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CITY OF OAKLAND



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Office of the City Attorney
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Acting City Attorney

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June 30, 2011

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Honorable City Council President Reid
Office of the City Council

City of Oakland
One Frank H. Ogawa Plaza, Third Floor
Oakland, CA 94612

Re: Immediate Chances in City Attorney's Plans/Priorities

Dear President Reid:

As we discussed, I am writing to give you and the Council an overview of immediate changes in plans, proposals and priorities for the City Attorney's Office. Please feel free to contact me directly to discuss the following items. As always, I look forward to hearing your and the Council's suggestions and ideas.

Proposals/Priorities for the City Attorney's Office:

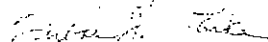
- This Office is prepared to bring in-house the work and advice regarding the medical cannabis cultivation ordinance. The not to exceed amount under outside counsel's contract for its work on the ordinance through the end of this fiscal year is \$65,000. The contract with outside counsel expires at the end of this fiscal year.
- The City Attorney will schedule regular standing meetings with individual Councilmembers, the City Administrator and the Mayor to discuss issues and collaborate and develop creative solutions.
- OCA will work closely with the Council President, Finance Committee Chair and the entire Council, as well as the City Administrator, to address risk management issues in a manner that will reduce potential liability/risks.
- OCA will bring the gang injunction litigation to closed session to provide an update on court rulings and potential next steps.
- OCA will provide a report to Council on all pending litigation – including total costs and potential settlements – on a quarterly basis.

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Honorable City Council President Reid
June 30, 2011
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- OCA will provide a report to Council on cases/matters when outside counsel costs exceed \$50,000, and we will provide an additional report for each \$50,000 increment thereafter.
- OCA will work closely with the Council to explore opportunities for significant impact litigation with the goal of protecting and securing rights of Oakland residents.
- OCA will develop an RFQ for services in practice areas that we use or anticipate using on an ongoing basis.

Very truly yours,


BARBARA J. PARKER
Acting City Attorney

cc: Mayor Jean Quan
City Administrator P. Lamont Ewell
Oakland City Councilmembers

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Oakland, California, Code of Ordinances >> - THE CHARTER OF THE CITY OF OAKLAND >> ARTICLE IV - CITY OFFICERS >>

ARTICLE IV - CITY OFFICERS

Section 400. Designation as Officer. In addition to the Councilmembers and the Mayor, the officers of the City shall be the City Administrator, the City Attorney, the City Clerk, the City Auditor, and such department heads, members of boards or commissions and executive officers of such boards and commissions as may be so designated by ordinance. The City Administrator may be hired by contract, for a term not to exceed four years, but no such contract shall prevent the Mayor from removing the City Administrator from office at any time.

(Amended by: Stats. November 1988, November 1998 and March 2004.)

Section 401(1). City Attorney. The City Attorney shall be nominated and elected in the same manner and at the same election as the Councilmember-at-large. The salary of the elected City Attorney shall be set by the Council, which shall be not less than 70% nor more than 90% of the average salaries of City Attorneys of California cities within the three immediate higher and the three immediate lower cities in population to Oakland, and may not be reduced during the City Attorney's term of office, except as part of a general reduction of salaries of all officers and employees in the same amount or proportion.

(Amended by: Stats. November 1988, November 1998, March 2002 and March 2004.)

Section 401(2). Qualifications, the City Attorney. No person shall be eligible for or continue to hold the Office of City Attorney, either by election or appointment, unless he or she is a citizen of the United States, a qualified elector and resident for at least 30 days of the City or a territory lawfully annexed or consolidated, licensed to practice law in all courts of the State of California and so licensed for at least ten years preceding his or her election. *(Amend by: Stats. November 1988, November 1998 and March 2002.)*

Section 401(3). Term of Office, the City Attorney. The City Attorney shall be elected to a term of four years beginning at 11:00 a.m. on the Monday following January 1 following his or her election.

(Amended by: Stats. November 1988, November 1998 and March 2002.)

Section 401(4). Vacancy; Filling of. Upon the declaration of vacancy in the Office of the City Attorney, the Office of the City Attorney shall be filled by appointment by the majority vote of the members of the Council; provided, that if the Council shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall cause an election to be held to fill such vacancy pursuant to the manner and method as provided for in Article II, Section 205 of the Charter. An appointee or the person elected to the Office of City Attorney for the balance of an unexpired term shall hold office until the next general election for the Office of the City Attorney.

(Amended by: Stats. November 1988, November 1998 and March 2002.)

Section 401(5). Vacancy, What Constitutes. The Office of City Attorney shall be declared vacant by the Council when the person elected or appointed thereto falls to qualify within ten days after his or her term is to begin, dies, resigns, ceases to be a resident of the City or absents himself or herself continuously from the City for a period of more than thirty days without permission from the Council, absents himself or herself from any ten consecutive regular meetings except on account of own illness or when absent from the City by permission of the Council, is convicted of a

felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of his or her office, forfeits his or her office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least six members of the Council after considering competent medical evidence bearing on the physical or mental capability of the City Attorney.

(Amended by: Stats. November 1988, November 1998 and March 2002.)

