltrans Mandela Parkway parcel.
- Advised staff during negotiation process with Developer, and its attorney relating to Phase IIA of the Fruitvale Transit Village project; drafted the Lease Disposition and Development Agreement; reviewed the Transit Oriented Development-State of California Housing and Community Loan documents.
- Reviewed the Owner Participation Agreement; advised staff regarding with developer issues for the Macarthur Transit Village Project.
- Assisted City negotiating team for the 2015 License Extension for the Oakland Raiders National Football League franchise.
- Developed issue checklist for future license extension negotiations with the Oakland Raiders.
- Reviewed title report for existing use restrictions on deed for property located at 10745 Pippin Avenue; advised staff regarding removal of restrictions.
- Reviewed two Head Start Program Leases, located at the Cosmopolitan Baptist Church and Eastmont Mall, respectively.
- Advised staff and assisted with issues arising from the lease at 5050 Coliseum Way for use by the Public Works.
- Drafted the quitclaim deed and the Dedication of Public Right of Way; participated in conferences with staff and City Surveyor relating to the amendment of parcel map all for City-owned property located at 51st and Lawton.
- Advised and assisted staff and advised Council on issues relating Surplus Lands Act matters.
- Advised and assisted staff regarding a new Request for Proposals for the 1800 San Pablo City-owned property.
- Advised and assisted staff with preparation for closed session, CED Committee, open session and the Exclusive Negotiating Agreement for the 3050 International Boulevard City-owned property, proposed to be developed as a Nike Community Store.
- Advised and assisted staff with restructuring the Foreign Trade Zone #56 to an Alternative Site Framework; drafted a site Operating Agreement for use with new subzones and usage driven sites.
- Advised and assisted staff with the review of several License Agreements for Access at various locations throughout the City.
- Assigned legal counsel for the CDBG Commercial Loan Default Program.
- Continued to advise City staff and reviewed contracts Under the Façade and Tenant Improvement Program for grants to businesses.

- Advised and assisted staff with preparation for closed session for City-owned property located at 8280 MacArthur Boulevard.
- Advised and assisted staff with preparation for closed session, CED Committee, open session and the ENA for Derby Avenue City-owned property, proposed to be developed as affordable housing and a charter school.
- Advised and assisted staff with preparation for closed session, CED Committee, open session and the ENA for Oakport Street City-owned property, proposed to be developed as an Acura automobile dealership.

TABLE 12: LAND USE & PLANNING UNIT

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

LAND USE & PLANNING UNIT HIGHLIGHTS

- Advised on the preparation of master land use plans and associated environmental review for five major planning areas of the City, all of which were adopted: Broadway-Valdez, Lake Merritt BART Station, Coliseum area and West Oakland.
- Advised Staff and the Planning Commission on the implementation of the various adopted master plans (including processing development applications).
- Advised staff in the City’s implementation of the Measure DD-funded public open space improvements, including updated design for Snow Park and Sausal Creek Restoration.
- Advised on legal issues regarding potential new baseball stadium for Oakland A’s.
- Advised on legal issues regarding the City’s plans for a new Oakland Raiders stadium.
- Advised staff, and City Council on legal requirements for various activities at the former Oakland Army Base, including on California Environmental Quality Act (“CEQA”) environmental review related to the Master Developer, parcel maps, coal-related issues and ongoing advice relating to implement of various standard conditions/mitigation measures.

