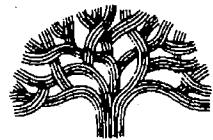


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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara J. Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TTY/TDD: (510) 238-3254

February 25, 2020

FINANCE AND MANAGEMENT COMMITTEE  
Oakland, California

**Subject: City Attorney's Annual Report for Fiscal Year 2018-2019**

Dear Chairperson McElhaney and Members of the Finance and Management Committee,

We are pleased to provide you a copy of the City Attorney's Annual Report for Fiscal Year 2018-2019 (July 1, 2018 through June 30, 2019).

The City Attorney's Office has published an Annual Report every year since the beginning of this century to provide the Council, other City leaders and the public a transparent and comprehensive accounting of the work our Office performs on behalf of the City of Oakland.

Our Annual Report details:

- Financial trends, including dollars the City Attorney has secured for the City, payments to resolve claims and litigation, and outside counsel costs.
- Advisory work, including our support and development of cutting edge City Council policies and ordinances.
- Litigation results and accomplishments in both our defense and affirmative litigation divisions.
- Information about the City Attorney's Office, including our mission, vision and priorities.

As always, this year's Annual Report includes data for the past five fiscal years. All City Attorney Annual Reports are posted on the City Attorney's web site: <https://www.oaklandcityattorney.org/Ops-Reps/AnnualReport.html>

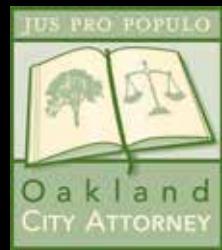
I appreciate the opportunity to present this report to the Finance and Management Committee.

Very truly yours,

  
Barbara J. Parker  
City Attorney

cc: Mayor Schaaf, Members of the City Council, City Administrator Landreth and  
Assistant City Administrator Smith, Assistant City Administrator Reiskin, City Department Heads

OAKLAND CITY ATTORNEY'S OFFICE



# Annual Report

FISCAL YEAR 2018-2019



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

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## Message from City Attorney Barbara J. Parker



I am pleased to provide our Annual Report for Fiscal Year (“FY”) 2018-2019 (July 1, 2018 through June 30, 2019). Every year since Fiscal Year 2000-01, the City Attorney has published an annual report to provide you, our residents, businesses and taxpayers a transparent and comprehensive accounting of the work that we perform on your behalf.

Consistent with our prior annual reports, the FY 2018-2019 report details financial trends, litigation results, legal advice and special initiatives that my Office undertook during this fiscal year.

I look forward to your questions and comments about this report and about the work of the Oakland City Attorney’s Office.

# Executive Summary

During FY 2018-2019, we continued to work to fulfill our mission to zealously protect and advance the rights and interests of all Oakland residents.

- **Legal Advice and Counsel:** On a daily basis, we provided expert legal advice and counsel to City elected officials, the City Administrator and City departments, boards and commissions regarding Oakland's progressive policies, laws, agreements, programs, projects and services.
- **Representation of the City in Litigation:** We continued to diligently and justly defend the City against claims and lawsuits. This year we resolved 74% (nearly three-fourths) of claims and 62% (nearly two-thirds) of lawsuits for zero dollars.
- **Payments for Settlements and Judgments:** The total amount the City paid for settlements and judgments was more than 50% less than the previous Fiscal Year.
- **Outside Counsel Costs:** The cost of outside counsel was more than \$1 million less than the previous Fiscal Year, notwithstanding a number of high profile and complex ongoing matters that required retention of outside counsel.
- **Affirmative Litigation:** We continued to initiate and pursue cutting-edge lawsuits against some of the most powerful companies and entities in our country to hold them accountable for violating the rights of the people of Oakland. A few examples:
  - We continued our litigation against the five largest publicly traded fossil fuel companies in the world ("Big Oil"). We filed our lawsuit to hold the defendants accountable for the costs of building sea walls and other actions Oakland must take to protect our community from climate change caused by the defendants' products. Big Oil knew for decades that their mass production of fossil fuels posed a catastrophic and existential threat to coastal cities like Oakland and to all life on earth. Yet they lied to the public and continued to market their products as safe. California law is clear that the companies are liable for damages resulting from their dishonesty. The trial court dismissed our lawsuit and we appealed to the U.S. Court of Appeals for the Ninth Circuit.
  - We are continuing to aggressively pursue our lawsuit against Wells Fargo, our nation's largest home mortgage lender, to stop the bank's predatory and racially discriminatory lending practices against African American and Hispanic borrowers, and to compensate the City for the damages we suffered due to Wells' violations of the federal Fair Housing Act.
  - We continue to aggressively prosecute so-called massage parlors that operate as fronts for human trafficking. We have shut down at least 25 of these criminal businesses in Oakland and have collected more than \$1 million in fees and penalties from the owners and operators.
  - We partnered with other cities and local jurisdictions to challenge some of the unconstitutional, discriminatory and inhumane policies and actions of the Trump administration. We have filed a number of lawsuits to block actions by this lawless administration that would harm or disenfranchise Oaklanders and all Americans, including our successful challenge this year to the addition of a citizenship question to the 2020 census. And we have signed on to or drafted dozens of amicus briefs and comments to make Oakland's voice heard in many of the most significant and critical matters in the nation, including cases involving immigration, human rights, civil rights, reproductive rights and climate change.

## **MISSION OF THE CITY ATTORNEY'S OFFICE**

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

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

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

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

## TOP PRIORITIES

- Continue to provide the highest quality of legal services to City officials, departments, boards and commissions by negotiating, drafting and reviewing agreements, legislation, regulations, policies and procedures and helping to shape viable, legally sound policies, programs and services for the City.
- Defend Oakland's interests 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, Sunshine Ordinance and other open government laws, and by ensuring that all City officials and employees know and play by the rules.
- Advocate for equal opportunity, diversity, justice, equity and a level playing field for all Oaklanders.
- Explore and identify ways to continue to enhance and provide expert and professional legal services in the most efficient and cost-effective manner possible.
- Maintain a staff of highly-qualified and dedicated team with extensive knowledge of the City of Oakland and municipal law to provide services and advice more efficiently and effectively.

# Office Profile

## ■ EXECUTIVE TEAM

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

## ■ ADVISORY DIVISION

The **Advisory Division** provides legal services that address the full spectrum of municipal affairs. Examples include drafting legislation and contracts, negotiating real estate transactions and providing advice on housing and economic development projects, labor and employment matters, land use, finance, municipal bonds, retirement, benefits, elections, taxes, constitutional law, ethics and conflicts of interest.

## ■ AFFIRMATIVE LITIGATION, INNOVATION & ENFORCEMENT DIVISION

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

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

The Community Lawyering & Civil Rights Unit focuses on proactive lawsuits and other actions to protect and advance the rights and interests of the people of Oakland with a goal of securing and maintaining racial, economic, environmental and social justice, protecting constitutional and civil rights, and enforcing laws prohibiting discrimination based on race, class, sexual orientation, gender and other protected classes.

## ■ GENERAL & COMPLEX LITIGATION DIVISION (DEFENSE)

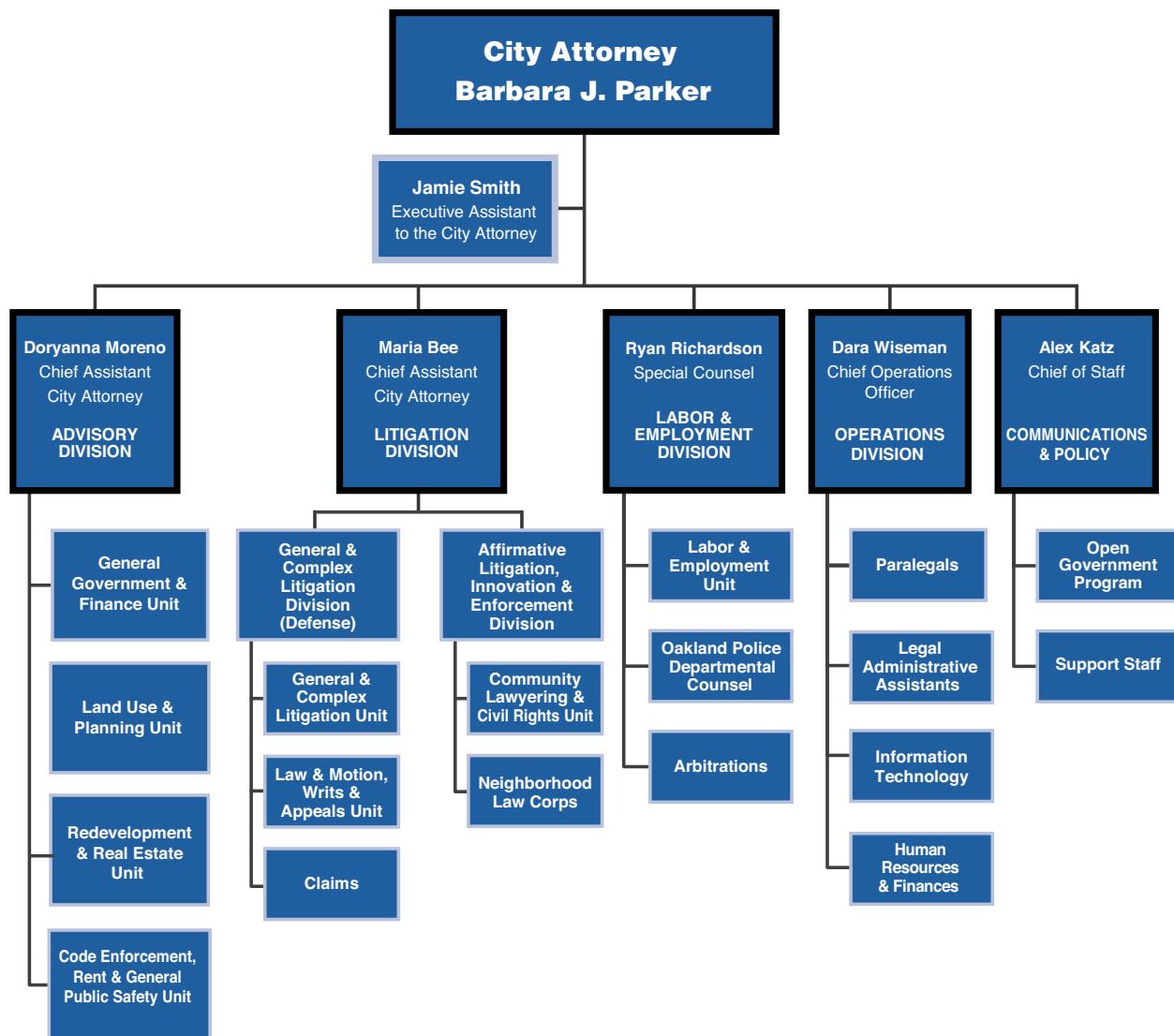
The **General & Complex Litigation Division** advocates for the City's interests in claims and lawsuits that are filed against or on behalf of the City, its officers, employees and agencies. Lawsuits are litigated in the state and federal trial and appellate courts. Examples include high value personal 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 a strategic approach to manage liability and limit the City's financial exposure. As public servants we advocate for a fair and just resolution of claims and lawsuits.

## ■ LABOR & EMPLOYMENT DIVISION

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

## ■ OPERATIONS DIVISION

The **Operations Division** administers the budget, personnel and support services of the City Attorney's Office. The group includes administrative and information technology staff, legal administrative assistants and paralegals.



## CELEBRATING AND RECOGNIZING THE POWER OF DIVERSITY

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

Based on employee disclosures, when we prepared this report, our 78-member staff included 66% women and 61% people of color, plus a wide range of ages and LGBTQ employees.

Our team includes:

- **45 attorneys:** City Attorney, two Chief Assistant City Attorneys, four Special Counsel, five Supervising Deputy City Attorneys, 28 Deputy City Attorneys and five Neighborhood Law Corps attorneys. Our current attorney staff is about 46% people of color and 60% women.
- **33 support staff:** three Executive Assistants, nine Paralegals, 10 Legal Administrative Assistants, one Office Assistant, two Public Service Representatives, one Legal Support Supervisor, two Information Technologists, one Claims Investigator, one Accountant, one Open Government Coordinator & Legal Services Coordinator and two executive managers. Our current support staff is approximately 81% people of color and 75% women.

# Financial Trends

## SUMMARY

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

The amount the City pays or recovers 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, the types of cases the City initiates, and the timing of the resolution of claims and lawsuits.

## OUTSIDE COUNSEL COSTS

As detailed below, the total cost of outside counsel was more than \$1 million less than the previous FY. The cost of outside counsel was high this year and last year compared to prior years mainly due to two highly complex cases that accounted for almost half of the total cost. Total outside counsel costs for the past two years are in the same range as prior years if we do not include these two major cases.

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

The total amount of payments this year was **\$7.66 million**, down from \$15.64 million in the prior fiscal year.

## OFFICE BUDGET & EXPENSES

This year, the Office's operating costs for personnel, supplies and other expenses totaled **\$17.77 million**.

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

# Outside Counsel Costs

## PROTOCOL

Like other cities and counties, Oakland hires outside counsel to handle legal work

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

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

## IMPACT OF UNDERSTAFFING ON OUTSIDE COUNSEL COSTS

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

Over the ten-year period beginning in FY 2003, the OCA lost more than one-third of its staff (19 attorneys and 14 support staff) due to the City Council’s budget cuts. Because of the loss of in-house staff, the City Attorney had to contract out a far greater amount of Charter-mandated legal work to more expensive and less efficient outside counsel. In other words, Oakland spent more to hire outside counsel for charter-mandated work than it saved by cutting in-house legal staff.

In recent years, the City Council has restored some of the positions that were cut. However, we have not restored the majority of the positions that we lost due to budget cuts and the demand for legal services has remained the same or increased due to the important, progressive and cutting edge policies, laws and programs our Council has pursued.