* Section 401(6). Powers of the City Attorney. The City Attorney shall serve as counsel to the Mayor, City Council, and each and every department of the City, except departments specifically enumerated by this Charter as an independent department of the City, in their official capacities pursuant to state law and the Charter, and as counsel, shall assert and maintain the attorney-client privilege pursuant to state law. He or she shall advise all officers, boards, commissions, and other agencies of the City on legal matters referred to him or her and shall render written legal opinions when the same are requested in writing by the Mayor or a member of the Council or the City Administrator or any other officer, board or commission of the City. He or she shall draft such ordinances, resolutions, contracts and other legal documents as directed by the Council or requested by the Mayor or City Administrator or any official board or commission of the City. He or she shall act as Counsel in behalf of the City or any of its officers, boards, commissions, or other agencies in litigation involving any of them in their official capacity. He or she may, whenever a cause of action exists in favor of the City, commence legal proceedings, subject to ratification by the City Council, when such action is within the knowledge of the City Attorney, or, he or she shall commence legal proceedings when directed by the City Council. He or she shall pass on the form and legality of all contracts of the City before the same are executed. He or she shall not settle or dismiss any litigation brought for the City nor settle any litigation brought against the City which may be under his control unless upon his written recommendation he or she is authorized to do so by the Council. He or she shall administer the office of City Attorney, and shall have the power to appoint, discipline and remove all officers and employees of his or her office subject to the provisions of Article IX of the Charter. The Council may empower the City Attorney, at his or her request and without regard to the provisions of Article IX, to employ special legal counsel; and he or she shall have the power to appoint appraisers, engineers and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter. Upon the City Attorneys recommendation and the approval of the Council, when he or she has a conflict of interest in litigation involving another office of the City in his official capacity, such other officer may retain special legal counsel at City expense.

(Amended by: Stats. November 1988, November 1998, March 2002 and March 2004.)

Section 402. City Clerk. The City Clerk shall be appointed or discharged by the City Administrator subject to confirmation by the Council. He shall be the Clerk of the Council and keep an accurate public record of all ordinances, resolutions and motions, shall have custody of the official seal and all official records committed to his care, make affidavits and administer oaths without charge in matters affecting the business of the City, conduct elections, and perform the other duties of a City Clerk under general law where not inconsistent with this Charter or the ordinances of the City.

(Amended by: Stats. November 1988 and March 2004)

Section 403. City Auditor. The City Auditor shall be nominated and elected in the same manner, for the same term, and at the same election, as the Mayor. To be eligible to the office a person must be a qualified elector of the State of California, and shall be a resident of the City at the time of filing nomination papers and for thirty (30) days immediately preceding the date of filing, and shall be certified by the California State Board of Accountancy as a Certified Public Accountant

or by the Institute of Internal Auditors as a Certified Internal Auditor. The salary of the office shall be set by the Council, which shall be not less than 70% nor more than 90% of the average salaries of City Auditors of California cities within the three immediate higher and the three immediate lower cities in population to Oakland, and may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion. The City Auditor shall have the power and it shall be his or her duty to audit the books, accounts, money and securities of all departments and agencies of the City and such other matters as the Council may request; to report to the Council periodically the results of such audits and to advise and make recommendations to the City Administrator regarding accounting forms design, fiscal and statistical reports and the methods or procedures for maintaining the accounts and accounting system throughout all departments, offices and agencies of the City. The City Auditor shall report to the Council instances of noncompliance with accepted accounting principles where recommendations for compliance have not been implemented by the City Administrator after reasonable time and opportunity. The City Auditor shall conduct surveys, reviews, and audits as the Auditor deems to be in the best public interest or as required by the Council or Mayor. For these purposes the public interest shall include, but not be limited to:

- (1) Reviewing and appraising the soundness, adequacy and application of accounting, functional, and operating controls and reliability and timeliness of accounting and other data generated within the organization.
- (2) Evaluating the city's internal controls to ensure that the City's assets and resources are reasonably safeguarded from fraud, waste, and mismanagement.
- (3) Ascertaining compliance with Council's resolutions and policies and the Mayor's Administrative Instructions and Directives, as well as applicable State and Federal laws and regulations.
- (4) Providing assistance to City Departments to enhance the effectiveness, efficiency and economy of their operations.
- (5) Preparing an impartial financial analysis of all ballot measures, pursuant to the provisions of the Municipal Code.
- (6) Preparing impartial financial analyses of proposed major expenditures prior to the approval of such expenditures. These analyses will be for informational purposes only and will include, but not be limited to, proposals, contracts, ventures, programs and construction projects. The proposed major expenditures selected for these financial analyses will be based on requests from Mayor/Council and/or deemed to be prudently advisable in the objective and professional judgment of the City Auditor.
- (7) Responding to requests for audit and reviews.
- (8) Submitting, at a public meeting of the full City Council, a quarterly report to the Council and public on the extent of implementation of recommendations for corrective actions made in the City Auditor's report.
- (9) The City Auditor shall conduct performance audits of each department as specified in the City budget.

The City Auditor shall be represented in all legal matters by the City Attorney except as provided otherwise in Section 401.