- Assisted in defending against legal challenge to the AMG Senior Housing Project (115 units) at High/McArthur.
- Advised on legal issues regarding development of mandatory seismic strengthening requirements.
- Advised on the environmental review of the Zero Waste Franchise.
- Advised staff on the City's Development Impact Fee Program.
- Advised on implementation of 3100 unit Brooklyn Basin (Oak to Ninth) redevelopment project.
- Advised on code compliance and land use issues associated with operation of Head Royce School.
- Advised staff and City Council on new land use approvals under the Jack London Square development agreement.
- Advised staff on land use approvals to renovate the historic Tapscott Building and constructing new housing at 1900 Broadway.
- Advised staff on redevelopment of Jack London District development at 4th and Madison Street.
- Advised on CEQA and environmental issues related to clean up of a former General Electric factory at 5441 International Boulevard.
- Advised on the environmental review and approval of federally-funded 100 unit affordable housing project located at 2100 Martin Luther King Jr. Way (Cathedral Gardens), 16th and Jefferson affordable housing project, Erna P. Harris affordable housing project and numerous other federally-funded projects requiring review under the National Environmental Policy Act (NEPA) and National Historic Preservation Act Section 106 review.
- Advised on permanent legislation and ongoing litigation regarding regulations for crematories in the City.
- Advised staff and Planning Commission on letters preventing resumption of alcohol sales in locations that had discontinued operations ("Loss of Deemed Approved Status" letters).
- Advised on the approved Bentley School (increase student enrollment to 360) and ongoing monitoring/enforcement.
- Assisted staff in preparation of various City protocols implementing the California Environmental Quality Act, including revised Thresholds of Significance and Standard Conditions of Approval.
- Advised staff in updating and streamlining provisions of the Oakland Planning Code.
- Advised staff in development and adoption of the new 2015-2023 Housing Element, including CEQA environmental review.

- Advised staff and City Council on development and adoption of a new public art requirement for private development, and assisted in defending against legal challenge to the requirement.
- Advised staff on development and adoption of reasonable accommodations regulations.
- Advised staff on development and adoption of density bonus regulations to comply with State law (AB 2222).
- Advised staff on development and adoption of emergency shelter regulations and transitional and supportive housing regulations to comply with State law.
- Advised staff on development and adoption of local amendments to the State Building Standards Code.
- Advised staff on land use and environmental issues relating to the International Boulevard Transit Oriented Development plan.
- Advised staff on development and adoption of residential solar energy permitting process in compliance with AB 2188.
- Advised staff on AB 2245 and 417, which created new CEQA exemptions for bicycle lanes.
- Advised staff, Planning Commission and City Council on authority relating to telecommunications projects under federal, state and local telecommunications law, including implementation of new FCC regulations implementing Section 6409 of the Middle Class Tax Relief Act and AB 57, as well as applicability of CEQA exemptions.
- Advised staff on federal, state and local laws relating to medical cannabis, including the recently adopted Medical Marijuana Regulation & Safety Act.
- Staffed all City Planning Commission meetings and provide ongoing legal advice to Commissioners and planning staff.
- Advised on the award of Mills Act contracts, which provides historic preservation tax incentives.
- Advised on various activities related to the MacArthur BART Transit Village, including Phases 1 & 2 of the Final Development Plan and Final Subdivision Map.
- Advised on environmental review and approval of modifications to Wood Street development project in West Oakland.
- Advised on issues relating to local condominium conversion regulations; assisted in drafting amendments to Oakland's condominium conversion ordinance.