## COSTS OF HIGH PROFILE, COMPLEX CASES

As we advised in previous Annual Reports, the necessity of hiring outside counsel for major and complex cases may significantly increase the City's total outside counsel costs in some years. During the past two fiscal years, a few high profile and complex matters have significantly increased outside counsel costs. It is important to note that without these "outlier" cases, outside counsel costs for the last two fiscal years are consistent with preceding years. This is shown in the ten-year timeline below.

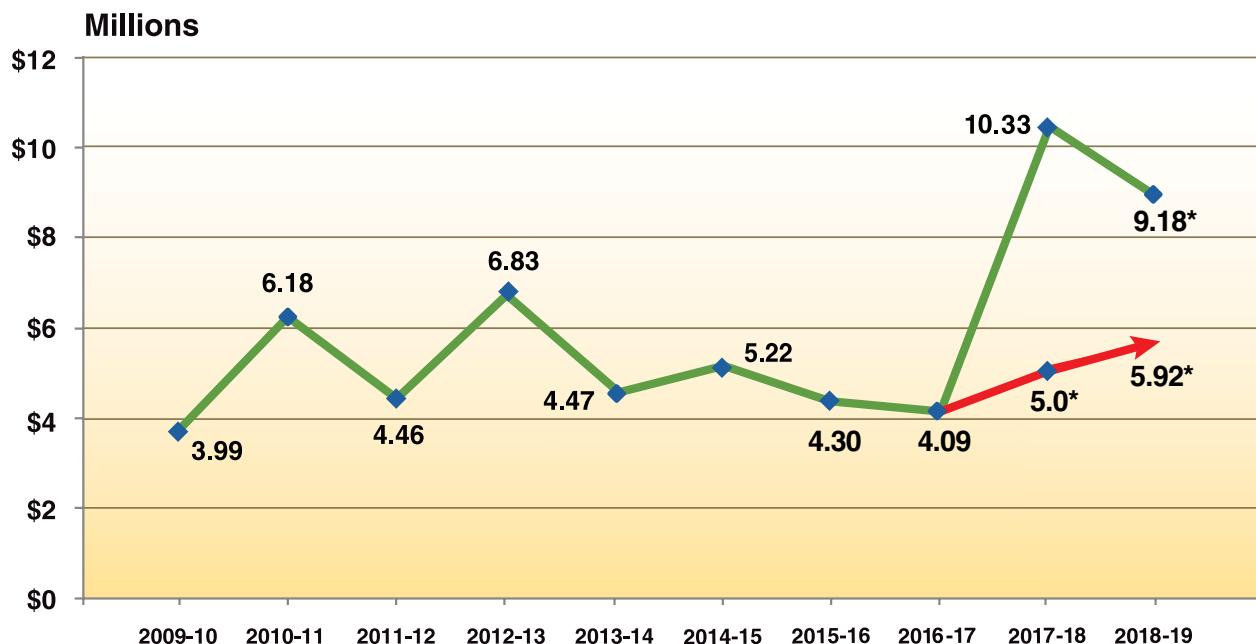
Over the last two fiscal years, two cases alone accounted for almost half (44%) of all outside counsel costs:

- (1) Oakland Bulk and Oversize Terminal's ("OBOT") lawsuit challenging the City's coal ban at the former Oakland Army Base, and the City's appeal of the trial court's ruling.
- (2) Cases filed on behalf of dozens of plaintiffs regarding the tragic December 2, 2016 warehouse fire in the Fruitvale District that resulted in 36 deaths.

Without these major cases, outside counsel costs in the last two years were more or less consistent with costs for preceding years. In FY 2017-18, the total cost of outside counsel without these cases was about \$5 million, and in FY 2017-18, the total cost of outside counsel, subtracting these two cases, was about \$5.92 million.

The below chart shows the total cost of outside counsel with and without these two cases.

**Figure 1: Outside Counsel Timeline**



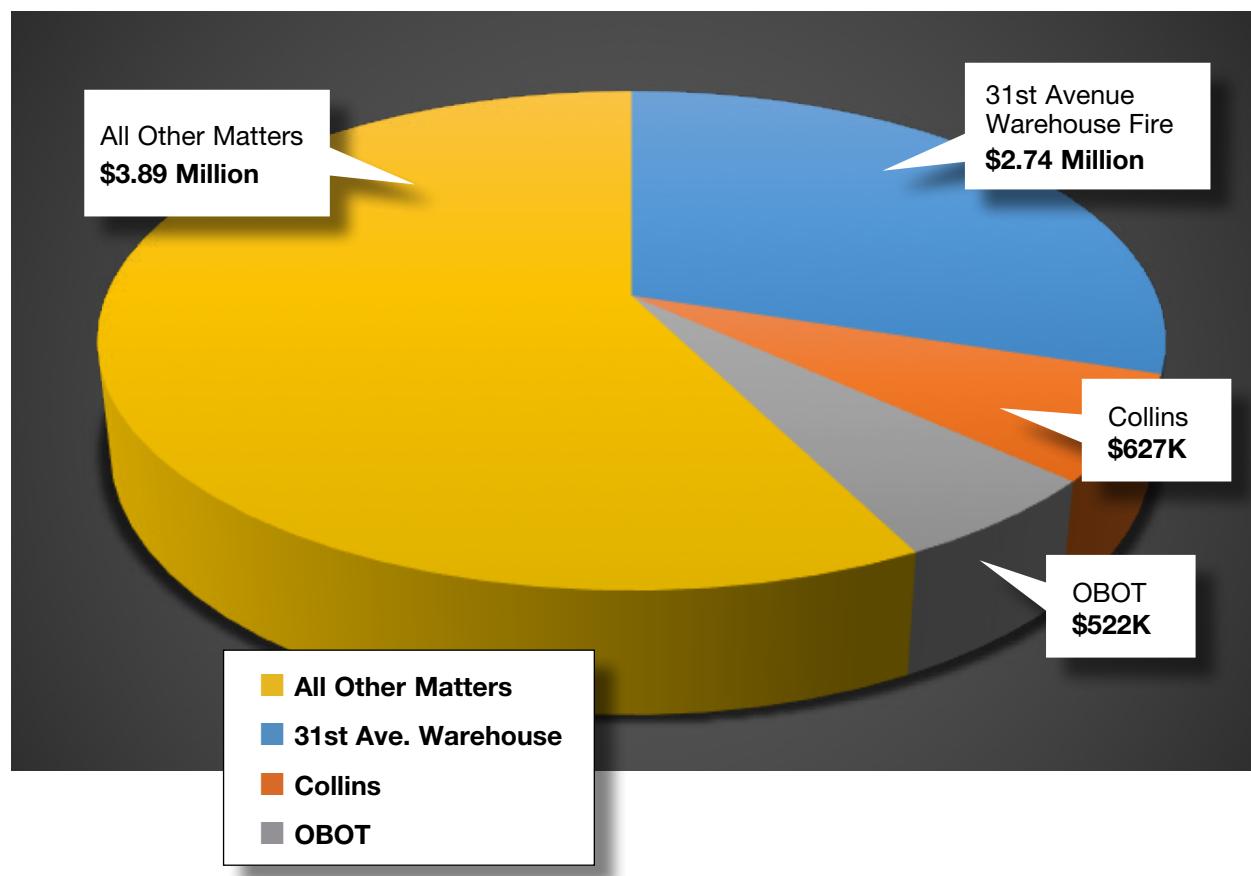
\*The red line shows outside counsel costs without the OBOT and 31st Avenue warehouse cases.

## OUTSIDE COUNSEL COSTS FISCAL YEAR 2018-19

This year, the total cost of outside counsel was more than \$1 million less than the previous fiscal year, notwithstanding ongoing, high profile and complex matters that required retention of outside counsel. In addition to the OBOT and 31st Avenue warehouse cases, one other litigation matter related to the collapse of part of the 23rd Avenue overpass required significant outside counsel resources this year. Together these three highly complex cases accounted for almost half (43 percent) of all outside counsel costs for FY 2018-19. Major outside counsel cases this year included:

- (1) Litigation related to the 31st Avenue warehouse fire (outside counsel cost: \$2.74 million).
- (2) Litigation related to the 2015 collapse of a railing and fence on the 23rd Avenue overpass (*Collins v. City of Oakland*). The debris fell on the 880 freeway, injuring several people. Plaintiffs filed seven separate lawsuits against the City and other defendants. As of this report, six of the seven cases have settled, with settlements split equally by the City, Caltrans and contractor RGW Construction (outside counsel cost: \$627,115).
- (3) OBOT litigation (outside counsel cost: \$522,747).

**Figure 2: Breakdown of Outside Counsel Costs FY 2018-19**



# Payments

## TOTALS

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

Total payments vary from year to year depending on many factors, including the types and complexity of claims and lawsuits filed against the City and when cases are resolved.

The total payments this year were **\$7.66 million**, down from \$15.64 million for the prior fiscal year.

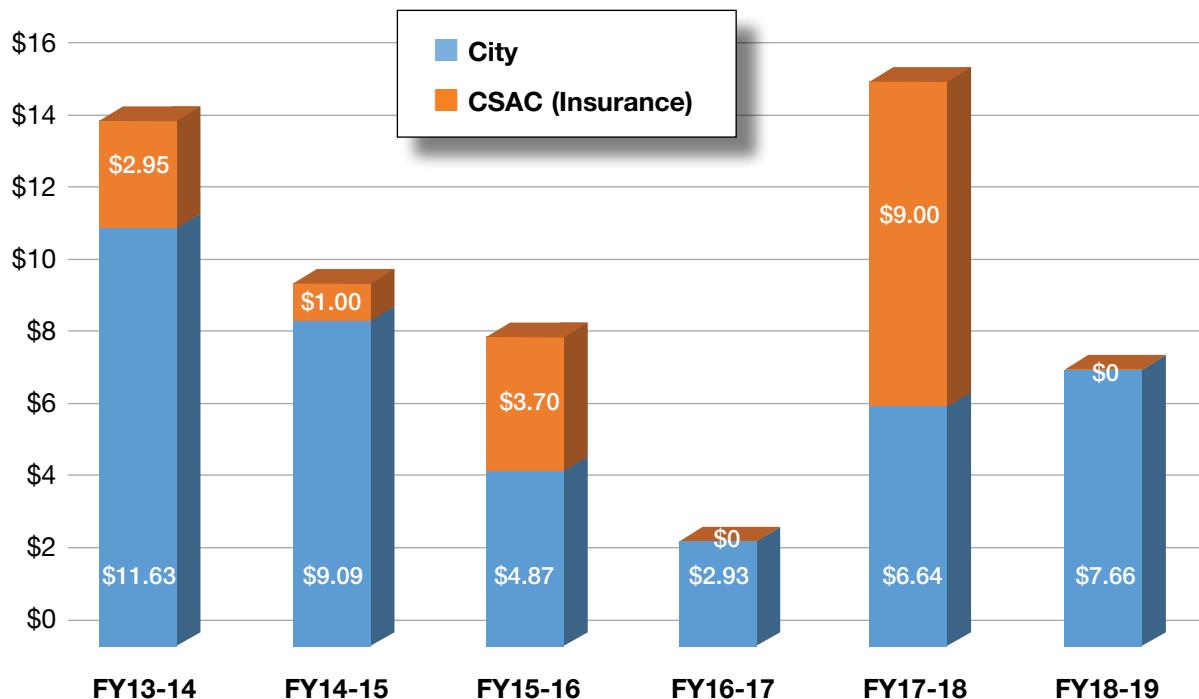
The City Attorney's Office works strategically and aggressively to limit financial exposure and to seek fair and just resolution of cases and claims.

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

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

**Figure 3: Total Settlement, Judgment & Claim Payments by Year**

Millions of Dollars



The total amount of payments for settlements and judgments this year was **\$7.66 million**, down more than 50% from the previous year total of **\$15.64 million**.

In the prior fiscal year (FY 2017-18), two cases were responsible for the majority of payments: *Van Fleet v. City of Oakland* and *Abuslin v. City of Oakland*.

In the Van Fleet case, the plaintiff suffered severe injuries, including a partially amputated leg, when his motorcycle was hit by a police SUV that ran a red light in downtown Oakland. The City's insurance carrier, CSAC, paid \$9 million of the resulting \$12 million settlement. In the Abuslin case, the plaintiff alleged that she was the victim of sexual exploitation by multiple Oakland police officers. The case settled for \$989,000.

In FY 2018-19, CSAC made no payments in any of the City's cases. The City's share of total payments this year was \$7.66 million, up from \$6.64 million in the prior year.

## MAJOR PAYMENTS

The following table shows summaries of those cases resulting in payments of more than \$100,000 in FY 2018-19. In this fiscal year, one adverse judgment and two settlements of high liability cases involving loss of life accounted for the majority of total payments.

**Table 1: Major Payments (more than \$100,000) FY 2018-19\***

Case	Type	Total Payment
Brown, Elaine	Plaintiff filed a lawsuit against the City alleging that former City Councilmember Desley Brooks assaulted her at a Jack Jondon Square restaurant in 2015. A judge declared that Ms. Brooks repeatedly lied under oath during her court testimony and ordered the City to pay the plaintiff \$2,200,108, including almost \$1 million in attorney fees, due to the jury's finding that Ms. Brooks had committed elder abuse with recklessness, malice, oppression or fraud. The court also ordered Ms. Brooks to pay the plaintiff \$75,000 in punitive damages.	\$2,200,108 (judgment including attorney fees)
Lewis, Michael; Lewis, Lisa	Plaintiffs filed this lawsuit after their 16-year-old son died while climbing a tree in Lakeside Park in 2015. Jack Lewis, who was a junior at Oakland Technical High School, fell and suffered fatal injuries when a branch of the tree snapped.	\$1,750,000 (settlement of lawsuit)
McAfee, Nancy; McAfee, Archie, III; Estate of Helen McAfee	In 2016, Helen McAfee, 83, suffered a fatal injury after falling on the sidewalk in front of Dover Park. Ms. McAfee's children filed a lawsuit alleging that her fall was caused by a defective sidewalk.	\$1,000,000 (settlement of lawsuit)
Mao, Tien-Yu	Claimant alleged basement flood in 2018 due to city tree roots causing a sewer backup.	\$310,000 (settlement of claim)
Vose, Charles	Lawsuit filed by retired Senior Deputy City Attorney Charles Vose alleged that he was passed over for promotion to Supervising Deputy City Attorney because of his race (white) and his age, despite the fact that many of the promotions in question went to other white candidates and other candidates in the same age group or older.	\$295,000 (settlement of lawsuit)
Minyard, Aaron	In 2016, Plaintiff Minyard was stopped on his bicycle at the corner of 53rd and Market streets when he was hit by an Oakland Police SUV in pursuit of a vehicle. Plaintiff suffered multiple serious injuries.	\$180,000 (settlement of lawsuit)

\*The City does not admit liability when it settles cases. Cost-benefit analysis may be a factor in determining whether to settle.