(Amended by: Stats. November 1979, November 1996 and March 2004)

Section 404. Board of Education. (a) The Board of Education shall consist of ten District School Directors. Seven District School Directors shall be nominated and elected by the qualified electors of their respective districts for a term of four years. The elected District School Directors shall be elected at the times and in the manner in this Charter provided for members of the Council

and shall be required to have the same qualifications. The elected School Directors' Districts shall have the same boundaries as the seven Council Districts. Three School District Directors shall be appointed by the Mayor for two-year terms commencing on May 1, 2000. The appointed Directors shall be residents of the City of Oakland and shall have the same powers and duties as elected Directors.

Effective May 1, 2004 (1) the office of appointed Director shall be abolished, (2) the Board of Education shall consist of seven District School Directors, elected in accordance with the provisions of this section 404, and (3) the provisions of this section pertaining to Mayoral appointment of Directors shall be null and void.

The provisions of the Education Code of the State of California shall apply as to matters not provided for in this Charter.

(b) Notwithstanding any other provisions of this section, the respective terms of office of the elected Directors of the Board of Education shall be as follows:

- (1) Directors elected or appointed to serve terms beginning in 1985 shall serve in office until 11:00 a.m. on the Monday following January 1, in 1991.
- (2) Directors elected or appointed to serve terms beginning in 1987 shall serve in office until 11:00 a.m. on the Monday following January 1, in 1993.
- (3) At the 1990 General Municipal Election, District School Director seats in Districts 2, 4, and 6 shall be filled for 4-year terms.
- (4) At the 1992 General Municipal Election, District School Director seats in Districts 1, 3, 5, and 7 shall be filled for 4-year terms thereafter.

Notwithstanding any other provisions of the Education or Elections Code or any other law:

- (1) The three appointed Directors' qualifications shall be determined by the Mayor and may include, but shall not be limited to the following: (i) a Director who is an educator; (ii) a Director who is skilled in financial matters; and (iii) a Director who is a student or a recent graduate of the Oakland Unified School District; and
- (2) Appointed Directors shall serve at the pleasure of the Mayor.

(Amended by: Stats. June 1988, November 1988 and March 2000)

(c) No District School Director of the Board of Education may interfere with the performance by the Superintendent of the District of those duties vested in or delegated to the Superintendent of the District by statute or by act of the Board of Education. Such interference specifically includes any attempt by a District School Director to order, coerce or influence, publicly or privately, any subordinate, official or employee of the District as to any matter within the authority of the Superintendent under statute or as conferred by the Board of Education through its policies, procedures, resolutions, or minutes of meetings. Such interference will constitute official misconduct.

(Added by: Stats. June 1990.)

(d) Violations of California Education Code section 7053 and 35230 and California Government Code section 1090 and 1126(a) will constitute official misconduct.

(Added by: Stats. June 1990.)

(e) Any District School Director who engages in official misconduct as defined in subsections (c) and (d) above may be removed from office, pursuant to Government

Code section 3060, by an accusation presented by the Alameda County Grand Jury
or as otherwise provided by law.

(Added by: Stats. June 1990.)

Section 405. Repealed by: Stats. November 2000.)

Oakland, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.04 - PURCHASING SYSTEM >> Article I - Bidding, Contracting and Purchasing >>

Article I - Bidding, Contracting and Purchasing

2.04.010 - Definitions.

2.04.015 - Scope of the purchasing ordinance.

2.04.016 - Reserved.

2.04.017 - Reserved.

2.04.018 - Pay-go funded purchase of services, goods and materials—Conditions for exemption from Council approval.

2.04.020 - Authority of the City Administrator.

2.04.021 - City Auditor authority.

2.04.030 - City Council approval requirements.

2.04.040 - Contracting procedures.

2.04.045 - Pre-qualification and bid processes for general construction services and the Preferred Small Local Business ("PSLB") program.

2.04.050 - Bid procedure.

2.04.051 - Competitive process and qualification-based awards for professional services contracts.

2.04.060 - Lowest responsible bidder.

2.04.070 - Open market purchase.

2.04.080 - Cooperative purchasing agreements.

2.04.090 - Surplus supplies, purchases.

2.04.100 - Inspection and testing.

2.04.110 - Contract splitting prohibited.

2.04.120 - Surplus supplies and equipment—Disposal or destruction.

2.04.130 - Administrative controls.

2.04.140 - Collusion with bidder—Effect on officer.

2.04.150 - Unauthorized purchases—Exceptions.

2.04.160 - Acceptance, appropriation and expenditures from restricted gift proceeds.

2.04.170 - Affirmative action program for supplies, materials, commodities and equipment.

2.04.180 - Design-build project delivery method.

2.04.190 - Construction manager-at-risk project delivery method.

2.04.010 - Definitions.

The following words and phrases whenever used in this article shall be construed as defined in this section:

"Apprentice" is defined as that term is defined in the Oakland Municipal Code.

"Appropriation Resolution" is defined as a city of Oakland resolution approved by the City Council that includes:

1. A description of the material or service to be obtained under contract;
2. A not-to-exceed contract amount for the material or service;
3. Identification of the funding source for the material or service;
4. An estimated time frame for execution and completion of the contract; and
5. A statement identifying the contract-related program or project as "new" or "previously existing."