- Advised the Landmarks Preservation Advisory Board.
- Advised staff and Planning Commission on applicant's request to delete conditions of approval requiring formation of Oakland Area Geologic Hazard Abatement District.
- Advised staff on CEQA related issues for implementation of Bike Sharing Policy.
- Advised on a variety of Subdivision Map Act issues, including review of Subdivision Improvement Agreements, parcel map waivers, adequacy of security, and other issues relating to tentative and final tract maps.
- Advised on a variety of Building Services matters, including approval of major, minor, and short term encroachment permits, certificates of compliance, street vacations, and fee disputes.
- Advised on CEQA and NEPA compliance for FEMA and State pre-disaster mitigation funding relating to the Wildfire Assessment District area located in the Oakland hills. Assisted in defending against legal challenges to FEMA's Environmental Impact Statement.
- Advised staff on developing permanent mobile food vending regulations.
- Advised staff on developing policy guidance on when secondary access roads are required.
- Advised staff on further implementing the City's billboard amortization program, which removes certain billboards in residential neighborhoods at no cost to the City over a period of time. This latest effort will result in over fifty (50) billboards being removed over the next ten (10) years, at no cost to the City.
- Advised staff and City Council on adoption of and revisions to a temporary moratorium on the placement of unattended donation/collection boxes ("UDCBs") to address First Amendment issues and development and adoption of permanent regulations for UDCBs.
- Advised staff, Planning Commission, and City Council the environmental review and subdivision for the Children's Hospital seismic expansion.
- Advised staff on the environmental review of various tree removal actions, including the Chabot Space and Science Center.
- Advised staff on the environmental review of the remediation of the Leona Heights Sulfur mine, which is complete.
- Advised staff on the environmental review of a proposed driving range at the Chabot Golf course.
- Advised on City's Parklets program and assisted in drafting related documents (application, encroachment permit, etc.).

TABLE 13: LABOR & EMPLOYMENT UNIT

Practice Areas & Responsibilities	
<ul style="list-style-type: none"> • Community & Economic Development Committee • Real Estate & Land Use • Redevelopment Successor Agency • Oakland Army Base Project • Oakland Base Reuse Authority (OBRA) • Economic & Workforce Development • Building Services • Neighborhood Preservation 	<ul style="list-style-type: none"> • Planning & Building • Environmental Remediation • Environmental Laws (CEQA/NEPA) • Port of Oakland • Eminent Domain • Zoning • Natural resources/creeks/species • Innovation

LABOR & EMPLOYMENT UNIT HIGHLIGHTS

- Reviewed staff reports, resolutions and legislation related to personnel issues.
- Oversaw the drafting, submittal and ultimate implementation of Measure EE, allowing the City to eliminate approximately \$900,000 in overhead by purchasing annuities for the 22 retirees and beneficiaries remaining in the Oakland Municipal Employees’ Retirement System (“OMERS”).
- Helped implement and interpret Oakland’s minimum wage and sick leave initiative (Measure FF), by drafting FAQs and interpretive regulations, and by advising City Administration on how to implement and enforce the new ordinance.
- 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.
- Provided personnel advice to Fire Chief at biweekly meetings and advised the Chief on responses to union grievances.

- Provided training to Oakland Fire Department on workplace discrimination and harassment.
- Attended Skelly due process hearings on behalf of the City in cases involving serious employee misconduct and advised Skelly officers regarding their recommendations.
- Advised City Administration and City Departments on “meet and confer” issues, participated in resulting bargaining sessions, and drafted resulting policies and agreements.
- Assisted and advised City Administration, Employee Relations Department and City Council in collective bargaining with five unions, including attending the bargaining tables for SEIU, the Oakland Police Officers Association and Oakland Police Management Association.
- Managed and resolved disputes with various unions over employee discipline and contract (MOU) interpretation by negotiating settlements and by representing the City at binding, labor arbitration hearings.
- Represented and defended the City before the California’s Public Employment Relation Board.
- Represented and defended the City before Oakland’s Civil Service Board.
- Reviewed, edited and approved numerous contracts for professional services.
- Advised City Administration and City Departments on numerous Public Records Act requests.

Special Programs, Initiatives & Litigation

In addition to representing the City's interests in court and providing legal advice, the City Attorney takes a proactive role promoting economic, environmental and social justice in our town and improving the quality of life for all Oaklanders.

These actions generally fall into three categories: special programs, initiatives/legislation and affirmative/community benefit litigation.

Some of these programs and actions are longstanding and continued in FY 2014-15, and others launched in this fiscal year.

For detailed highlights of a very eventful year, please see the City Attorney's [Newsletter Archives](#).