## PAYMENTS BY CATEGORY

Historically our Annual Reports have tracked payments in four major categories: police matters, infrastructure, City vehicle accidents and labor/employment (Tables 3 – 6 below).

Notably, the total amount of payments this year for police matters (Table 3) was **\$572,165** – the lowest amount in this category since the City Attorney's Office first began to track this data 20 years ago (FY 1999/00). The average annual payment for police matters during that 20-year time period is **\$4.02 million**. This year's total is less than half of the lowest amount the City has paid in this category (\$1.2 million in the 2007/08 fiscal year).

The reduction in costs in this category is significant, however, it is too early to tell whether this one-year data point represents a larger trend.

Payments in the category of infrastructure went up dramatically this year due to two high liability cases (see Table 2).

**NOTE:** *A few payments in the tables below are counted in more than one category (for example, a significant payout in a motorcycle accident involving a police vehicle last year is counted below as both a “police matter” and a “City vehicle accident”). Some payments are not included in the four major categories below.*

**Table 2: Payouts – Police Matters**

Category	2014-15	2015-16	2016-17	2017-18	2018-19	5-year Average
Conduct: Suspect Chase	\$6,800	\$21,652	\$100	\$4,600	\$14,476	\$9,525
Alleged Use of Force	\$1,400,000	\$9,978	\$5,000	\$0	\$112,500	\$305,496
Conduct: Non-force	\$0	\$553	\$309	\$1,289,399	\$9,500	\$259,952
Conduct: Strip Search	\$0	\$0	\$0	\$0	\$0	\$0
Alleged Wrongful Death	\$185,000	\$450,000	\$1,200,000	\$0	\$0	\$367,000
Vehicle Accidents	\$75,365	\$2,904,461	\$102,521	\$12,158,574	\$400,200	\$3,128,224
Property Loss/ Miscellaneous	\$37,900	\$3,444	\$31,330	\$2,133	\$6,536	\$16,269
Towing	\$2,600	\$1,717	\$0	\$6,891	\$28,953	\$8,032
Personnel/Labor	\$0	\$0	\$0	\$0	\$0	\$0
Other / Admin Hearings	\$0	\$0	\$0	\$35,000	\$0	\$8,750
<b>Total Paid</b>	<b>\$1,707,665</b>	<b>\$3,391,805</b>	<b>\$1,339,260</b>	<b>\$13,496,597</b>	<b>\$572,165</b>	<b>\$4,101,498</b>

**Table 3: Payouts – Infrastructure**

Category	2014-15	2015-16	2016-17	2017-18	2018-19	5-year Average
City Buildings, Parks, Etc.	\$113,180	\$10,466	\$2,911	\$36,339	\$117,691	\$56,117
Sewers & Storm Drains	\$657,428	\$1,014,024	\$213,767	\$132,912	\$372,544	\$478,135
Sidewalks, Curbs, Etc.	\$1,305,500	\$1,062,300	\$727,205	\$1,238,610	\$1,476,567	\$1,162,036
Streets, Signals & Lights	\$2,752,573	\$652,288	\$48,000	\$106,646	\$155,468	\$742,995
Inverse Condemnation	\$0	\$16,244	\$8,122	\$13,122	\$13,447	\$10,187
Trees	\$27,874	\$14,850	\$33,387	\$52,875	\$2,149,661	\$455,730
<b>Total Paid</b>	<b>\$4,856,555</b>	<b>\$2,770,171</b>	<b>\$1,033,392</b>	<b>\$1,580,504</b>	<b>\$4,285,378</b>	<b>\$2,905,200</b>

**Table 4: Payouts – City Vehicle Accidents**

Category	2014-15	2015-16	2016-17	2017-18	2018-19	5-year Average
Police	\$82,166	\$2,904,461	\$102,521	\$12,163,174	\$400,200	\$3,130,504
Public Works	\$2,130,930	\$97,476	\$84,640	\$51,584	\$64,005	\$485,727
Parks & Recreation	\$3,301	\$1,344	\$5,192	\$0	\$0	\$1,967
Fire	\$28,828	\$11,864	31,782	\$11,968	\$14,730	\$19,834
Other Departments	\$9,367	\$38,749	\$8,574	\$0	\$491	\$11,436
<b>Total Paid</b>	<b>\$2,254,591</b>	<b>\$3,053,894</b>	<b>\$232,708</b>	<b>\$12,226,726</b>	<b>\$479,426</b>	<b>\$3,649,469</b>

**Table 5: Payouts – Employment/Labor**

Category	2014-15	2015-16	2016-17	2017-18	2018-19	5-year Average
Police	\$0	\$0	\$0	\$0	\$0	\$0
Parks & Recreation	\$0	\$0	\$0	\$0	\$0	\$0
General Government/Other	\$227,795	\$725,000	\$0	\$0	\$335,000	\$257,559
Public Works	\$646,999	\$0	\$75,000	\$0	\$75,000	\$159,400
Fire Services	\$0	\$32,426	\$0	\$450,000	\$0	\$96,485
<b>Total Paid</b>	<b>\$874,794</b>	<b>\$757,426</b>	<b>\$75,000</b>	<b>\$450,000</b>	<b>\$410,000</b>	<b>\$513,444</b>

## Dollars Secured by City Attorney

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

This fiscal year, the City Attorney secured **\$512,733** for the City, dollars that help to pay for critical services such as libraries, police and fire, road repair, parks and legal services.

**Table 6: City Attorney-Secured Dollars**

Case Name	Jurisdiction	Docket No	Collected to Date	Collected this FY	Description
<i>Oakland v. AIG Financial Products Corp.</i>	U.S. District Court, Northern District of California	C08-02116 MEJ / C11-3651	\$1,040,683.25	\$2,341.50	Settlements with defendants in antitrust case involving bid rigging and price fixing in the municipal derivatives industry.
<i>People v. Santos Hauling (2850 Poplar)</i>	Alameda County Superior Court	RG18889670	\$50,000.00	\$50,000.00	Lawsuit shut down illegal debris hauling operation that was blowing massive amounts of unhealthy dust into a residential neighborhood. Property owner (2850 Poplar LLC) made a settlement payment this year. An additional \$310,000 from the business owner is outstanding.
360 Ventures VII (Oriental Wellness Center)	N/A	N/A	\$24,000.00	\$5,000.00	Pre-litigation settlement resulted in closure of massage business that was a front for prostitution / human trafficking.
<i>People v. Weiss (4838 Daisy St.)</i>	Alameda County Superior Court	RG17852681	\$27,193.00	\$27,193.00	Public nuisance lawsuit against the owners of a residential property.

Case Name	Jurisdiction	Docket No	Collected to Date	Collected this FY	Description
<i>People v. C&amp;Y Venture Inc. (2447 Telegraph Ave.)</i>	Alameda County Superior Court	RG16834869	\$42,499.92	\$24,791.62	Lawsuit by the Neighborhood Law Corps shut down massage business that was a front for prostitution / human trafficking.
<i>City of Oakland v. Oakland Redevelopment Group</i>	Alameda County Superior Court	RG17858121	\$75,000.00	\$75,000.00	Lawsuit against landlords who illegally demolished a tenant's home while he was living in it. Settlement with landlords' insurance carrier included \$675,000 to the tenant and \$75,000 to the City to support civil rights actions and other affirmative litigation.
<i>People v. HS Harrison LLC (Yan Lan Healing Spa)</i>	Alameda County Superior Court	RG17850269	\$244,000.00	\$54,000.00	Lawsuit by the Neighborhood Law Corps shut down massage business that was a front for prostitution / human trafficking.
Pendleton Partners LLP, Ace/Top Spa (302 Pendleton)	N/A	N/A	\$31,432.20	\$15,714.48	Pre-litigation settlement resulted in closure of massage business that was a front for prostitution / human trafficking.
<i>People v. Korin (4506 Market St.)</i>	Alameda County Superior Court	RG17850393	\$21,041.63	\$19,583.30	Lawsuit by the Neighborhood Law Corps shut down massage business that was a front for prostitution / human trafficking.
<i>People v. Dy Children's Family Trust (3200 Telegraph Ave.)</i>	Alameda County Superior Court	RG17858447	\$102,500.00	\$92,250.00	Lawsuit by the Neighborhood Law Corps shut down massage business that was a front for prostitution / human trafficking. Also secured a judgment against business owners for another \$165,000.

Case Name	Jurisdiction	Docket No	Collected to Date	Collected this FY	Description
<i>People v. Choice Hotels International, Inc.</i>	Alameda County Superior Court	RG17847671	\$45,801.00	\$45,801.00	City Attorney and Centro Legal de la Raza sued owners of the Quality Inn for violations of state and local labor laws. Settlement included money for the City to cover attorney's fees and civil penalties. Hotel workers were compensated under a separate confidential settlement agreement.
Health Spa (320-322 8th Street)	N/A	N/A	\$10,000.00	\$10,000.00	Pre-litigation settlement resulted in closure of massage business that was a front for prostitution / human trafficking.
<i>Kelley v. City of Oakland</i>	Alameda County Superior Court	RG17882933	\$9,500.00	\$9,500.00	Plaintiff was hit by a car while riding a bike through a construction zone near the Park Street bridge. City Attorney filed cross complaint against the contractor and secured a \$9,500 settlement.
<i>People v. Oakport Partnership, LP</i>	Alameda County Superior Court	RG17878206	\$60,105.00	\$60,045.00	Lawsuit by the Neighborhood Law Corps shut down massage business that was a front for prostitution / human trafficking.
<i>People v. Solanki (Mills Motel)</i>	Alameda County Superior Court	RG15776025	\$48,888.96	\$18,333.36	Nuisance abatement for code violations.
Bankruptcy / Collections Cases	N/A	N/A	N/A	\$3,180.26	Recovery based on bankruptcy and collections matters.
<b>TOTAL: \$512,733.52</b>					

## HIGHLIGHTS

### **Anti-Human Trafficking Cases**

Tragically, there continues to be a crisis in Oakland regarding human trafficking and the sexual exploitation of women and girls. Disrupting and shutting down the human trafficking industry continue to be top priorities for the City Attorney's Office. The Neighborhood Law Corps is continuing its work with Oakland police to investigate and prosecute businesses that cater to or profit from the sexual exploitation of women and girls in our community. We also continue to exercise the City Attorney's independent power under state law to shut down those businesses and hold operators/owners accountable. As of the date of this report, we have shut down at least 25 illicit massage parlors and spas where Oakland police investigations found evidence of prostitution and/or human trafficking. In this fiscal year, we recovered more than \$280,000 in settlements and fees resulting from cases against the owners and operators of prostitution and human trafficking businesses.

### **Workers' Rights Lawsuit (*People v. Choice Hotels International, Inc.*)**

In November 2018, the City Attorney and Centro Legal de la Raza secured a settlement with the owners of an East Oakland hotel that systematically violated state and local labor laws, including Oakland's Minimum Wage and Sick Leave Ordinance. The City Attorney and Centro Legal sued the owners of the Quality Inn on Enterprise Way in January 2017 for refusing to pay overtime, failing to provide sick leave, retaliating against employees who called in sick, refusing to provide rest breaks and engaging in other illegal conduct over a period of at least four years.

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

### **West Oakland Environmental Justice Lawsuit (*People v. Santos*)**

In 2018, the Neighborhood Law Corps won this important environmental justice case against an illegal debris hauling operation that discharged huge amounts of dangerous dust into a West Oakland residential neighborhood.

The City Attorney filed an environmental justice lawsuit against Santos in January 2018 after the company set up an illegal, unpermitted debris hauling operation in the middle of a residential West Oakland neighborhood. The lawsuit charged the defendants with intentionally blowing dust from construction debris into the neighborhood around its warehouse on Poplar Street, allowing contaminated water to flow into the City's storm water system and operating in open violation of Oakland zoning laws. Santos knocked out parts of the warehouse ceiling and installed a huge fan to discharge the dust directly into the surrounding neighborhood, where it coated cars and blew into houses through open windows. After Santos began operations, families in the neighborhood complained about medical complications such as persistent coughing, eye/throat irritation and lightheadedness, which they attribute to the dust the business generated.

Santos ignored a court injunction to shut down its operation, and the court held the company in contempt on 15 counts. Defendants Santos Engineering, Santos' owner Moacir Santos, and the property owner (2850 Poplar, LLC) eventually agreed to a settlement that included a \$360,000 payment to the City (plus interest). In addition, the settlement prohibits Santos from having a physical business address in Oakland for the next 10 years, and requires that the owner of the warehouse on Poplar Street assess future tenants' proposed use of the space at the outset to make sure it complies with the law. Property owner 2850 Poplar, LLC paid \$50,000 of the settlement in this fiscal year. The balance of \$310,000 from defendant Santos is outstanding at the time of this report.

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

## DIVISIONS OF THE CITY ATTORNEY'S OFFICE

### General & Complex Litigation Division (Defense)

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

Litigators employ a strategic approach to limit the City's financial exposure, to manage liability at the claims stage to limit expensive lawsuits, and to resolve claims in a fair, just and equitable manner.