"City Administrator" means the City Administrator of the city of Oakland or an officer specifically designated to act for the City Administrator. Authorizations not specified in this article shall be made in writing by the City Administrator and filed with the City Clerk.

"Disadvantaged business enterprise (DBE) is defined as that term is defined in the Oakland Municipal Code.

"Formal bidding, solicitation or proposals/qualifications" means the competitive processes (advertising and bidding or solicitation) required in Sections 2.04.050 (supplies, services or combination) and 2.04.051 (professional services), for the purchase of supplies, services or combination in excess of fifty thousand dollars (\$50,000.00), or for the purchase of professional services in excess of twenty-five thousand dollars (\$25,000.00).

"Informal bidding" means the competitive processes (advertising and bidding or solicitation) required by the City Administrator in a city administrative instruction for the purchase of supplies, services or combination up to and including fifty thousand dollars (\$50,000.00), or for the purchase of professional services up to and including twenty-five thousand dollars (\$25,000.00).

"Local business" means a business firm with fixed offices or distribution points located within city of Oakland boundaries and listed in the permits and license tax paid file with an Oakland business street address.

"Local business enterprise" and "small business enterprise" means a business firm with fixed offices or distribution points located within the city boundaries and as otherwise defined under Oakland's LBE/SLBE construction, procurement and professional services contracting programs.

"Local hire is defined as that term is defined in the Oakland Municipal Code.

"Pay-go funds" are the annual appropriations to the Mayor and each Councilmember to pay for discretionary projects.

"Prevailing wages" is defined as that term is defined in the Oakland Municipal Code.

"Professional services" means services which are of an advisory nature that provide a recommended course of action or personal expertise that will result in a transmittal of information to the city, either verbal or written, related to city administration and management or program

management, innovation and which must be performed by appropriately licensed consultants, architectural or engineering personnel, or which are so technical or complex in nature that such services must be performed by persons possessing unique or special training, education or skills. Notwithstanding the above, this definition shall not include contracts for services between the city and another public entity.

"Local business enterprise" is defined as that term is defined in the Oakland Municipal Code.

"Purchase" means and includes rental or lease of supplies, as well as purchase.

"Services" means and includes labor, professional services, consulting services, or a combination of services and supplies which shall include public works projects.

"Supplies" means and includes supplies, materials, commodities and equipment.

(Ord. 12703 § 1, 2005; Ord. 12634 § 2 (part), 2004; Ord. 12388 § 2, 2001; Ord. 9739 § 1, 1979; Ord. 7937 § 1, 1969)

2.04.015 - Scope of the purchasing ordinance.

The provisions of this chapter shall apply to city contracts for public works projects, public works construction projects, procurements and purchases (as defined in Section 2.04.010), and to services including, but not limited to, contracts for services that are professional, technical or scientific in nature as well as contracts for any other services. However, this chapter has not applied to and shall not apply to agreements for grants awards given by the City of Oakland to support nonprofit and similar organizations providing service programs to the public at large, nor shall it apply to pay-go grants to non-City entities which are governed by Chapter 2.07.

(Ord. No. 13051, § 3, 1-18-2011; Ord. 12388 § 3, 2001)

2.04.016 - Reserved.

Editor's note—

Ord. No. 13051, § 1, passed January 18, 2011, amended the Code by renumbering former Section 2.04.016 as a new Section 2.07.020.

2.04.017 - Reserved.

Editor's note—

Ord. No. 13051, § 1, passed January 18, 2011, amended the Code by renumbering former Section 2.04.016 as a new Section 2.07.020.

2.04.018 - Pay-go funded purchase of services, goods and materials—Conditions for exemption from Council approval.

- A. The City Administrator is authorized to purchase services (professional or otherwise), goods, materials or equipment for capital improvement projects, in any amount, designated by the Mayor or individual Councilmembers from their respective balances in the City's pay-go fund account without review or action by the City Council subject to each of the following requirements:
 - 1. Such purchases may be made only for the purposes permitted by the funding source(s) of the pay-go account;
 - 2. Such purchases shall be paid for only with pay-go funds or by a combination of pay-go and private funds, such as funds raised by community groups or individuals for a park or other community project; and
 - 3. Such purchases shall be subject to all City of Oakland contracting laws, programs and policies such as, but not limited to, living wage, prevailing wages, equal benefits, local and small local business enterprise and nondiscrimination or City Council waiver by resolution shall be obtained as necessary by each of these programs or policies.
- B. City Administrator Must Maintain Separate Record of Pay-Go Purchases and Make Annual Report to City Council Identifying Prior Fiscal Year's Purchases. The City Administrator shall maintain a separate record of pay-go purchases including the name of the person who designated the purchase, the amount of the purchase, the purpose of the purchase, and the name, address and any other information sufficient to identify the consultant, contractor or vendor. No later than October of each year, the City Administrator shall provide an informational report to the City Council's Finance Committee and to the City Council regarding pay-go purchases that were made during the prior fiscal year.

(Ord. 12703 § 2, 2005)

2.04.020 - Authority of the City Administrator.