SPECIAL PROGRAMS

Open Government Program

The City Attorney's Open Government Program enforces transparency and accountability in City government. The program provides technical and legal assistance to City departments regarding public records requests. It also oversees compliance and provides trainings about the California Public Records Act, Sunshine Ordinance and Brown Act. The Open Government Coordinator addresses constituent issues and helps facilitate responses to requestors seeking public records and documents. In FY 2014-15, the Open Government Coordinator reviewed, responded to and facilitated more than 1,000 public records requests involving thousands of pages of documents.

Neighborhood Law Corps

The Neighborhood Law Corps has been a highly effective program since it was launched in 2002.

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

Working closely with the community, police and other agencies, the program focuses on protecting Oakland consumers, abating public nuisances and removing sources of crime in Oakland neighborhoods.

NLC PROJECTS THIS YEAR INCLUDED:

Hillside Apartments Lawsuit

In August 2014, the NLC filed a lawsuit against the Walnut Creek-based owners of the Hillside Apartments, a large apartment complex in East Oakland known for unacceptable living conditions and rampant crime. The Oakland Police Department described Hillside as a base of operations for a violent gang known for robberies, shootings and other crimes in East Oakland.

The lawsuit charged the owners with failing to maintain basic standards of habitability and security at their property as required by law.

The NLC secured a settlement in February 2015 that requires the owners to clean up the properties, hire professional management and pay \$40,000 to the City.

The Hillside settlement also requires the owners to hire a local professional property manager and licensed security guards to patrol the complex. The owners must personally conduct regular inspections with a neutral monitor overseeing compliance. The settlement includes a requirement for the owners to install security gates and 54 high definition security cameras, and maintain the property free of blight and building code violations. The City has the right to approve any buyers of the Hillside property and the settlement is binding on any future owners. [More info...](#)

West Grand Hotel Lawsuit

Also in August 2014, the NLC sued the absentee owners of the West Grand Hotel, a single room occupancy rental property notorious for drug activity and unsafe, inhumane living conditions.

For years, the West Grand Hotel at 641 West Grand Avenue had been a nuisance to the neighborhood and a danger to the dozens of people who live there. The property was a center of drug activity, including sales, storage and distribution of cocaine and heroin. In the year and a half period prior to the lawsuit, Oakland police arrested at least 23 people for drug sales and other drug crimes connected to the property, and officers have recovered firearms and large amounts of drugs packaged for sale inside the building.

City inspectors repeatedly documented dangerous building and fire code violations, including a complete lack of fire extinguishers or alarms, exposed and unsafe wiring, broken windows, infestations of mold and cockroaches, overflowing dumpsters, nonworking toilets and showers, cooking appliances used in the hallways and extremely unsanitary conditions unfit for human habitation.

In February 2015, the NLC secured a settlement that will improve conditions for tenants and neighbors of the properties. The settlement required that the owners clean up the property, hire professional management and pay the City \$100,000. As part of the settlement, the court appointed a receiver with authority over the property to oversee compliance, including completing necessary repairs and preventing drug sales. Additionally, the settlement requires that the owners pay for a professional property manager for the next five years. [More info...](#)

Starlite Motel

In March, the NLC continued its series of public nuisance lawsuits to disrupt patterns of crime and violence at properties in Oakland with a complaint against the Starlite Motel in East Oakland.

This East Oakland business had been the source of hundreds of calls for service to the Oakland Police Department for crimes including homicide, assault with a deadly weapon and domestic violence. Many of the crimes were related to drug sales and prostitution at the motel.

Our lawsuit asks the Court to shut the Starlite for one year, the maximum closure allowed under state law. The complaint also asks the Court for an injunction to prevent the motel owners from operating and maintaining their business in a way that begets criminal and nuisance activity, and seeks \$25,000 in civil penalties from each defendant. [More info...](#)

Empyrean Hotel

In June 2015, the Alameda County Superior Court granted the NLC's motion to appoint a receiver to take charge of the Empyrean Hotel in downtown Oakland and oversee repairs and other measures to ensure tenants' rights to safe and decent housing.