#### CLAIMS

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

The City received 706 claims this year, an increase in last year's total of 616. Most of that increase was in the category of Municipal Infrastructure, which includes "trip and fall" claims, potholes, etc. Additional risk management, including increased resources dedicated to fixing infrastructure problems, likely would reduce the number of claims, high liability lawsuits and payouts in this area. Notably, the total number of claims involving City vehicle accidents and police matters was below the five-year averages in those categories.

**Table 7: Claims Received**

Category	2014-15	2015-16	2016-17	2017-18	2018-19	5-year Average
Municipal Infrastructure*	366	401	562	427	537	459
Police Matters**	53	77	51	62	53	59
City Vehicle Accidents	75	68	67	95	74	76
Other	20	37	76	32	42	41
<b>Total Claims per Year</b>	<b>514</b>	<b>583</b>	<b>756</b>	<b>616</b>	<b>706</b>	<b>635</b>

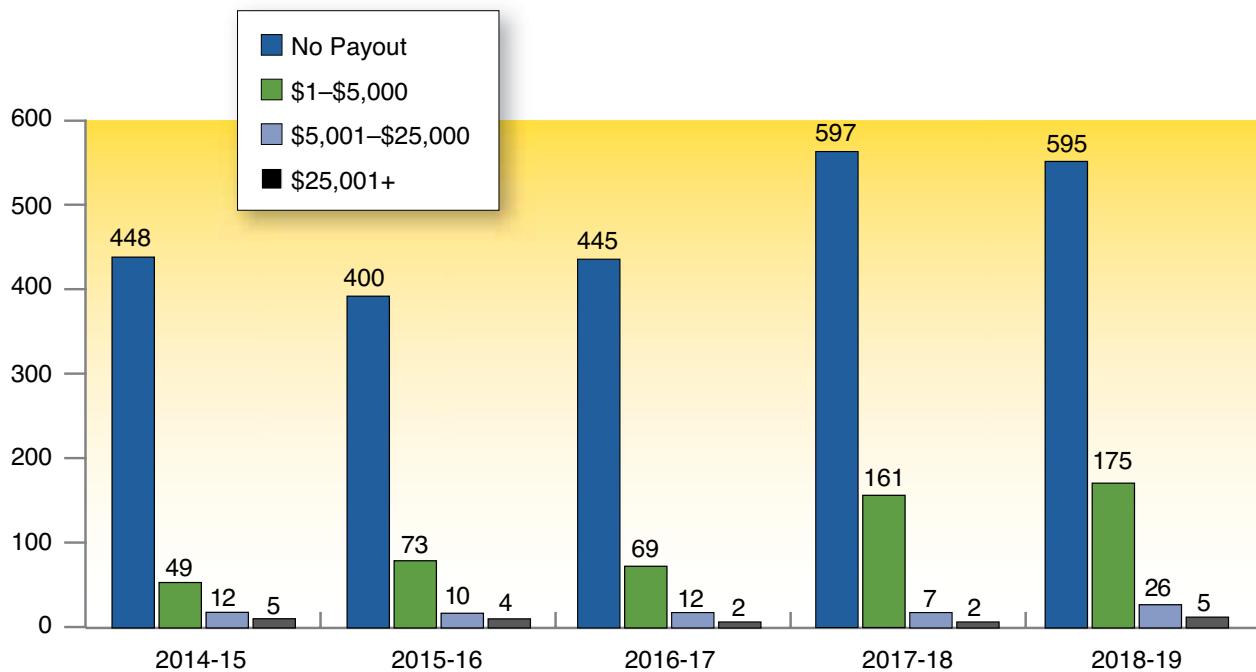
\*Municipal Infrastructure includes sewers, trip & fall, bicycle and auto accidents, etc. on streets and sidewalks.

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

## CLAIMS RESOLVED

We resolved a total of 801 claims in FY 2018-19. This year **74 percent** of claims were resolved with no payment of money whatsoever. **Less than one percent** of claims resolved this year resulted in a payout of more than \$25,000.

**Figure 4: Claims Resolved Over 5 Years**



## 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 2018-19, plaintiffs filed **156** lawsuits against the City of Oakland. The number of lawsuits increased in the areas of municipal infrastructure and personnel/labor.

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

**Table 8: Lawsuits Received**

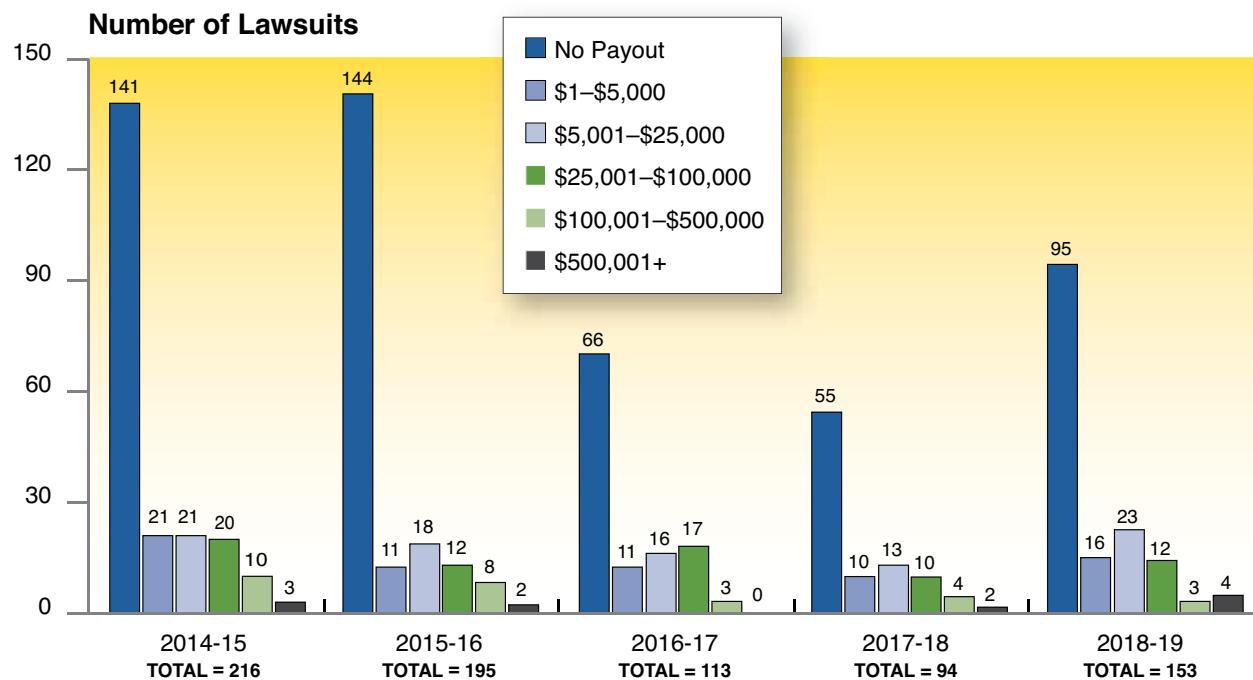
Category	2014-15	2015-16	2016-17	2017-18	2018-19	5-year Average
Municipal Infrastructure	53	62	48	53	61	55
Police Conduct Matters	13	10	14	17	14	14
Personnel/Labor (non-lawsuits and lawsuits)	42	27	16	6	18	22
City Vehicle Accidents	13	10	9	21	11	13
Other	56	77	62	33	52	56
<b>Total Lawsuits per Year</b>	<b>177</b>	<b>186</b>	<b>149</b>	<b>130</b>	<b>156</b>	<b>160</b>

## OUTCOME OF LAWSUITS

When lawsuits are filed, our litigators work aggressively and strategically to protect taxpayer resources, reduce litigation costs and limit potential exposure by filing motions to dismiss defendants and causes of action, thereby narrowing the scope of defense. We seek to resolve cases on a fair, just and equitable basis.

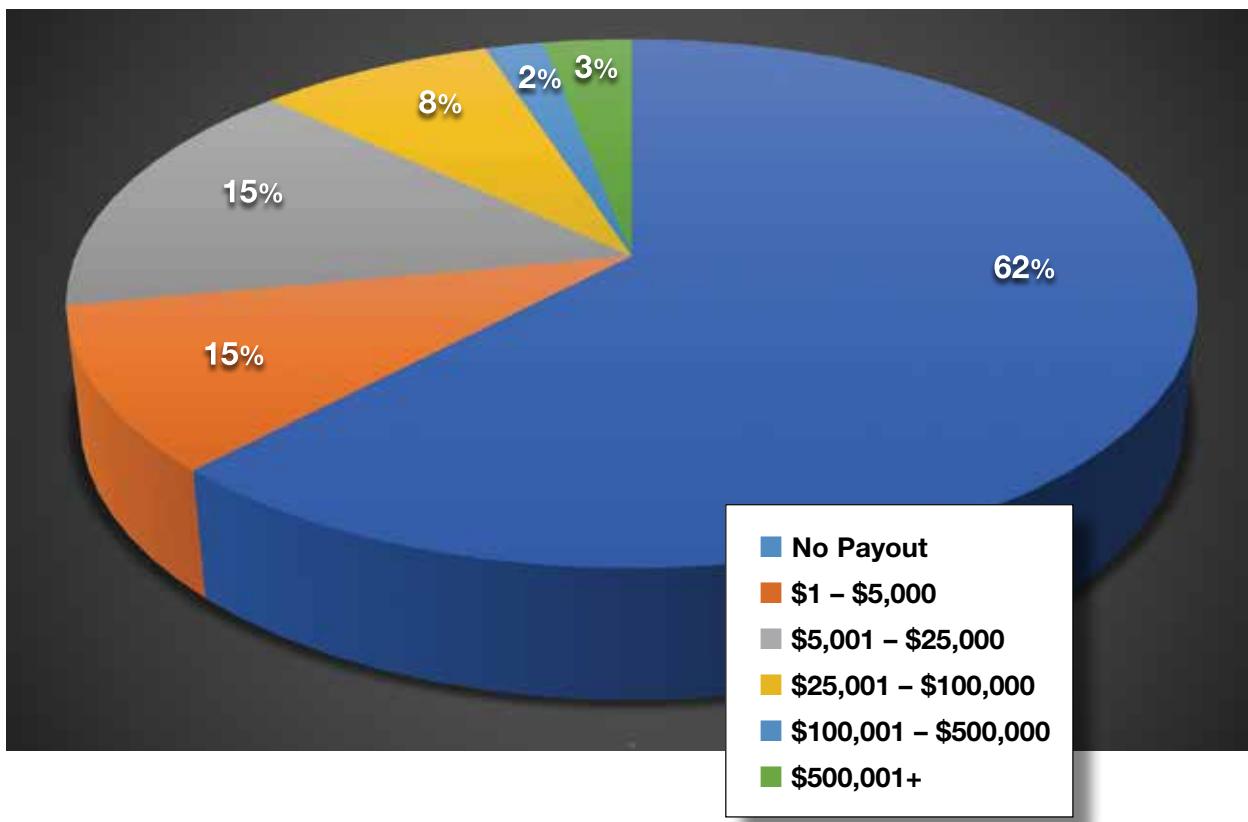
This year, the City Attorney's Office resolved 153 lawsuits. Almost two thirds (**62 percent**) were resolved with no payment of money whatsoever. Only about 4.5 percent of the lawsuits resolved this year resulted in a payment of more than \$100,000.

**Figure 5: Breakdown of Lawsuit Resolutions by Payment Amount**



As shown in the below chart, most lawsuits are resolved with zero payment to plaintiffs.

**Figure 6: Percentage of Lawsuits Resolved with no Payment by City of Oakland**



## SIGNIFICANT LITIGATION (DEFENSE) CASES

### Oakland Coal Terminal Litigation

In December 2018, we filed the City's opening appellate brief in *OBOT v. City of Oakland* asking the United States Court of Appeals for the Ninth Circuit to (1) reverse the trial court's judgment enjoining the City's coal ban at the former Oakland Army Base against developer Oakland Bulk and Oversized Terminal, LLC ("OBOT") and (2) uphold the City's ban on the handing and storage of the coal at the former Oakland Army Base.

In 2013, the City of Oakland entered into a development agreement with Plaintiff-Appellee Oakland Bulk and Oversized Terminal, LLC. The agreement granted OBOT rights to develop a public land parcel adjacent to the Port of Oakland and the San Francisco Bay Bridge.

Under the development agreement, the City retained its authority to regulate OBOT's development to protect the health and safety of Oakland residents. The agreement expressly authorized the City to adopt new regulations and apply them to OBOT's development, if the "City determines based on substantial evidence and after a public hearing that a failure to do so would place existing or future occupants or users of the Project, adjacent neighbors, or any portion thereof, or all of them, in a condition substantially dangerous to their health or safety."

In 2015, the City learned that OBOT was seeking to develop a coal terminal on the site and conducted a study of the health and safety risks associated with handling coal at the terminal. After a public hearing, the Council exercised its authority to adopt legislation banning a coal terminal at the site based on evidence before the Council that revealed serious health and safety risks posed by OBOT's plans. Evidence was presented to the City Council that the proposed terminal would increase Oakland residents' exposure to coal dust, which contains toxins like mercury, arsenic and lead, and is made up in part of fine particulate matter that is associated with cardiovascular and respiratory disease and premature death. Evidence before the Council further demonstrated that the terminal's operations likely would cause levels of fine particulate matter in excess of governmental air quality thresholds.

In addition, the evidence before the Council revealed the serious safety risks that a coal fire at the terminal would pose, and that there have been recent coal fires at several modern shipping terminals around the world. The harm from even one combustion event during the 66-year term of OBOT's lease to operate the terminal would prove catastrophic for Oakland residents, because a coal fire would release substantial amounts of the harmful toxins and particulates present in coal dust. One expert stated that the consequences of a terminal fire would be "dire," likely exposing hundreds of thousands of people to carcinogenic emissions and toxic chemicals. It also is difficult to extinguish coal fires and they are extremely dangerous to first responders.