- A. City Administrator's Purchase Authority. Except as provided in Section 2.04.020 B, the City Administrator shall have authority to bind the City by written contract or purchase order without previous specific action of the Council as follows:
 - 1. Supplies, Services or a Combination. Purchases up to one hundred thousand dollars (\$100,000.00) in any single transaction or term agreement; and
 - 2. Professional Services. Purchases up to one hundred thousand dollars (\$100,000.00) in any single transaction or term agreement.
- B. Limits for Nonbudget Identified, Redevelopment Agency Funded, Affordable Housing, Voter-Approved Measure Funded and Technological, Computer-Related Purchases or Contracts. The City Administrator's contract authority is subject to lower limits for certain types of purchases or contracts.
 - 1. Purchases or Contracts Subject to Lower Limits:
 - a. Purchases or contracts related to programs or projects that have not been previously identified in:
 - i. The current, approved CIP budget,
 - ii. The approved operating budget; or
 - b. Purchases or contracts for services or supplies related to affordable housing projects;
 - c. Purchases or contracts that are or will be funded, directly or indirectly, by the Redevelopment Agency;
 - d. Purchases or contracts that are or will be funded, directly or indirectly, by funds generated by a voter-approved measure; or

- e. Purchases or contracts for any technological, computer or computerized system services, software, equipment, hardware or products.
- 2. Purchase Limits. The City Administrator is authorized to bind the City by written contract or purchase order for the types of purchases or contracts identified above without previous specific action of the Council as follows:
 - a. Supplies, Services or a Combination. Purchases up to fifty thousand dollars (\$50,000.00) in any single transaction or term agreement;
 - b. Professional Services. Purchases up to fifteen thousand dollars (\$15,000.00) in any single transaction or term agreement.
- 3. Appropriation Resolution. Notwithstanding the limits in this section, any purchase or contract identified in a Council-approved Appropriation Resolution is subject to the City Administrator's limits in Section 2.04.020.A.
- C. Advertising and Bidding or Solicitation. The City Administrator shall conduct competitive solicitation processes required in this chapter (Section 2.04.040.B) for all purchases or contracts within City Administrator authority.
- D. Reports. The City Administrator shall present the following reports to the City Council on an annual basis:
 - 1. Redevelopment Agency-Funded Contracts. A prospective report listing all contracts anticipated within the next year to be directly or indirectly paid from Redevelopment Agency funds.
 - 2. General Report. A report listing all purchases and contracts authorized by the City Administrator, or the City Administrator designee, within the City Administrator's contract authority during the prior year.
- E. Findings Required for Service Contracts. The City Administrator shall make determinations required by Oakland Charter Section 902(e) for service contracts as follows:
 - 1. Professional Services Contracts. Contracts for professional services shall be of a professional, scientific or technical and temporary nature.
 - 2. Council Approval for Other Service-Only Contracts. The City Administrator shall submit all other service-only contracts to the Council for approval. Such contracts shall be in the public interest because of economy or better performance and must obtain a vote of two-thirds of the members of the Council.
 - 3. Loss of Employment or Salary. Contracts for professional services or service-only shall not result in the loss of employment or salary by any person having permanent status in the competitive service.
- F. Local Vendor Preferences. The City Administrator is authorized in the evaluation of all sealed, faxed and telephone bids for the purchase of supplies, to extend a two and one half percent preference to local business enterprises and an additional two and one half percent preference to small local business enterprises in award of all purchase orders.
The City Administrator shall semiannually prepare and submit to the City Council a report on participation by local and small local business enterprises in City contracts for the prior year
- G. Emergency Supply and Services Procurement. In a situation deemed by the City Administrator to be an emergency for the immediate preservation of the public peace, health or safety, the City Administrator may authorize a contract or purchase order exceeding the City Administrator's non-emergency purchase authority in any one transaction, without advertising or previous specific action by the City Council, for the purchase of supplies or payment for services, or a combination thereof, to be furnished to the City. All emergency contracts awarded by the City Administrator shall be presented for informational purposes to the City Council within a reasonable time of contract execution.
- H. Emergency Professional Services and Consultant Agreements. In a situation deemed by the City Administrator to be an emergency for the immediate preservation of the public peace, health or safety, the City Administrator may authorize a contract exceeding the City Administrator's non-emergency purchase authority in any one transaction, without previous specific action by the City Council, for the payment for services, or a combination thereof, to be furnished to the City. All emergency contracts awarded by the City Administrator shall be presented for informational purposes to the City Council within a reasonable time of contract execution.
- I. City Administrator Authority During City Council Annual Recess. Notwithstanding the provisions of subsections A and B of this section, during the month of August through the first City Council meeting in September, known as the annual recess of the City Council, as provided for in the City Council's Rules of Procedures, the City Administrator shall be authorized: (1) to bind the City, by written contract or purchase order, involving an expenditure not exceeding five hundred thousand dollars (\$500,000.00), without previous specific action by the City Council, for the purchase of supplies or payment for services, or a combination thereof, to be furnished to the City, subject to the availability of funds and procedures set forth in this article, including competitive bidding, and (2) to bind the City, by written contract, involving an expenditure not exceeding three hundred thousand dollars (\$300,000.00) in any one transaction, subject to the availability of funds for the payment for professional services and consultant services furnished to the City and procedures set forth in this article, without previous specific action of the City Council. Contracts for professional services, supplies, services or combination that are in excess of the City Administrator's authority shall be subject to the City Council's recess agenda process and shall be presented to the City Council for ratification upon return from its annual recess.
- J. Apprentice Hiring and Local Hire. The City Administrator is authorized in evaluation of all sealed, faxed and telephoned bids for public works projects to require contractors to comply with the City's apprentice hire and programs as set forth in this code.
- K. Living Wage. The City Administrator is authorized in evaluation of all sealed, faxed and telephoned bid and/or proposals for services to require contractors or consultants to comply with the City's living wage ordinance, as set forth under Chapter 2.28 of this code.
- L. Prevailing Wage. The City Administrator is authorized in evaluation of all sealed, faxed and telephoned bids and/or proposals for public works projects to require bidders/contractors to pay prevailing wages as required under this code.
- M. Oakland Specifications for Public Works Construction ("Greenbook"): The City Administrator is authorized in evaluation of all sealed, faxed and telephoned bid and/or proposals for public works construction to require bidders/contractors to comply with and perform construction in accord with the Oakland Specifications for Public Works Construction ("Greenbook"), as set forth in this code. Notwithstanding the above, nothing herein is intended to limit authority of the City Council to modify the specifications for public works construction by legislative action on a case-by-case basis.
- N. Local Business Contracting Programs. The City Administrator is authorized in the evaluation of all sealed, faxed and telephoned bids for public works projects, for the purchase of supplies and in evaluation of proposals for professional services contracts, to require contractors to comply with, and to extend the benefits of, Oakland's LBE/SLBE construction, procurement and professional services contracting programs, as set forth in this code.
- O. Equal Benefits Program. The City Administrator is authorized in the evaluation of all sealed, faxed and telephoned bids and/or proposals for services to require contractors or consultants to comply with the City's Equal Benefits Program requirements.