The NLC sued the owners of the residential hotel for maintaining the property in an uninhabitable condition and for conduct that violates Oakland's newly adopted Tenant Protection Ordinance and state laws protecting tenants' rights.

The Empyrean, located at 13th St. and Webster St., is home to approximately 100 to 150 residents. Residents complained for months of deplorable conditions. The City temporarily evacuated the residential hotel recently due to contaminated water supply, and has cited the owners for numerous housing-code violations, including electrical, heating and major plumbing problems. The elevator in the four-story building also was inoperable for several months. [More info...](#)

Sausage Factory

In March 2015, the NLC filed a lawsuit against the owners of an abandoned former sausage factory in West Oakland.

The former Coast Sausage Co. property on the corner of Adeline and 28th streets was a source of blight and crime in the neighborhood near McClymonds High School.

The City cited the property owners at least 25 times for violations of the City's blight ordinance due to graffiti, trash dumped on the property and overgrown vegetation. The Public Works Agency also issued no less than 167 work orders to clean up graffiti and illegal dumping directly adjacent to the property. The owners' failure to secure the property and address chronic blight attracted homeless encampments and squatters, and neighbors complained about car break-ins, burglaries, shootings and other crimes associated with the property.

[More info...](#)

Massage/Prostitution Lawsuit

In June 2015, the NLC filed a lawsuit against a massage business on Hegenberger Road that operates as a front for prostitution. The lawsuit asks the Court to close the business for one year, the maximum amount of time allowed by state law.

The business, Green Therapy, describes itself in advertising as a spa specializing in massage, acupuncture and "relaxation" therapy. However, on line ads for the business are overtly sexual in nature in violation of the Oakland Municipal Code, and masseuses do not have massage therapist permits as required by law. Oakland police have arrested multiple female employees of Green Therapy for soliciting undercover officers during massage sessions. On one occasion last year, officers responded to a disturbance at the business after a woman discovered that her boyfriend had spent \$200 for a massage at Green Therapy and called police to report prostitution activity.

The complaint asserts that Green Therapy is operated in manner consistent with a brothel, and that the business interferes with the community's quality of life. In addition, employees of "massage" businesses that operate as fronts for prostitution may themselves be victims of human trafficking. [More info...](#)

Initiatives & Legislation

COMPREHENSIVE ETHICS REFORM LAW

One of the legislative highlights of 2014 was a comprehensive ethics reform law sponsored by City Attorney Parker and City Councilmember Dan Kalb.

The Government Ethics Act, adopted unanimously by the City Council in December 2014, provides a clear and comprehensive framework of laws to ensure that Oakland's government operates with integrity, that appointed and elected officials and candidates for elected offices make decisions in the best interests of the people of Oakland and that the Public Ethics Commission has the power to enforce the law.

The Act was a companion to the Measure CC Charter amendment that voters passed in November 2014, which increased the Ethics Commission's authority and independence and mandated minimum staffing.

The Act establishes rules regarding gifts to public officials that are stricter than state law, restricts former City employees' ability to lobby on behalf of or accept employment with potential City contractors (so-called "revolving door" employment) and bans City contracts with high-level City officials.

The Act also grants the Public Ethics Commission authority to enforce the City Charter provision that prohibits City Councilmembers' interference in administrative affairs such as hiring and firing and other administrative decisions, recommendations and analyses; and the Act grants the Commission authority to enforce a number of ethics-related state and local laws, including restrictions on nepotism and conflicts of interest. [More info...](#)

POLICY TO LEASE RATHER THAN SELL CITY PROPERTY

In December 2014, the City Council established an important new policy to lease rather than sell City property. City Attorney Parker co-sponsored this policy with the City Administrator's Office and Councilmember Lynette Gibson McElhaney to protect and maintain valuable City assets so that they will provide a long-term source of revenue and allow the City to determine their use in future planning.