After considering the evidence that was provided to the Council and holding a public hearing, the Council adopted an ordinance that prohibits the storage and handling of coal in Oakland and a resolution applying that ordinance to OBOT, based on the Council's determination that failure to do so would result in substantial danger.

In May 2018 the federal district court ("trial court") entered judgment in favor of Plaintiff, OBOT, invalidating the City Council's resolution and prohibiting the City from imposing a coal ban against OBOT. The City timely filed an appeal to the United States Court of Appeals for the Ninth Circuit and in December 2018, we filed the City's opening appellate brief.

The City Council has a responsibility and the legal right to act to protect the health and safety of our City's residents. In this case, the evidence from independent scientists and public health professionals is clear. They all agree that a massive coal terminal on the Oakland waterfront is a clear and demonstrable danger to health, lives and property of Oakland residents.

This threat is especially critical in West Oakland, a neighborhood that has been ravaged by environmental injustice and high levels of pollution in the air, water and soil for at least half a century, disproportionately impacting African American residents over the years. To intentionally further this injustice is shameful.

At the time of this report, we are awaiting the appellate court's ruling.

## **San Pablo Fire Litigation**

In August 2018, the Alameda County Superior Court entered a judgment dismissing the City of Oakland as a defendant in litigation related to the tragic fire at 2551 San Pablo Avenue (Alameda County Superior Court Case No. RG17858050). Four tenants lost their lives, a number were injured and as many as 100 tenants lost their housing. After the fire in 2017, plaintiffs sued the owners of the building, the City and other defendants. The City filed a demurrer (motion to dismiss) asking the court to remove Oakland as a defendant under the state law, which provides “inspection immunity” for cities. This is a heartbreaking case. We are deeply saddened and have great sympathy for the victims and the plaintiffs.

## **Challenge to the City’s Tenant Relocation Ordinance**

In November 2018, two Oakland landlords challenged the City’s tenant relocation payment ordinance in federal court. Oakland’s Uniform Residential Tenant Relocation Ordinance, passed in January 2018, requires that landlords make a relocation payment to tenants who are displaced by owner move-in evictions or condominium conversions. The law is intended to help tenants who are evicted through no fault of their own to afford the high cost of relocation, and thereby prevent displacement of Oakland families and potential homelessness. Other Bay Area cities, including Berkeley and San Francisco, have similar ordinances.

Plaintiffs in this case lived in their Oakland home until 2016, when the Air Force transferred them to another part of the country. They rented out their home while on assignment. In January 2018, the City Council adopted the ordinance requiring tenant relocation payments for owner move-in evictions. When Plaintiffs returned to Oakland, they evicted their tenants to move back into their home, and paid the tenants a relocation fee of about \$6500. Attorneys for the Pacific Legal Association (“PLF”), a conservative “property rights” group that files legal challenges to environmental and housing regulations, represented the owners free of charge. The Clean Water Act and the Endangered Species Act are frequent targets for legal challenges by this organization. Plaintiffs and their PLF lawyers filed a lawsuit claiming that the ordinance violated their Fifth Amendment rights against the government taking private property without just compensation. They also argued that the ordinance serves no legitimate public purpose. U.S. District Court Judge Haywood Gilliam, Jr. disagreed on both counts and dismissed the lawsuit without leave to amend in August 2019. Plaintiffs have filed an appeal.

## OTHER HIGHLIGHTS

### ***Brown v. City of Oakland***

City employee Kevin Brown sued the City in 2017 claiming the City had failed to accommodate his disability and failed to engage in a good-faith interactive process, in violation of the Fair Employment and Housing Act. The City asserted that it engaged in comprehensive interactive process to accommodate his disability. After approximately a year and a half of litigation we filed a summary judgement motion to dismiss claims. On May 14, 2019 the Alameda County Superior Court found that Mr. Brown did not show how he could have been accommodated, and dismissed his claims. The case is now on appeal. Mr. Brown remains a City employee.

### ***Khelifi v. City of Oakland***

Karim Khelifi was in a car accident at 5th and Market Streets on May 5, 2017. He claimed that the City was liable for the accident, because the traffic signal lights at the intersection of 5th and Market Streets were not functioning, and because there were no streetlights illuminating those traffic signals. We filed a motion to dismiss Mr. Khelifi's complaint, because cities have no duty to provide traffic control signals, and have no duty to provide streetlights at night. The court granted our motion, and Mr. Khelifi subsequently agreed to dismiss his claims.

### ***Leadley v. City of Oakland***

Many landslides occurred in the Oakland hills during the winter of 2017. One landslide damaged a portion of Aitken Drive. A homeowner who lived near to the landslide brought a lawsuit primarily to compel the City to repair the road in a manner and on a schedule that he desired. However, street maintenance and repairs are matters committed to the discretion of local governments, and courts cannot direct cities with respect to how or when a road is repaired. The court granted our motion to dismiss the complaint, and Mr. Leadley subsequently agreed to dismiss his claims.

### ***Ceja v. Charles, et al.***

On October 14, 2016 a man slipped and fell and injured himself in the entryway to a store at 8400 International Boulevard. He sued the City as well as the property owner. We provided compelling evidence that the City had no responsibility for the area of the entryway where the man fell. Based upon this evidence he agreed to dismiss his claims against the City.

### ***Boyd v. City of Oakland***

In 2016, Plaintiff property owner filed a petition for writ of mandate challenging the assessment of a \$103,000 fine for the use and advertisement of his property as a commercial wedding and special events venue in a residential area where all commercial activity is prohibited. The City's enforcement efforts began in 2014, after neighbor complaints that Plaintiff was operating a business on his property. Plaintiff was cited in 2014 and 2016 for the same activity. In 2016, the Alameda County Superior Court denied the writ and upheld the hearing officer's award. Plaintiff timely appealed the ruling to the California Court of Appeal. On July 26, 2019, the Court of Appeal issued an unpublished opinion affirming the Superior Court in full.

### ***Cypress Private Security v. City of Oakland***

Just before the end of 2018, the Alameda County Superior Court ruled in favor of the City in a lawsuit filed by Cypress Private Security, a firm that used to provide security guard services for City buildings, including City Hall (Alameda County Superior Court Case No. RG18919756). The City contracted with Cypress in 2013. When Cypress' contract expired in 2016, the City issued an RFP (request for proposals) for a new \$2.5 million security contract. The City continued to contract with Cypress on a month-to-month basis while it reviewed proposals. In July 2018, the City Council awarded the security contract to a different firm (ABC Security), and after executing the new contract, the City terminated its month-to-month contract with Cypress. In September 2018 Cypress sued the City alleging that (1) the City failed to follow the RFP's guidelines for evaluating and scoring the written proposals and (2) notice of the item to approve a contract with ABC Security on the Council's agenda in July 2018 was untimely. After a hearing on the merits of the petition for writ of mandamus in December 2018, the Court issued an order denying Cypress's writ of mandate and affirming the City's RFP process.

### ***From the Roots Up v. City of Oakland***

The City is in the process of redeveloping land at the former Oakland Army Base. As part of the redevelopment, the City, through its contractors, will build infrastructure to support various projects including truck parking and related services. In preparation for the redevelopment, the City issued a request for proposals (RFP) in 2007 to develop the ancillary maritime services that were a requisite to the redevelopment project. Oakland Maritime Support Services (OMSS) provides these services and responded to the City's RFP. The City selected OMSS's proposal. After accepting OMSS's proposal, the City contracted with a master developer and changed the scope of the redevelopment project. Although the City did not execute a lease agreement with OMSS until 2013 and the scope of the project had evolved, OMSS did not amend its proposal or submit a new one. Instead, the initial proposal OMSS submitted was sufficient for the project because the use of the property in the proposal – ancillary maritime services – remained the same. Petitioner From the Roots Up, a non-profit group that sought to stop the City and OMSS from executing a lease agreement for OMSS to develop ancillary maritime services, filed a petition for writ of mandate in state court. The petition generally alleged that the City improperly failed to engage in competitive bidding as required by the Oakland Municipal Code when it selected OMSS and OMSS had delinquent parking taxes that should have prevented the City from executing the lease agreement with OMSS. After finding various procedural deficiencies with the petition, including lack of standing to bring the lawsuit, the Court found that the City met any competitive bidding requirements and the Petitioner could not prosecute a claim for the City's failure to collect taxes. The petition was dismissed against the City in October 2018.

### ***Oakland-Alameda Coliseum Authority v. Golden State Warriors, LLC***

In April 2019, San Francisco County Superior Court Judge Ethan Shulman confirmed an arbitration decision that the Golden State Warriors must continue to pay bond debt costs of that could amount to about \$7.5 million per year, after the team leaves Oakland to play in San Francisco. The Court's ruling confirms that the License Agreement between the Warriors and the Oakland-Alameda County Joint Powers Authority, the agency that operates the Oracle Arena where the Warriors play basketball, requires that the Warriors continue to pay bond debt regardless of whether they remain in Oakland. The Warriors contended otherwise.

## Affirmative Litigation, Innovation & Enforcement Division

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

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

### RAISING OAKLAND’S VOICE

Since Trump took office, we have filed numerous amicus briefs and other legal actions on behalf of Oakland to challenge the current administration’s unconstitutional, racist and inhumane policies.

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

Since that time, our Affirmative Litigation Division has continued to file lawsuits, amicus briefs and take other actions to stop the Trump administration’s constant assaults on the rights and of Americans. At the same time, we are providing Oakland’s support for sound and sane public policy. One example is California’s ban on high capacity magazines. During this FY, we signed approximately 20 amicus briefs and comments and filed major lawsuits to have Oakland’s voice heard in some of the most significant cases in the nation.

## HIGHLIGHTS

### Reproductive Rights

Oakland has signed on to six separate amicus briefs supporting lawsuits by several states and the City of Baltimore challenging Trump's oppressive and dangerous anti-abortion "gag rule." The rule, released in March 2019, prohibits discussion of abortion with patients by health care clinics that receive funding from the federal Title X program. If this rule is allowed to stand, it will effectively limit, and in some case eliminate, care for millions of Americans, often low-income women, African Americans and other people of color, immigrants and others who already face challenges in accessing health care.

Oakland also is supporting a lawsuit by the State of California against Trump's unconstitutional attempt to limit women's access to birth control.

Oakland, Santa Clara County and 15 other cities, counties and local agencies across the country filed an amicus brief in May 2019 asking the court to uphold a preliminary injunction blocking Trump's action.

In 2017, the Trump administration issued sweeping new rules that would significantly expand exemptions to the Affordable Care Act's birth control requirement. The new rules would allow employers to refuse to provide contraceptive coverage if the employer claims to have a "religious" or "moral" objection to contraceptives.

Of course, there is nothing "moral" about denying basic health care coverage to women. Trump's rule change would undermine the Affordable Care Act's guarantee of free insurance coverage for birth control. Many women would lose coverage, whether or not they need contraceptives for health reasons other than birth control.

The U.S. Supreme Court has ruled repeatedly that religious beliefs are not a license to discriminate. Rolling back access to contraception is not just unconstitutional, it is also actively harmful to millions of people, and serves no purpose other than placing the interests of our country's most cynical corporations and most sanctimonious religious extremists above the health and safety of American women and families.

### Immigration & Human Rights

In May 2019, we signed (and drafted part of) an amicus brief in a lawsuit challenging Trump's inane decree that non-citizens who cross the border illegally cannot obtain political asylum. Once again, Trump's decision conflicts with existing law entitling anyone to apply for asylum regardless of how they entered the country, and was also issued in violation of the government's own rule-making procedures.

### Climate Change

In February, the City of Oakland joined other cities and groups across the country to file an amicus brief in the case *California v. EPA*. The 2018 lawsuit challenges the Trump administration's attempt to weaken clean car standards established under the Obama administration. Signatories include Oakland, Baltimore, Los Angeles and Minneapolis, along with the U.S. Conference of Mayors and the National League of Cities.

The amicus argues that the government's decision to allow more greenhouse gas emissions was illegal because the decision was made without adequate opportunity for public input, and the federal government reached erroneous conclusions about the feasibility of meeting existing clean car standards. This case is yet another example of the Trump administration acting against the interests of all Americans. Facing evidence that the world has reached a tipping point when it comes to global warming, and that the only way to avoid catastrophe is to immediately reverse the upward trend of greenhouse gas emissions, the Trump administration makes every effort to increase greenhouse gas emissions. Again, Trump puts the short term interests of the fossil fuel industry ahead of the well-being and survival of our country.

## **Voting Rights**

In June 2019, the United States Supreme Court blocked the Trump administration's attempt to add the citizenship question to the 2020 census, ruling that the administration's rationale for including it on the census was dishonest and "contrived."

Oakland and a number of other cities and states across the country sued to stop the addition of the question. Experts, including the U.S. Census Bureau, said the question would discourage noncitizens, their family members and others from participating in the census, and would significantly undercount residents of states like California with large immigrant populations.

The Supreme Court ruling addressed two separate lawsuits that were consolidated in New York: one filed by a group of states, counties and cities including San Francisco, and one filed by non-governmental organizations including the American Civil Liberties Union. Oakland was a plaintiff in a separate lawsuit that California Attorney General Xavier Becerra filed on March 26, 2018. Los Angeles County, the Los Angeles Unified School District and the cities of Oakland, Fremont, Stockton, Los Angeles and Long Beach later joined as plaintiffs.

After the Supreme Court's ruling, the federal government essentially dropped its defense in Oakland's case. This was an important victory for democracy. Not only was the attempt to add a citizenship question unconstitutional, it was a transparent attempt to undercount and thereby disenfranchise millions of American citizens across the country to tip the scale in favor of Republicans and whites.