(Ord. No. 12976, § 1, 11-3-2009; Ord. 12634 § 1 (part), 2004; Ord. 12388 § 4, 2001; Ord. 12071 § 1, 1998; Ord. 11724 § 1, 1994; Ord. 10447 § 1, 1984; Ord. 10066 § 3, 1981; Ord. 9739 §§ 2, 3 (part), 1979; Ord. 7937 § 2, 1969)

2.04.021 - City Auditor authority.

- A. City Auditor Purchase Authority. The City Auditor shall have the authority to bind the City by written contract in any amount without previous specific action of the Council or City Administrator to obtain professional, technical or scientific services needed to audit the books, accounts, money and securities of all departments and agencies of the City and such other matters as the Council may request; to report to the Council periodically the results of such audits and to advise and make recommendations to the City Administrator regarding accounting forms design, fiscal and statistical reports and the methods or procedures for maintaining the accounts and accounting system throughout all departments, offices and agencies of the City; to report to the Council instances of noncompliance with accepted accounting principles where the recommendations for compliance have not been implemented by the City Administrator after reasonable time and opportunity; and to conduct surveys, reviews, and audits as the Auditor deems to be in the best public interest or as required by the Council or Mayor as specified in Oakland Charter Article IV, Section 403.
- B. City Auditor Contracts Subject to Council Appropriation of Contract Funds. All contracts authorized by the City Auditor pursuant to this section shall be subject to the prior or concurrent appropriation and allocation of funds by the City Council in (1) the current two-year or mid-cycle adjusted budget for the City Auditor, including any budget adjustments allowed, or (2) an appropriation resolution as defined in section 2.04.010 above, or (3) a funding resolution specific to a particular contract(s).
- C. Reports. The City Auditor shall present to the City Council, on an annual basis, a report listing all professional services contracts authorized by the City Auditor during the prior year.
- D. Compliance with Competitive Process, Personnel Findings, Purchasing Programs and Other Purchasing Requirements. With the exception of the contract authority granted under this section, all contracts entered into by the City Auditor pursuant to this section are subject to the competitive processes required under sections 2.04.050 and 2.04.051, below, and the personnel findings, purchasing programs and other purchasing requirements set forth or referenced in the remainder of this chapter.

(Ord. 12820 § 1, 2007)

2.04.030 - City Council approval requirements.

- A. Council Award of Purchases or Contracts in Excess of City Administrator's Authority. The Council shall award any purchase orders or contracts in excess of the City Administrator's authority as follows:
 1. City Council Authority. Except for purchases subject to limits in Section 2.04.030.A(2), the Council shall award all contracts in the following amounts:
 - a. Supplies, Services or Combination. Purchases in excess of one hundred thousand dollars (\$100,000.00) in any single transaction or term agreement; and
 - b. Professional Services. Purchases in excess of one hundred thousand dollars (\$100,000.00) in any single transaction or term agreement.
 2. Nonbudget Identified, Redevelopment Agency Funded, Affordable Housing, Voter-Approved Measure Funded and Technological, Computer-Related Purchases or Contracts. The Council shall award all contracts in excess of the City Administrator's limits as follows:
 - a. Supplies, Services or Combination. Purchases in excess of fifty thousand dollars (\$50,000.00) in any single transaction or term agreement;
 - b. Professional Services. Purchases in excess of fifteen thousand dollars (\$15,000.00) in any single transaction or term agreement;
 - c. Appropriation Resolution. Notwithstanding the limits in this section, any purchase or contract identified in a Council-approved Appropriation Resolution is subject to the City Administrator's limits in 2.04.020.A.
- B. Validity of Contracts. Legislative actions of the Council awarding any contract shall not constitute a contract. No contract shall be binding or of any force or effect until signed by the City Administrator. The City Administrator's signature shall constitute certification that there remains unexpended and unapplied balances of the appropriations or funds sufficient to pay the estimated expense of executing the contract.
- C. Contract Extensions, Renewals, Amendments. The requirements for City Council approval specified in Section 2.04.030 shall apply to all expenditures, extensions, amendments or renewals of an existing or expired contract or term agreement whenever aggregated expenditures under the original contract or term agreement, or extensions, renewals or amendments that exceed: (1) the City Administrator's contract approval limit, or (2) the total contract amount approved by Council in a City resolution.