Historically, the City and its former Redevelopment Agency typically conveyed commercial property to potential developers by sale rather than by long term ground lease. Some prominent examples include the sales to developers of the downtown Rotunda Building, land for the Rotunda garage, Oakland City Center and Preservation Park.

The Council's resolution shifts the historical practice of favoring sale of City properties by establishing a general policy favoring long term leases.

The new policy allows the Council to authorize a sale, as opposed to a lease, on a case-by-case basis when a sale is in the City's best interests, taking into consideration the City Administrator's recommendation.

In general, long term ground leases allow the City to realize more value from its property. Privately developed City property remains a public asset that the City can utilize for another public purpose or private development when the lease expires. [More info...](#)

ILLEGAL DUMPING ENFORCEMENT

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

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

Dumping old mattresses, furniture, construction debris, garbage and other items on sidewalks, in parks and under freeways is a major source of blight in neighborhoods across Oakland. An increasing number of Oakland citizens, many using camera phones, are taking photos and videos of illegal dumping incidents and reporting violators to the Public Works Agency using the Agency’s on line service request page or the SeeClickFix mobile application for Oakland. The City Attorney’s Neighborhood Law Corps uses that evidence to build cases against dumpers, and the City Administrator’s Office issues citations.

Total Numbers for FY 2014-15:

Illegal dumping citations issued by City of Oakland.....	72
Total amount of citations	\$228,251.50
Amount collected this fiscal year.....	\$24,857.25
(plus an additional \$4,950.40 pending at the time of this report)	
Amount referred to collections	\$55,500.25
Hours of community service given to dumpers.....	30.8
Warning letters issued.....	168

[More info...](#)

POLICY TO IMPROVE TRANSPARENCY & ACCOUNTABILITY IN MAJOR NEGOTIATIONS

In November 2014, the City Council adopted a policy to improve reporting and accountability of City Councilmembers who represent the Council on boards, commissions and joint powers authorities ("JPAs"). For example, the policy provides greater specificity regarding the obligations and timing of Council briefings regarding high-stakes negotiations, such as the negotiations for a new license agreement with the Oakland A's at the Oakland-Alameda County Coliseum which concluded in 2014.

City Attorney Parker and then-City Councilmember Libby Schaaf co-sponsored this policy to ensure that the City Council has timely information to evaluate and provide meaningful input and direction regarding high-stakes negotiations and transactions before the boards, agencies or joint powers authorities take action.

The City Council has representatives on a number of regional bodies and joint powers authorities, such as the Oakland-Alameda County Coliseum JPA, the Association of Bay Area Governments and the Alameda County Transportation Commission.

This policy's clear procedure for informing the City Council in a timely way of the commencement of major negotiations and transactions, and for providing the Council with updates regarding developments and the progress of major negotiations, will significantly improve the City's position in high-stakes negotiations in the future. [More info...](#)

Affirmative/Community Benefit Litigation

NEGOTIATED SETTLEMENT AGREEMENT (POLICE REFORM)

On January 22, 2003, the City of Oakland entered into a Negotiated Settlement Agreement (NSA) to resolve allegations of police misconduct raised by plaintiffs in the lawsuit *Delphine Allen v. City of Oakland*, otherwise known as the 'Riders' case.

In FY 2014-15, the City Attorney's Office continued to work with the Oakland Police Department, Mayor, City Council, City Administration and the federal court to implement reforms mandated by the NSA with the goal of providing Oakland citizens the most effective, professional and accountable police force in the country.

In this fiscal year the City made substantial and constructive improvements in the handling of police discipline. In the one year period between September 2014 and September 2015, arbitrators issued seven decisions involving police discipline, all seven related to uses of force. Arbitrators upheld the City's decision to suspend officers in six of the seven cases. This is a promising result. However, our goal is to maintain fair, consistent and effective discipline for police officers on an ongoing, long-term basis.