## **RACIAL/ECONOMIC JUSTICE**

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

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

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

The City of Oakland has suffered great financial harm as a result of these racially discriminatory practices and the ensuing foreclosure crisis. We are continuing to pursue justice for the City of Oakland and to ensure the bank ceases these predatory and racially discriminatory practices. In Oakland and across our country, Wells Fargo's discriminatory conduct devastated individuals, families and communities, increasing poverty and wiping out or drastically reducing wealth of African American and Hispanic families while bankers prospered. Evidence shows that Wells Fargo, our nation's largest mortgage lender and one of the most powerful companies in the world, systematically provided more expensive and higher risk loans to African American and Hispanic borrowers in Oakland and elsewhere, despite the fact that they qualified for the more favorable loans that the bank regularly offered to white borrowers.

When Wells Fargo issued racially discriminatory loans, the bank knew that many of those loans would result in foreclosure and devastate families throughout our community. Yet Wells Fargo simply ignored this reality and continued to issue toxic, discriminatory loans because they generated significant revenue. We are committed to holding Wells Fargo accountable for its callous and racially discriminatory actions, and to making sure the bank ceases these discriminatory mortgage lending practices.

***People v. Dodg Corp.***

In June 2019, the Neighborhood Law Corps filed a lawsuit charging the leaders of a prominent local real estate and taxi empire with systematically violating the rights of tenants at buildings their family companies own.

Defendants Baljit Singh Mann and Surinder Mann are a married couple with extensive business interests in Oakland, including the Friendly Cab company and dozens of real estate holdings. Through multiple companies, the defendants own and operate numerous rental properties where tenants, including families with young children and pregnant women, have been subjected to grave risks to their health, safety and lives in flagrant violation of Oakland's Tenant Protection Ordinance. At least one family ended up temporarily homeless because of the landlords' negligence.

Since at least 2016, the defendants have rented uninhabitable or dilapidated units in buildings across the city to tenants who are often low-income immigrants and speak little to no English. Defendants have profited from this predatory business model by renting unsafe units to tenants who are desperate to find affordable housing, and often are unable to take legal action to defend their rights.

The defendants in this case are textbook predatory landlords who have profited for years from willfully violating the basic legal and human rights of tenants. In the midst of a devastating housing crisis in Oakland, the defendants have used their wealth and power not to help vulnerable families, but to exploit these tenants in a way that is both illegal and inhumane.

In Oakland alone, defendants own an estimated 150 properties, including vacant lots, commercial properties, single family homes, duplexes, mixed-use buildings and apartment complexes.

The lawsuit focuses on six properties located in East Oakland where defendants have received at least 22 notices from the City regarding serious violations. Three of those six properties were completely or partially red tagged by the City's Code Enforcement unit.

Also see: *People v. Choice Hotels International* (pg. 21)

## ENVIRONMENTAL JUSTICE

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

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

The fossil fuel industry’s own records show that the defendant companies intentionally misled the American public and the world about the dangers of fossil-fuel driven climate change. Big Oil knew for decades that their products would cause “severe” warming and sea level rise. Industry scientists warned the companies as early as the 1970s and 1980s of “catastrophic” consequences for life on this planet. For example, in 1968, a scientific consultant working for the American Petroleum Institute, a trade association representing fossil fuel companies, warned that carbon dioxide emissions were “almost certain” to produce significant temperature increases and a rise in sea levels. In 1980, API and its member companies learned that “likely impacts” of global warming would include “globally catastrophic effects.” An internal Exxon document from 1982 predicts a massive increase in global mean temperatures between the years 2000 and 2100 based on increasing carbon dioxide concentrations. Despite their knowledge of scientific consensus on these issues, and despite warnings from their own scientists and/or scientists working for their trade association, the defendants spent the last 30 years engaging in a misinformation campaign to convince the world that global warming as not real, and even if it was, it was not connected to human use of fossil fuels. Like the tobacco companies that were sued in the 1980s, the defendants knowingly and recklessly created an ongoing public nuisance that is causing harm now, and in the future risks catastrophic harm to human life and property, including billions of dollars of damage to public and private property in Oakland and San Francisco.

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

Unfortunately, Federal District Court Judge William Alsup dismissed Oakland’s lawsuit and a similar lawsuit filed by San Francisco. We have appealed the ruling and look forward to presenting our case to the Ninth Circuit Court of Appeals and asking the appellate court to reverse Judge Alsup’s decision. Judge Alsup ruled: “The problem (of global warming) deserves a solution on a more vast scale than can be supplied by a district judge or jury in a public nuisance case.” Our lawsuit was never about solving global warming in its entirety. Our lawsuit focuses specifically on holding these fossil fuel companies responsible for the costs to the City of Oakland – costs that are directly linked to the companies’ reckless actions that violate California law.

We all recognize that the problem of climate change requires a broad, comprehensive solution. Unfortunately, we also are well aware that the current executive branch will take no action to stop this imminent threat to life on our planet. Oakland’s lawsuit included “tutorials” by three of the preeminent experts on the science of climate change. Their presentations to the court were compelling and alarming. Rising seas are not just a theoretical threat to Oakland, San Francisco and our entire planet. Climate change models show large parts of Oakland, including the Oakland airport, I-880 and large parts of East and West Oakland under water by the end of this century, especially during storm surges. A recent state report, Rising Seas in California, projects as much as 10 feet of additional sea level rise in the San Francisco Bay by 2100, a scenario that would cause almost unimaginable harm to Oakland and every other city with a shoreline. Our appeal is only the first round in our fight to ensure that Big Oil does not get to pocket the obscene profits from its deception campaign and massive sale of fossil fuels. We are committed to ensuring that the defendants pay the costs of sea walls and other infrastructure necessary to protect Oakland from the ongoing and future consequences of climate change and sea level rise they caused.

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

In October 2018, the U.S. Supreme Court declined to review a lawsuit that Oakland and nine other California cities and counties brought against lead paint companies, thereby ending nearly two decades of litigation against the defendant companies that knowingly manufactured and sold poisonous lead paint. The lawsuit was initially filed in 2000 by then-Santa Clara County Counsel Ann Ravel. Oakland and eight other California cities and counties subsequently joined the lawsuit. The lawsuit alleged that defendants ConAgra Grocery Products Company, NL Industries, Inc., and the Sherwin-Williams Company aggressively marketed lead paint, even though they knew it was highly toxic to young children, and thereby created a public nuisance that threatens the health of California's children to this day. When lead paint is allowed to peel, exposed to friction or disturbed during construction, young children or pregnant women can ingest it. When this happens, lead acts as a cumulative neurotoxin and may result in irreversible brain damage. Despite widespread industry knowledge of the hazard, the defendants continued to market lead paint as safe for residential use until it became unlawful to do so. As a result, nearly every home built before 1978 contains lead paint hazards.

This case affirms that private companies, no matter how powerful or big they are, must face consequences when they knowingly harm people. Lead paint is prevalent in Oakland homes and disproportionately affects communities of color and low-income communities. In this case, the defendants knew they were selling a product that poisoned children, yet they continued to sell and market it as safe. The companies have been ordered to put \$409 million in an abatement fund to be divided between the plaintiff jurisdictions.

Also see: *People v. Santos* (pg. 22)

## **SOCIAL JUSTICE**

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

Disrupting and shutting down the human trafficking industry continues to be a top priority for my Office. This year the NLC continued to work with Oakland police to investigate and prosecute businesses that cater to or profit from the sexual exploitation of women and girls in our community, in particular illicit massage parlors and spas. Over the last three years, the NLC has successfully shut down 25 massage parlors where police investigations found evidence of trafficking and prostitution. We also have secured a number of injunctions against operators of the businesses and we have recovered more than \$1 million in civil penalties and fees from our lawsuits against the business owners and operators. Human trafficking and the sexual exploitation of women and girls unfortunately is a crisis in Oakland. Police say the female workers at illicit massage parlors and spas often appear to be victims of human trafficking. Many come from China or Korea on travel or work visas, and then remain in the U.S. as "employees" of brothels after their visas lapse. They often speak little or no English and often do not have access to their own passports. Some have no passports or any other form of identification. They often are moved from location to location in Oakland and across the state and refuse to act as witnesses. We are committed to continuing to do everything we can to disrupt this criminal industry which depends on and profits from the abuse of women and girls in our community.

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

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

The lawsuit, initially filed in May 2014, charges that opioid manufacturers have engaged in a campaign of false advertising that trivialized the risks of opioids – a deceptive business practice that resulted in rampant over-prescription and a crisis of opioid-related addiction, injuries and deaths in California and the nation as a whole. Evidence indicates that the epidemic has disproportionately impacted Oakland's African American and homeless populations. The rise of opioid addiction and overdoses in our community is directly related to deceptive marketing that aggressively promoted these drugs while covering up the risks. Although there are legitimate medical uses for opioids, they are highly addictive drugs that have been vastly over-prescribed as a direct result of the manufacturers' deceitful and irresponsible tactics. Families in Oakland are suffering the consequences. Named defendants in the lawsuit include manufacturers Janssen Pharmaceuticals, Inc., Endo Health Solutions, Inc., Actavis PLC and Purdue Pharma L.P., the manufacturer of OxyContin. In 2012, there were 464.4 opioid prescriptions for every 1,000 Alameda County residents – almost one prescription for every two residents of the county. The rate of emergency room ("ER") visits related to opioids in Alameda County increased by almost a third between 2009 and 2014. During that time period, the rate of opioid-related ER visits by African Americans was more than three times higher than the rate of the county as a whole. It is readily apparent that these companies are peddling their wares to every demographic, but they shamelessly prey upon some of the most vulnerable populations.

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

## **OTHER HIGHLIGHTS**

### ***City of Oakland v. Raiders***

In December 2018, the City of Oakland filed a federal antitrust and breach of contract lawsuit against the National Football League ("NFL"), the Raiders and each of the other 31 NFL clubs. The City Attorney recommended and the Oakland City Council authorized filing the lawsuit to recover damages resulting from the Raiders' illegal move to Las Vegas, including lost revenue, money that Oakland taxpayers invested in the Raiders and other costs.

In voting to approve the Raiders' move to Las Vegas and boycotting Oakland in the marketplace for hosting a football club, the NFL defendants violated federal antitrust laws. The Raiders' move also violated the NFL's own policies for team relocation.

Federal antitrust laws provide treble damages plus attorneys' fees. At the time of this report, the City is seeking a resolution for the maximum amount of damages available. The lawsuit will not ask the court to prevent the Raiders' move to Las Vegas or keep the team in Oakland.

The lawsuit is being prosecuted by antitrust experts who have agreed that the City will pay their fees only out of funds the City recovers. Accordingly, the law firms of Berg & Androphy and Pearson, Simon & Warshaw, LLP are funding the lawsuit.

# Labor & Employment Division

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

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

## HIGHLIGHTS FY 2018-19:

- Advised City Administration and City Departments on numerous Public Records Act requests, including the City's implementation of California Senate Bill 1421 which mandated the publication of certain previously-confidential police records.
- Assisted and advised in the implementation and interpretation of ballot Measure LL, which established a Police Commission ("Commission") to oversee OPD's policies and procedures and a Community Police Review Agency ("Agency") to investigate complaints of police misconduct and recommend discipline.
- Developed and administered multiple trainings for the Police Commission, including training on the Police Commission's powers under the Oakland Charter, state and local laws regarding open meetings, and OPD's discipline process.
- Advised City Administration and Employee Relations throughout MOU bargaining with all of the City's civilian unions as well as Oakland Police Officers Association.
- Advised City Administration and numerous City Departments (including Police, Fire, Public Works, Employee Relations, Human Resources, and Equal Opportunity Programs Division) on various personnel and labor issues, including leaves of absence, disability accommodations, workplace threats, drug testing, and workplace discrimination.
- Advised OPD Internal Affairs on investigations into police misconduct and reviewed resulting investigative reports, including an in-depth and interactive training for IAD investigators on important aspects of the investigation process.
- Developed and administered multiple trainings for the managers and commanders at both OPD and OFD who handle those department's Skelly hearings.
- Developed and administered multiple training for new and existing investigators in the Internal Affairs Division of the Police Department, command staff and division-level investigations coordinators on policies and best practices for conducting investigations.
- Attended Skelly due process hearings on behalf of the City in cases involving serious employee misconduct and advised Skelly officers regarding their recommendations.
- Provided personnel advice to Fire Chief at biweekly meetings and advised the Chief on responses to union grievances.
- Reviewed staff reports, resolutions and legislation related to personnel issues.
- Managed and resolved disputes with various unions over employee discipline and contract (MOU) interpretation by negotiating settlements and by representing the City at binding, labor arbitration hearings.
- Represented and defended the City before the California's Public Employment Relation Board as well as Oakland's Civil Service Board.
- Reviewed, edited and approved numerous contracts for professional services.

# 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.

In FY 2018-19, the Advisory Division was comprised of three main units. Examples of practice areas and responsibilities of each unit are included below.

## GENERAL GOVERNMENT & FINANCE UNIT

### 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 advice and assisted in drafting of legislation related to adoption of Biennial Budget.
- Provided ongoing legal advice to the City's Deferred Compensation Committee regarding administration of the Deferred Compensation Program.
- Advised the City Administrator on various issues regarding the Police and Fire Retirement System.
- Advised the Police and Fire Retirement System regarding various issues such as the Brown Act, Public Records Act, and division of pension benefits upon divorce.
- Managed outside counsel in continuing litigation between the City and the Retired Oakland Police Officers' Association relating to the amount of monthly benefits payable to retired police officers.
- Advised the Treasury Division regarding various financing transactions including tax exempt equipment lease agreements.

- Advised the Treasury Division regarding questions and issues relating to banking contracts, outstanding financial obligations, mandated disclosures and reporting, responses to public records requests, and other issues relating to the City finances.
- Assisted the public in resolving contested parking citations and guided citizens in the appeals process. Advised Police and Fire Retirement System on estate and probate issues related to disbursement of retirement benefits upon death of retiree.