(Ord. No. 12976, § 1, 11-3-2009; Ord. 12634 § 1 (part), 2004; Ord. 11724 § 2, 1994; Ord. 10066 § 2 (part), 1981; Ord. 9739 § 3 (part), 1979; Ord. 7937 § 3, 1969)

2.04.040 - Contracting procedures.

- A. Contracts Subject to Council Appropriation and Allocation of Program or Contract Funds. All contracts authorized by the Council or City Administrator shall be subject to the prior appropriation and allocation of funds by the City Council for the City programs, activities, functions or operations, which the purchase of any supplies, professional or other services or combination are intended to support.
- B. Limits for Informal and Formal Solicitation Procedures and Exemptions:
 1. Solicitation of Qualifications and Bids and Proposals for Pre-Qualified Contractors. Pre-qualification activities for the preferred small local business (PSLB) pre-construction and construction programs are exempt from the advertising and/or formal bidding/request for proposal requirements of this section, and are instead subject to the requirements set forth in Subsections 2.04.045 B. and 2.04.051 C. for solicitation of qualifications and bids or proposals.
 2. Informal Advertising and Bidding. Informal advertising and bidding procedures established by the City Administrator are required for purchase orders or contracts for supplies, services or combination involving expenditures between \$500.00 and \$50,000.01 in any single transaction or term agreement;
 3. Formal Advertising and Bidding. Formal advertising and bidding, described in Section 2.04.050, is required for purchase orders or contracts for supplies, services or combination involving expenditures in excess of \$50,000.00 in any one transaction or term agreement.
 - 4.

- (S)* Informal RFP/RFQ Process. Informal advertising and solicitation of proposals/qualifications is required for professional services contracts involving expenditures of \$25,000.00 or less;
5. Formal RFP/RFQ Process. Formal advertising and solicitation of proposals/qualifications described in Section 2.04.051 is required for professional services contracts involving expenditures of more than \$25,000.00.
- C. Purchase Orders, Contract Format, Petty Cash.
1. Purchase orders shall be used for all purchases of supplies, services or combination of professional services in excess of five hundred dollars (\$500.00). The purchase order shall incorporate by reference all relevant agreements, including but not limited to the City of Oakland Professional Services Agreement, negotiated agreements, vendor agreements and exhibits, attachments, addendums and other supporting documents that, together, constitute the entire agreement.
 2. All purchases and contracts for supplies, services or combination of professional services in excess of five hundred dollars (\$500.00) shall be in writing, in a format approved by the City Attorney.
 3. The City Administrator shall institute control procedures for petty cash funds without prior use of purchase orders or contracts.
- D. Miscellaneous Procedures.
1. Notwithstanding the above, nothing shall preclude the City Administrator from placing any purchase, procurement or contract within the City Administrator's approval limit on the City Council agenda for discussion or approval.
 2. The City Administrator shall institute informal contacting procedures for the purchase of supplies, services or combination.
 3. The City Administrator shall institute informal and formal contracting procedures for the purchase of professional services.
 4. The City Administrator shall maintain a centralized list of all contracts executed by the City Administrator, or the City Administrator's designees, within the City Administrator's authorization limit, for the prior year.
 5. Pursuant to the City Charter, the City Attorney will draft standardized contract terms and conditions and standardized contracts for professional services, purchasing, procurement and for supplies, services or combination.
 6. Pursuant to the City Charter, the City Attorney will approve the form and legality of all contracts before their execution.

(Ord. No. 13102, § 1, 12-20-2011; Ord. 12634 § 1 (part), 2004; Ord. 9739 § 3 (part), 1979; Ord. 7937 § 4, 1969)

2.04.045 - Pre-qualification and bid processes for general construction services and the Preferred Small Local Business ("PSLB") program.