ANTITRUST LITIGATION AGAINST BIG BANKS

To date, the City Attorney's Office has secured more than \$1 million in settlements with big banks and financial companies in the case *City of Oakland v. AIG Financial Products Corp.* (United States District Court Case No. C 08-2116 MMC), and the litigation continues against other institutions.

Most recently, the City Council approved a \$200,000 settlement of antitrust litigation with JPMorgan.

Oakland and other government entities filed this class action lawsuit in 2008 against a number of banks and financial institutions for egregious antitrust violations.

The defendants engaged in bid rigging and price fixing in the municipal derivatives industry. The banks' conspiracy gouged cities across the country, literally stealing millions of dollars – money that the cities would not have paid under normal market conditions.

In 2012, attorneys for the nationwide class settled with JPMorgan for \$45 million, to be split among some 65,000 potential claimants. Oakland opted out of the class settlement, and continued to pursue individual negotiations with JPMorgan for a larger settlement. Those negotiations led to the \$200,000 settlement approved by the Council – nearly 300 times the \$692 Oakland would have received under the nationwide class settlement.

Oakland previously has secured settlements with other defendants including but not limited to a \$281,750 settlement with GE Funding Capital Market Services and its subsidiaries and a \$200,000 settlement with Wachovia.

Collusion among these competitors is a clear and flagrant violation of federal and state antitrust laws, which prohibit any agreement by companies to fix prices and rig bids.

The settlement amounts that individual plaintiffs secured are not large considering these entities' earnings; however, the class settlement amounts are significant. And the lawsuit sends a message to these companies that Oakland and other municipalities will not tolerate predatory schemes, and we will invoke the legal remedies available to us to ensure these institutions are held accountable. [More info...](#)

OAKLAND REACHES CLEAN WATER DEAL TO PROTECT PUBLIC HEALTH AND SF BAY

The City of Oakland, the East Bay Municipal Utility District (EBMUD), and six other East Bay agencies reached an agreement with the U.S. Environmental Protection Agency (EPA) that will significantly update aging sewer infrastructure and protect the San Francisco Bay from sewage spills.

The agreement in the form of a consent decree with the EPA resolves a lawsuit the EPA and the California State Water Resources Control Board (State Water Board) filed in 2009 to prevent sewage spills into the Bay and overflows throughout the East Bay region. Oakland and all of the other parties worked cooperatively to reach agreement to make repairs to aging sewer pipes that will protect creeks, parks, shorelines and public health in the East Bay.

During periods of heavy rainfall, flows often exceed the capacity of EBMUD's sewage treatment plant, discharging partially treated sewage into the Bay. During normal operations, thousands of miles of aging sewage pipes in Oakland and other cities also clog due to grease, roots and other obstructions, resulting in local overflows of raw sewage. Some of these pipes are more than a century old.

Although the vehicle for these negotiations was a lawsuit, all parties worked cooperatively to reach our common goal of providing greater protections for the health and welfare of our environment and the citizens of the East Bay. This agreement, negotiated by the City Attorney's legal team and the Oakland Public Works Agency, does not simply increase the rate of repairs to our sewer infrastructure. It also creates jobs, makes Oakland a greener community and helps to secure environmental justice for East Bay residents and future generations. [More info...](#)

AMICUS BRIEFS

Texas v. U.S.

In January 2015, the City of Oakland joined a coalition of more than 30 cities across the country to file an amicus brief in the case *Texas v. U.S.* supporting President Barack Obama's executive actions on immigration reform. The "friend of the court" brief supports the constitutionality of the President's executive actions, which offer protection from deportation and work permits to millions of immigrants who have been living in the U.S. for at least five years, have no criminal records and have a child who is a citizen or permanent resident. Texas and other states led by Republican governors filed a lawsuit challenging the reform efforts, arguing that the President has a constitutional duty to enforce existing immigration laws. The brief argues that the President's action will fuel economic growth in cities across the country, will increase public safety by encouraging immigrant residents to trust and cooperate with law enforcement, and will facilitate the full integration of immigrant families into the communities where they live, work and go to school.

