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May 24, 2016

HONORABLE CITY COUNCIL
Community and Economic Development Committee
Oakland, California

Re: City Administrator's Report on Proposed Protect Oakland Renters Act Ballot Measure (Item 3, May 24, 2016 Community and Economic Development Committee Agenda)

Dear Chairperson Reid and Members of the Committee:

Introduction

We provide our comments on the City Administrator's projections of the following:

(1) City Attorney staff that are needed to meet current caseload based on the backlog and continued increase in workload resulting from the past two to three years of petitions that have been filed. (This information is presented in Table 2 (p. 6) of the report and provides staffing that would be useful for the RAP regardless of whether or not the initiative is forwarded to the ballot.);

(2) City Attorney staff that are needed to handle Tenant Protection Ordinance issues/matters; and

(3) Legal staff that will be needed to implement the proposed "Protect Oakland Renters Act" ballot measure if the Council places the measure on November 2015 ballot in its current form and the voters approve the measure. (The measure calls for independent legal staff that would not be members of the City Attorney's Office.)

The Rules Committee requested the City Administrator report to the Community and Economic Development Committee at its May 24, 2016 meeting on the fiscal and administrative impacts of the measure.

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City Administrator's Assessment of Legal Staff Necessary to Handle Current Caseload

The City Administrator's Table 2 (p. 6) lists the current full time equivalent positions that are budgeted for the Rent Program. That staff includes two full-time equivalent attorneys (one of whom is budgeted only for FY2015-2016), one full-time equivalent paralegal and one full-time equivalent legal assistant. Column three of Table 2 indicates that this current staffing is sufficient to meet the needs of the current case load.

The City Attorney's Office needs an additional full-time equivalent attorney to meet the needs of the current caseload. Anecdotally, much smaller rent programs (e.g., Berkeley and Santa Monica) have three or more full-time attorney positions.

City Administrator's Estimate of Additional Legal Staff Needed for the Tenant Protection Ordinance

The City Administrator estimates that an additional full time equivalent Deputy City Attorney is needed to handle issues and matters pertaining to the Tenant Protection Ordinance.

The additional position is necessary because of the current increased Rent Program workload—in particular the increase in the number of petitions. This increase requires more advice to the program, staffing of more appeal hearings (potentially weekly), and more administrative writs and other litigation. That addition would provide three full time equivalent attorneys for the Rent Program, including a percentage of a supervising attorney. We will need to reevaluate the Rent Program's legal needs after we have a better sense of the changes to the program that the voters and Council may make.

City Administrator's Projected Legal Staffing Needs to Implement the Proposed Ballot Measure in Its Current Form

The City Administrator's report estimates that the full-time equivalent of eight attorneys, three paralegals, and three legal assistants would be required to carry out the measure's requirements. The City Administrator's analysis is based on a Rent Board that is independent of the City Council, City Administrator, and City Attorney given that the measure provides for the Board to hire its own attorneys to carry out the legal work required by the measure. The City Administrator projected the need for more legal staff under the measure based on the anticipated additional workload and the additional

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management that would be needed for a legal department that would not be part of the City Attorney's Office.

We agree that additional staff will be needed to fulfill the measure's requirements. It is difficult to determine the precise number of legal staff that would be required to fulfill the measure's requirements if the Board has independent legal staff. But the City Administrator's estimates are reasonable.

Very truly yours,

A handwritten signature in black ink, appearing to read "Barbara J. Parker". The signature is written in a cursive, flowing style.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Richard Illgen

cc: Mayor Libby Schaaf
Members of the City Council
Sabrina Landreth, City Administrator

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