#### **General Government**

- Provided regular oral and written advice to over 30 departments, commissions, divisions and agencies.
- Staffed and provided legal advice to the City Council's Life Enrichment Committee, Education Partnership Committee, Finance and Management Committee, and Public Works Committee.
- Provided legal advice to numerous Oakland boards and commissions, including the Bicycle Advisory Commission, the Cultural Affairs Commission, the Public Art Advisory Commission, the Commission on Persons with Disabilities, the Wildfire Prevention Assessment District Commission, the Public Safety and Services Violence Prevention Commission, the Commission on Aging, the Youth Advisory Commission, the Children's Fairyland Board, the OFCY Planning and Oversight Commission, the Parks and Recreation Advisory Commission, the Library Commission, the Alameda County-Oakland Community Action Partnership Administering Board, the Bicycle & Pedestrian Advisory Commission, the Sugar-Sweetened Beverage Tax Community Advisory Board, the Head Start Advisory Board and the Affordable Housing and Infrastructure Bond (Measure KK) Public Oversight Committee.
- Provided advice 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 to staff and officials on public records laws, including the California Public Records Act and Oakland Sunshine Ordinance.
- Provided advice and legal opinions to staff and officials on a variety of public ethics issues, including conflicts of interest, gifts, mass mailings, incompatible activities, and post-employment activities.
- Advised on implementation of special tax to fund homeless services and illegal dumping.
- Advised the City Auditor on various legal issues concerning Auditor authority and operations.

- Reviewed contracts, grant agreements, resolutions, ordinances and staff reports for the Parks and Recreation Department, including programs and services that provide Oakland residents greater access to nature, wildlife, and recreation, such as Oakland's Feather River Camp, Woodminster Theatre, Metropolitan Golf Course, Lake Chabot Golf Course, wildlife programs at Peralta Hacienda Historical Park, boating and sailing activities, equestrian activities, and a variety of programs for Oakland's after-school programs and recreation centers.
- Advised the Parks and Recreation Department on gifts in place, donation of in-kind services and materials, and project construction agreements for improvements to sports fields and facilities, such as new basketball courts, baseball fields, soccer fields, and children's playgrounds.
- Advised the Parks and Recreation Department on updating park use regulations.
- Reviewed hundreds of contracts, grant agreements, staff reports, ordinances and resolutions for the Human Services Department, including Kids First grant agreements, Oakland Unite violence prevention grant agreements, numerous services contracts and grant agreements for programs for children and families, Head Start, youth, adults and seniors, paratransit services, and homeless programs.
- Reviewed contracts, grant agreements, resolutions and staff reports for the Oakland Public Library to provide Oakland residents' greater access to library services and other youth programs.
- Reviewed contracts, grant agreements, resolutions and staff reports for City funding of local artists and nonprofit arts and cultural organizations, and for public art projects throughout the City, including graffiti abatement and murals.
- Provided advice to the ADA Programs Division on matters of ADA compliance in City programs and on City property, as well as the Ford GoBike bike share program sponsored by the Metropolitan Transportation Commission (Oakland is a participating city).
- Assisted the City Administrator in extending a contract to provide security services in the downtown area.
- Drafted ballot titles, summaries, and impartial legal analyses on multiple November 2018 ballot measures.
- 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 2018 general election.
- Advised the City Clerk and KTOP on copyright licensing issues arising from the ongoing production of a documentary feature-length work.

## **Public Works, Transportation, Information Technology, Contract Compliance & Contracting**

- Advised City Council, City Administrator , and Public Works Department and Department of Transportation directors and staff on all legal issues and proposed legislation related to the City's infrastructure, public buildings and facilities, transportation, engineering and construction, environment, sanitary sewers, creeks, watershed and storm water drains, parks, and City landscapes, construction and professional services contracts, garbage collection, recycling and site disposal franchise agreements, streets and sidewalks, and maintenance of the City right of way, encumbrance agreements and access agreements, tree and view ordinances, illegal dumping, homeless encampments, pothole, traffic, bicycle, scooters, and pedestrian programs.
- Advised Information Technology Department on complex information technology, cyber and cloud-based business transactions and contracts.
- Advised City Administrator's Office, Division of Department of Contracts and Compliance on all City contracting programs, policies and requirements such as Living Wage, Minimum Wage, Local and Small Local Business Enterprise Program, Local Employment and apprenticeship program, prevailing wages, Nuclear Freeze Ordinance, Equal Benefits Ordinance, Border Wall Ordinance, Oakland Disadvantaged Business Program, procurement and solicitation of bids and proposals, request for proposals/qualifications, and waiver of programs and requirements.
- Reviewed over a hundred construction and professional services contracts for the Public Works Contracting Division and advised Public Works on contract claims and disputes.
- Developed and oversaw implementation of a Term Sheet and Term Sheet Instructions for IT's and Contract Compliance's use for Software as a Service ("SaaS") project/applications/contracts, the emerging cloud-based approach to IT contracting for licensing, software, maintenance, support and services, and data storage and retrieval.
- Reviewed hundreds of Schedule M-Independent Contractor Schedules for City professional services contracts and advised staff on independent contractor status issues.
- Advised Public Works Agency, the Department of Transportation and the Contracting and Compliance Department with respect to over a hundred professional services contracts and construction contracts.
- Advised Contracting and Compliance Department with respect to the Local Employment Program in connection with the Army Base redevelopment project and the proposed City Infrastructure Bond.
- Advised Contracting and Compliance Department with respect to the implementation of the City's Border Wall Ordinance, which prohibits the City from contracting with businesses, and contractors that participate in the construction of the Border Wall.
- Advised Contracting and Compliance Department with respect to the City's Local Business Enterprise Program.
- Advised City Council on legal procedures for debarment of public works contractors.
- Advised Public Works Agency with respect to the consent decree, which settled litigation against the City by the U.S. Environmental Protection Agency, California State/Regional Water Board and environmental groups involving Oakland's aging sewer collection system, and provided on-going advice with respect to compliance and implementation of the consent decree.

- Advised City Administrator and Public Works Agency with respect to emergency contracts.
- Advised Public Works Agency with respect to storm drain compliance with the Clean Water Act and the State's National Pollution Discharge permit issued by the California/Regional Water Board.
- Advised City Administrator and Public Works Agency with respect to issues related to proposed ballot measure to raise revenue for storm drain infrastructure.
- Advised Public Works Agency and the City Council with respect to the ongoing implementation of the solid waste collection, recycling and site disposal franchises (over \$1 billion in total contract value) for providing solid waste collection, recycling and site disposal services to Oakland residents and businesses, and amendments to those agreements.
- Advised Public Works Agency with respect to ongoing contract issues related to the Waste Management of Alameda County's solid waste collection and site disposal franchise agreements, and the California Waste Solutions recycling franchise agreement.
- Advised Public Works Agency with respect to the negotiation, award and implementation of a franchise agreement in the City's public right of way for the Bike Share Program.
- Advised Public Works Agency with respect to the lease/purchase of new public works compacter truck vehicles.
- Advised Public Works Agency on RFP and agreements for proposed installation of solar power program for City buildings.
- Advised Public Works Agency on solar power purchasing agreements/procurement program with the County of Alameda, including applying City community benefit programs, and advised and negotiated agreement with the contractor for the installation of solar panels on City buildings.
- Advised Public Works Agency with respect to the Community Choice Energy Joint Powers Authority and advised on resolution creating a citizen advisory committee.
- Advised Public Works Tree Division regarding tree removal permits and appeals, and other City tree related issues.
- Advised Information Technology Department on the transfer of City data to the Business Intelligence Cloud Service.
- Advised Public Works Agency on new parking program initiatives.
- Advised Building Department with respect to the proposed building permit tracking program.
- Advised Information Technology Department, OPD and OFD on the upgrade of the City's Computer Assisted Dispatch IT system.

- Advised Information Technology Department and City Administrator on various complex information technology, cyber and cloud-based business transactions and system maintenance contracts including:
  - Public Safety Systems Maintenance (Motorola)
  - Convenient Copier Contract
  - CAD Interface
  - Akumina
  - 5G/Small Cell Deployment
  - Public Address System Major Upgrade
- Advised Budget and Treasury on the implementation of the City's Oracle R12 Financial System/Reimplementation Project,
- Advised Budget and Treasury on the implementation of a new Business Tax revenue collection system.
- Assisted OPD and the Information Technology Department with development of Prime Plus/2.0 (formerly "IPass Phase 2") Police Officer Tracking software system for the supervision, management, and assessment of police officer conduct, which involved the integration of three data systems.
- Advised Fire Department on IT and professional services contracts, including new fire module system contract.
- Assisted Information Technology Department and the Planning and Building Department resolve payment disputes related to BIAS and Horizon contracts.
- Advised Information Technology Department with respect to City broadband fiber optic communications study and City conduit dark fiber system.
- Advised Information Technology Department, the City Administrator, the Public Works Agency and the Economic Development Department with respect to the updating of the City's broadband/wireless master plan for the laying of fiber optic cable in Oakland's public right of way by private companies and by public agencies such as BART and the need for a comprehensive policy for Oakland's participation in these systems.
- Advised Finance Department and the Information Technology Department on Oracle R-12 upgrade, and AST Public Sector Budgeting IT contracts.
- Advised Information Technology Department, Oakland Police Department and Oakland Fire Department with respect to upgrade of the 911 system, CAD dispatch system and new alarm system.

- Assisted with procurement of new contract for storage of City files and records and resulting transition of City files and records from GRM to Corodata.
- Advised Public Works on transition of Oakland Army Base infrastructure and future maintenance of public improvements such as streets and lighting and underground structures.
- Advised City Council and Public works with respect to illegal dumping and homeless encampment issues.
- Advised Public Works Agency and negotiated with AC Transit with respect to implementation of AC Bus Rapid Transit project system in City's right of way, including substitute public parking lots for mitigation of lost on-street parking.
- Advised Public Works Agency, City Council and the Mayor on the Piedmont Pines II Undergrounding project application for 20-A subsidy funds to the California Public Utilities Commission.
- Advised Public Works Agency with respect to proposed assessment district for the extension of Oakland's sewer main in the Oakland hills to comply with new state and county laws which require the elimination of non-conforming septic tanks in the Oakland hills and connection to the Oakland public sewer system.
- Advised Department of Transportation on the implementation of parking meter enforcement program, which now includes license plate recognition.
- Advised Department of Transportation on award and implementation of a new City-wide parking management agreement.
- Advised Department of Transportation on bike share issues.
- Provided advice and assisted with implementation of Oakland's E-scooter program.
- Advised Department of Transportation on proposed E-Bike program.
- Advised Department of Transportation on proposed addition of mopeds to Oakland's car share program.
- Advised Department of Transportation on proposed eviction of Euro Motors from the Pill Hill garage and future use as a car inventory storage for various Oakland auto dealers.
- Advised Public Works Agency on contract dispute related to Embarcadero bridge construction project.
- Advised Department of Transportation and the Planning and Building Department on major encroachments involving building of living space in the City's public right of way air space.
- Advised Economic Development Department with respect to the Oakland Ice Center, Ice System replacement by the San Jose Sharks.
- Settled Lake Chabot Golf Course Driving Range Improvement Project contract dispute.

## GENERAL PUBLIC SAFETY, CODE ENFORCEMENT & RENT UNIT

### Cannabis

- Advised City Council, City Administrator's office and other City Departments on cannabis issues and legislation.
- Advised City Administrator's office on commercial cannabis activity permitting and enforcement issues.
- Drafted, reviewed, and advised on an ordinance making technical amendments to Oakland's commercial cannabis activity permitting rules.
- Advised Building Code Enforcement on displacement issues related to cannabis operations.
- Advised City Administrator's Office on Public Records Act compliance in the context of City records relating to commercial cannabis activity licenses.
- Advised City Administrator's office in the promulgation of administrative regulations concerning various aspects of commercial cannabis activity pursuant to Chapters 5.80 and 5.81 of the Oakland Municipal Code.
- In conjunction with the Land Use Unit, advised the City Administrator's office regarding interpretation of City's location requirements for commercial cannabis permittees.
- Advised City Administrator's office regarding issuance of special event permits involving commercial cannabis activity.
- Advised Department of Planning and Building, City Administrator's office and other City departments on enforcement issues related to unlicensed cannabis dispensaries and other cannabis operations.
- Reviewed City contracts for vendors for the provision of technical assistance to cannabis equity applicants.
- Advised City Administrator's office regarding City's application and proposal for use of state grants for local equity grant funding.
- Reviewed and prepared resolutions authorizing the City to receive grants to fund equity applicants.
- Researched and drafted a Frequently Asked Questions document concerning the duties and authority of the Cannabis Regulatory Commission (CRC) and the 2004 ballot measure Z.
- Provided training to Cannabis Regulatory Commission on the Brown Act, Oakland's Sunshine Ordinance, and Roberts Rules of Order.
- Reviewed agreements for the City Administrator's office to conduct loan programs and technical assistance for equity applicants under the City's cannabis program.
- Advised on due process and related issues for the City Administrator's office in context of City's enforcement on unauthorized cannabis licensees and non-compliant licensees.

## **Fire**

- Trained Fire Prevention Bureau executive staff on inspection and abatement warrants, due process, and Fourth Amendment law in regards to property inspections.
- Advised Fire Prevention Bureau staff on a wide range of enforcement issues, due process concerns, and related policies including vegetation management and fire-safety inspections.
- Reviewed and prepared resolutions authorizing grant agreements, intergovernmental agreements, and equipment procurement for the Fire Department.
- Advised Fire Department on Public Records Act compliance.
- Worked with Fire Prevention Bureau staff and coordinated with Alameda County to ensure property owner compliance with vegetation management provisions of the Fire Code.
- Advised Fire executive staff and the City Administrator regarding options concerning the City's memorandum of understanding with Alameda County to provide paramedic services within the City of Oakland and the City's memorandum of understanding with Alameda County to provide fire services within the City of Emeryville.
- Advised Fire Department on regulation of Fire Code in regards to unpermitted commercial cannabis operations.
- Represented the Fire Department in an administrative hearing that upheld the Fire Department's summary abatement measures.
- Reviewed procurement and services contracts for Fire Prevention Bureau.