Texas Department of Housing and Community Affairs v. the Inclusive Communities Project

Oakland also signed an amicus brief involving a Texas case with national ramifications. In this case, civil rights groups, states and cities across the country are arguing that the 1968 Fair Housing Act, which outlawed racial discrimination in housing decisions, should be interpreted to prohibit not only intentional discrimination, but also "race-neutral" policies that result in harm and discrimination against minorities. Oakland, San Francisco and other cities signed the brief arguing that "disparate impact" claims play an important role in combating discriminatory zoning laws, banking practices and other policies. [More info...](#)

FRAUD CASE AGAINST TAXI FAMILY

In April 2015, the City Attorney announced the resolution of the City's 2012 fraud lawsuit against members of a family with extensive real estate and business interests in Oakland including a prominent taxi company.

Under the terms of the settlement, the defendants agreed to pay the City \$37,500 in civil penalties under the California False Claims Act. One of the defendants, minor reality TV persona Dhar Mann, pleaded no contest in 2014 to five felony counts related to a scheme to defraud the City by submitting false claims and receipts in order to receive redevelopment grant money.

The settlement amount is on top of \$44,400 in restitution Mann paid to the City under the terms of his criminal conviction. The restitution covered the full amount the City paid defendants due to their fraud scheme.

Mann is a member of the Singh family, which owns the Friendly Cab taxi company and other interests in Oakland. Mann founded the marijuana business “weGrow” and appeared on the reality TV show “Shahs of Sunset.”

Evidence in the City’s lawsuit showed that Mann and the other defendants received at least six grant contracts to pay for development plans, façade renovation and other work at five Oakland properties, including the headquarters of the Friendly Cab taxi company owned by Mann’s family. Evidence showed that the defendants participated in a scheme to overbill the City for work on the properties, and in some cases, submitted claims for thousands of dollars of work that was never done. [More info...](#)

DEFENDING OAKLAND’S RIGHT TO REGULATE AND LICENSE MEDICAL CANNABIS DISPENSARIES

In October 2012, the City Attorney’s Office filed a complaint in U.S. District Court against the U.S. Attorney and U.S. Attorney General to stop the federal government’s attempts to seize a building rented by the Harborside Health Center, one of Oakland’s permitted medical cannabis dispensaries.

At the time, the federal government was aggressively cracking down on medical cannabis in Oakland and elsewhere, despite assurances by federal officials that the government would not pursue licensed dispensaries that are in compliance with state law. Just a few months earlier, agents from the IRS and other agencies had raided Oaksterdam University, one of the pioneers of the medical cannabis industry in Oakland, an action that ultimately devastated the business.

In our lawsuit, we advised the federal trial and appellate courts that Oakland relied on numerous assurances by federal officials – including statements by President Obama and the U.S. Department of Justice – that the government would not interfere with dispensaries complying with state law. The District Court ruled in 2013 that it had no jurisdiction over the City’s complaint, despite the unique and serious harm to legitimate medical patients, Oakland taxpayers and the City’s regulatory rights that would result from the federal government’s action.

However, the District Court granted the City’s request to stay forfeiture proceedings as to Harborside and its sister dispensary in San Jose pending appeal. As a consequence of the litigation and the stay, these two dispensaries have remained open since the date the federal government filed its forfeiture complaint in July 2012.

This case continued in FY 2014-15. Whatever the ultimate outcome, the law and public opinion are rapidly changing on the issue in favor of cities’ right to regulate and license medical cannabis. [More info...](#)

Conclusion

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

ABOUT BARBARA J. PARKER



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

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

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

Parker was born and raised in Seattle, Washington, where her parents migrated to escape the grinding poverty and legalized oppression of sharecropping in the rural, segregated South. She received bachelor of arts degree from the University of Washington and graduated from Harvard Law School in 1975 determined to use the law as a tool to work to make justice and equality a reality.

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

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