## **Privacy Advisory Commission**

- Prepared ordinance prohibiting the City from using facial recognition technology. Staffed the monthly meetings of the Privacy Advisory Commission.
- Prepared ordinance prohibiting the City from contracting with vendors who do business with the Immigration and Customs Enforcement agency and advised City staff on implementation issues for the ordinance.
- Advised the Oakland Police Department and the City Administrator's office regarding compliance with the City's Surveillance Technology and Community Safety ordinance and other City policies concerning privacy issues and intergovernmental agreements with federal agencies.
- Assisted the Neighborhood Law Corps attorneys in regards to nuisance properties and possible remedies impacted by the City's Surveillance Technology and Community Safety Ordinance.

## **Building/Code Enforcement**

- Advised Code Enforcement staff on implementation questions regarding Senate Bill 7 (concerning water meters and multiunit structures).
- Drafted ordinance amending Building Code to create an appeals board process.
- Advised Housing Resource Center and Code Enforcement staff on issues related to the Code Compliance Relocation Program.
- Advised Code Enforcement staff regarding inspection questions and noticing for blighted commercial and residential properties.
- Advised Bureau of Planning and Building executive staff regarding legal issues for proposed inspection policies in regards to natural disasters and other emergencies.
- Represented the City in Code Enforcement appeal hearings and in pre-hearing negotiations.
- Advised Department of Planning and Building on Emergency Housing Building Code Amendments.
- Advised Code Enforcement Services regarding collection of subpoena fees from the California Contractor's Licensing Board.
- Advised Code Enforcement Services regarding its obligations with respect to privately-owned trees that appear to be hazardous.
- Advised Code Enforcement and Department of Transportation staff on various encroachment issues.
- Investigated whether lien at property had been properly noticed and recorded and advised Code Enforcement Services regarding its obligations at that property.
- Advised Code Enforcement staff on enforcement issues related to numerous substandard and nuisance properties.
- Reviewed and revised code enforcement materials and forms related to violations, orders, and appeals.
- Advised Planning and Building staff on numerous policies and procedures including those related to issuance of civil and administrative citations, liens, payment plans, compliance plans, and fee waivers for indigent appellants.
- Obtained numerous code enforcement warrants for the inspection and abatement of blighted, substandard, and nuisance properties.
- Worked with Code Enforcement management and staff to revise Standard Operating Procedures related to violations, notices, and enforcement.
- Prepared receivership actions for nuisance properties.
- In conjunction with Housing Resource Center staff, revised public information materials related to Code Enforcement Relocation Program.
- Advised Code Enforcement on enforcement of restrictions on short-term rentals.

## Rent Program

- Advised City Council, Rent Adjustment Program staff, and the Housing, Residential Rent, and Relocation Board (Rent Board) on a broad range of rent and eviction regulatory matters.
- Drafted ballot measure to amend Just Cause for Eviction Ordinance to remove exemptions from owner-occupied duplexes and triplexes and allow Council to add eviction requirements.
- Advised Rent Program on Rent Board Administrative Citations.
- Drafted amendments to the Just Cause Regulations conforming them to the Just Cause for Eviction Ordinance as amended by Measure Y in November 2018.
- Revised public information materials on the Uniform Relocation Ordinance to conform to the Just Cause Ordinance as amended by Measure Y in November 2018.
- Drafted EQUAL Ordinance which amended Title 8 of the Oakland Municipal Code to prohibit discrimination against tenants who receive housing assistance such as Section 8.
- Drafted Ordinance removing exemption of substantially rehabilitated properties from Rent Adjustment Program Ordinance.
- Prepared and delivered report to Rent Board regarding writs taken against the board during the last two years.
- Provided training to Rent Adjustment Program staff and contractors on state and local law related to rent control including Rent Adjustment Ordinance, Just Cause Ordinance, relocation laws, Ellis Act, and other landlord-tenant regulations.
- In Conjunction with the Rent Adjustment Program, gave presentations at outreach events such as the Oakland-Berkeley Realtor Association lunch.
- Staffed weekly Rent Board meetings and advised Board at meetings in which disputes under the Rent Adjustment Program Ordinance were adjudicated.
- Drafted Ordinance amending Rent Adjustment Ordinance and Tenant Protection Ordinance to eliminate the exemptions for owner-occupied duplexes and triplexes.
- Defended the Rent Board in writ proceedings in Superior Court.
- Reviewed procurement and service contracts for the Rent Program.
- Assisted litigation division with Ballinger v. City of Oakland litigation challenging the City's relocation ordinance.
- In conjunction with City Attorney's Land Use unit, advised on mandatory seismic retrofit law to require seismic retrofitting of buildings vulnerable to earthquakes.
- Advised Rent Program management on ordinance increasing the Rent Adjustment Program Service Fee.

- Reviewed grant agreements to provide counseling for homeowners and tenants as well as eviction defense services for tenants.
- In Conjunction with the Affirmative Litigation division, submitted an amicus brief on behalf of League of California Cities in *Hotop v. City of San Jose* defending the right of cities to enact rent registry laws.
- In conjunction with City Attorney's Land Use unit, provided advice on condo-conversion ordinance and policies.
- Advised Council on conflict of interest issues related to the ownership of rental housing by public officials.

#### **Other Matters**

- Drafted ordinance prohibiting the City from using neonicotinoid pesticides.
- Staffed the bimonthly City Council Public Safety Committee meetings and advised on the Brown Act, Oakland's Sunshine ordinance, Council Rules of Procedure, and specific items on the meeting agenda.
- Advised City Council and City Administrator's office on the application of the 9th circuit *Martin v. Boise* decision to City Homeless Encampment Management policies and procedures.
- Advised Police Department on issues related to alcohol and tobacco inspections and enforcement.
- Represented City at Tobacco Retailer's License revocation hearings.
- Advised City Administrator, Police Department and Fire Prevention Bureau on cabaret inspections and enforcement actions.
- Worked with Police Department to close multiple nuisance commercial establishments including unlawful gaming facilities and other nuisance properties.
- Advised City Administrator's office on multiple issues related to homeless encampment management policies and procedures.
- Drafted Council Resolution calling for the Superior Court of Alameda County to rescind a policy that reduced access to pre-trial settlement conferences to low-income landlords and tenants.
- Provided support to Litigation Team on actions involving rental housing, unlawful detainees, building and fire code enforcement, and homeless encampment management issues.

## LAND USE & PLANNING UNIT AND REAL ESTATE UNIT

- Assisted on various aspects of the City's newly-adopted Single Room Occupancy Ordinance, including advising on issues related to the processing of approximately 30 Initial Usage Report and Statement of Exemption application determinations, drafting Administrative Guidelines, and defending the City against a legal challenge to the City's adoption of the new law.
- Provided legal advice to the City Administration and Councilmembers regarding distribution of affordable housing trust fund collected fees as well as potential amendments to the Affordable Housing Impact Fee ordinance.
- Assisted on various aspects of the State and City Density Bonus Law, including drafting amendments to the City's Density Bonus ordinance to implement State law; drafting new standard conditions of approval for rental and for-sale affordable deed-restricted units included on site as part of density bonus projects, and advising on various density bonus projects such as 230 MacArthur, 2443 Humboldt, 6773 Foothill, 4207 Broadway, and 4700 Telegraph.
- Created framework for drafting and adopting short-term rental ordinance.
- Revised City of Oakland SB 35 Checklist for purpose of inclusion in affordable housing notices of funding availability.
- Advised the Bureau of Planning Staff on the requirements of the Housing Accountability Act regarding timely identification of project compliance with applicable objective design review standards and guidelines.
- Advised City Council through confidential communications regarding various issues related to land use appeals.
- Conducted research regarding adoption of project-specific and Citywide thresholds of significance relating to greenhouse gas emissions to ensure consistency with citywide reduction goals and the City's Equity and Climate Action Program.
- Advised Bureau of Planning Staff on the transition from CEQA analysis of transportation impacts under vehicle miles travelled (VMT) versus level of service (LOS) and its application to various projects.
- Continued ongoing transactional and CEQA advice in association with Bureau of Planning's processing of the applications for various complex projects, including a renovation and residential project at the Claremont Hotel; a mixed-use residential and school project at 6733 Foothill Avenue; an office, warehouse, and storage yard on East Bay Municipal Utilities District-owned property within the Coliseum Area Specific Plan Area; a residential project at the California College of Arts site; and a major school expansion at Head Royce School.
- Assisted Bureau of Planning in public hearing on two appeals to the partial approval and partial denial of permits to legalize unpermitted improvements at Suprema Meats warehouse and distribution facility at Lowell Street and 57th Street.
- Assisted Bureau of Planning on various single-family project applications, including CEQA exemption analysis for single-family home developments with potentially significant impacts on protected presidio clarkia species in Crestmont neighborhood and public hearings for two appeals for hillside single-family developments.

- Advised staff on complex subdivision projects in the Oakland Hills, including the Oak Knoll Project, the Viewcrest Townhomes Project, the Crestmont Project, with advice focused on road development regulation and endangered species mitigation through resource conservation and conservation easements.
- Provided CEQA compliance advice for processing of charter school conditional use permit application to approve unpermitted activity improvements on Caltrans-owned site in Fruitvale District.
- Provided transactional advice and legal research regarding the City's regulatory authority with respect to applications to site wireless telecommunication facilities and distributed antenna systems within the public right of way.
- Assisted City Staff on drafting Building Code and Planning Code amendments related to Emergency Shelter Activities and Facilities.
- Reviewed and provided comments on 2019 Mills Act contracts.
- Provided advice to City Staff on several Code Enforcement appeals involving Planning Code violations.
- Provided legal analysis to City Staff on various proposed state housing, transportation, and planning and zoning bills impacting the City of Oakland.
- Reviewed and advised regarding appeals of Impact Fees, including drafting findings and determinations for determinations regarding such appeals.
- Updated administrative guidelines for the City's Food Vending Ordinance (OMC 5.51) to comply with State law.
- Provided legal advice to Building Bureau and Councilmembers related to compliance plans for conversions of warehouses into live/work units and on future amendments to Building Code related to live/work units.
- Reviewed and advised on various Oakland Army Base projects, including Air Quality Plans for tenants at the Oakland Army Base, revised parcel map, close out of the public improvements project, BCDC permitting issues, and proposed projects by California Waste Solutions and CASS on the North Gateway properties.
- Advised on the preparation and implementation of the West Oakland Truck Management Plan and implementation of the AB 617 West Oakland Air Action Plan.
- Advised on application of Public Art Ordinance to unique developments and art proposals.
- Collaborated with stakeholders on implementation of proposals related to healthy development in Oakland.
- Reviewed multiple major encroachment permit resolutions to Council and advised departments regarding proposed changes to habitable space encroachments into public right of way.
- Advised Landmarks and Preservation Advisory Board on several proposed projects within Areas of Primary Importance.

- Advised on various SB 35 issues for projects.
- Revised Standard Conditions of Approval for development projects for CEQA compliance and advised on implementation of such Conditions for various projects.
- Provided legal advice and analysis to Councilmember for proposed modifications to the Condominium Conversion Ordinance (OMC Chapter 16.36).
- Provided substantive advice to Public Works on the issuance of certificates of compliance under the Subdivision Map Act.
- Assisted Planning and Tree Division staff in issuance and implementation of requiring Tree Removal permits in conjunction with development approvals.
- Advised Planning and Building Department Staff on Code Enforcement appeals involving Planning Code violations.
- Worked with the City Administrator's Office to revise its Standard Operating Regulations for implementation of O.M.C. Chapters 5.80 and 5.81 regarding Cannabis applications and approvals.
- Advised Public Works, DOT, the Planning Bureau, and City Administrator's Office on CFD formation for several projects, including the Oak Knoll Project, Brooklyn Basin Project, and the annexation for Port-controlled area into the City's CFD No. 2015-1 at Oakland Army Base.
- Provided substantive review of numerous administrative draft CEQA documents, including the Claremont Hotel, 2401 Broadway, Two Kaiser Plaza, 1433 Webster Street, 1100 Broadway, 295 29th Street, 601 MacArthur, 1750 Broadway, 500 Kirkham, 800 Pine, 6733 Foothill, 914 W. Grand, West Oakland BART parcel application, 401 Alice Street, 98th and San Leandro, and 88 Grand.
- Assisted in review and response to multiple requests for documents under the Public Records Act Drafted counter checklists and Planning Bulletins for Planning Bureau Staff in response to new Federal and State legislation related to Cell Tower processing, Accessory Dwelling Units (ADUs), the Housing Accountability Act, and other state Planning and Zoning laws.
- Advised Planning Bureau staff on various General Plan and Specific Plan matters, such as the proposed update to the General Plan and the new Downtown Oakland Specific Plan, including CEQA review and analysis, legal advice related to General Plan and Planning Code conforming amendments, a proposed Zoning Incentive Program, and the Housing Element Annual Progress Report.

# Special Initiatives & Programs

## OPEN GOVERNMENT PROGRAM

The City Attorney's Open Government Program advises the entire City regarding transparency and accountability in City government. The program provides technical and legal assistance to City departments regarding public records requests. It also advocates and advises regarding compliance and provides trainings about the California Public Records Act, Sunshine Ordinance and Brown Act. The Open Government Coordinator addresses constituent issues and helps facilitate responses to requestors seeking public records and documents. In FY 2018-19, the Open Government Coordinator reviewed, responded to and facilitated hundreds of public records requests involving thousands of pages of documents.

## Conclusion

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

Our faithfulness to accountability and fiscal responsibility, and our commitment to fair, honest, open, non-discriminatory and equitable City practices continue to provide the framework that guides our mission.

## About Barbara J. Parker

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

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

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

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

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

# Contact Information

## **Oakland City Attorney's Office**

1 Frank Ogawa Plaza, 6th Floor, Oakland, CA 94612

**Tel** (510) 238-3601

**Fax** (510) 238-6500

**Email** [info@oaklandcityattorney.org](mailto:info@oaklandcityattorney.org)

**Online** [www.oaklandcityattorney.org](http://www.oaklandcityattorney.org)