- A. Optional Prequalification for Construction Work over \$250,000.00. The City may, in its discretion and when deemed by the City Administrator to be in the best interests of the City, establish a list of pre-qualified businesses to perform as-needed and specified construction work in excess of \$250,000.00 ("large projects").
1. When deemed by the City Administrator to be in the best interests of the City, the City will advertise a request for qualifications for licensed construction services in accord with Subsection 2.04.050 A., below, to perform as-needed or specified construction work exceeding \$250,000.00.
 2. When a pre-qualified list is established for large projects, the City may limit solicitations for bids for such work to three or more business on the pre-qualified list.
 3. Contracts awarded through a pre-qualified process are subject to the City's insurance, bond, labor and all social equity policies such as, but not limited to, payment of prevailing wages, local and small local business participation and local hire.
- B. Mandatory Preferred Small Local Business Program (MPSLB)—Pre-Qualification for Construction Work Under \$250,000.00. The City will establish a list of pre-qualified businesses to perform as-needed and specified construction work less than \$250,000.00 ("small projects").
1. The City will solicit qualifications solely from Oakland certified small, local business enterprises in order to establish a MPSLB pre-qualified list of small local businesses to perform small project construction contracts.
 2. When a pre-qualified list is established the City will limit solicitations for bids for such work to three or more business on the MPSLB pre-qualified list.
 3. Reserved.
 4. MPSLB contracts are exempt from the requirements of Oakland's Local and Small Local Business Enterprise (L/SLBE) program for construction contracts.
 5. With the exception of the L/SLBE program, MPSLB contracts are subject to insurance, bond, labor and social equity policies such as, but not limited to, payment of prevailing wages and local hire.
 6. Circumstance for Open Market Solicitation. The City Administrator may solicit bids on the open market, without advertising, when all responsive bids exceed the engineer's estimate.
- C. Award of Construction Contracts. Contracts awarded through a pre-qualification process shall be awarded to the lowest responsible, responsive bidder.
- D. Construction contracts awarded through a pre-qualification process exceeding \$100,000.00 are subject to Council approval in accord with Section 2.04.030, above.
- E. Removal From Pre-Qualified List. Businesses that lose necessary qualifications to perform the work, including, but not limited to, licenses or insurance, or that become disqualified or debarred, shall be removed from the pre-qualified list.

(Ord. No. 13102, § 1, 12-20-2011)

2.04.050 - Bid procedure.

- (S)* A. When Advertising Required. Where the cost of services, supplies or combination required by the city exceeds fifty thousand dollars (\$50,000.00), the City Clerk shall call for formal bids by advertising at least once in the official newspaper of city not less than ten calendar days before the date for receiving bids. The City Administrator may deem it advisable to require more than one advertising of the call for bids. Notwithstanding the foregoing, the requirements of this section shall not apply to the mandatory preferred small local business (MPSLB) pre-qualification program in Subsection 2.04.045 B., above, for construction services.
- B. Bid Security. Whenever the city calls for bids for services and whenever the City Administrator deems it advisable in calls for bid supplies, each bidder shall be required to submit with the bid as bid security either cash, certified check or a cashier's check of or on some responsible

bank in the United States, in favor of and payable at sight to the city, in an amount not less than ten percent of the aggregate amount of the bid.

Alternatively, any bid may be accompanied by a surety bond as follows:

1. For contract bids of five hundred thousand dollars (\$500,000.00) or less, the surety bond must be furnished by a United States nonadmitted corporate surety that has an A.M. best rating A-, at minimum, guaranteeing to the city that the bidder will enter into the contract and file the required bonds within the period;
2. For contract bids over five hundred thousand dollars and one cent (\$500,000.01) and less than one million dollars (\$1,000,000.00), the surety bond must be furnished by a United States nonadmitted corporate surety that has an A.M. best rating of A+, at minimum;
3. For contract bids over one million dollars (\$1,000,000.00) and less than five million dollars (\$5,000,000.00), the surety bond must, at minimum, be furnished by a United States nonadmitted corporate surety that appears on the Treasury List subject to the bonding limits which the Treasury List imposes on such surety;
4. For contract bids in excess of five million dollars (\$5,000,000.00), the surety bond must be furnished by a corporate surety admitted in the state of California or Lloyds of London; and
5. Prospective bidders may file annual surety bonds covering all bids to be made by such bidder during a calendar year with approval of the City Administrator.

If the bidder to whom the contract is awarded shall, for twenty (20) calendar days after receipt of the contract, fail or neglect to enter into the contract and file the required bonds, the bid security or bid surety bond shall be forfeited. The City Administrator shall draw the money due on such bid security or bid surety bond and pay the same or any cash deposited into the City Treasury, and under no circumstances shall it be returned to the defaulting bidder.

- C. Multiple Bids. No person, firm or corporation shall be allowed to make or file or be interested in more than one bid for the same supplies, services or both.
- D. Bid Forms. All bids shall be made upon forms to be prepared by city and furnished upon application. All bids shall be clearly written without any erasure or interlineations.
- E. Opening of Bids and Awards. All bids submitted under this section shall be sealed, identified as bids on the envelope and submitted to the City Clerk at the place and time specified in the public notice inviting bids. Bids shall be opened by the City Administrator or the City Administrator's designated representative, in public, at the time and place designated in the notice inviting bids. Bids received after the specified time shall not be accepted and shall be returned to the bidder, unopened. The contract shall be let to the lowest responsible bidder, as defined herein and taking into account current bid discounts and/or preference points awarded under Oakland's social equity programs, by the City Council at any time not exceeding 60 calendar days after bid opening. The City Council may reject any and all bids and waive informalities or minor irregularities in the bids.
- In the bid for Public Works Construction Projects, the City Administrator may deem it advisable to delay the submission of a list of subcontractors to be on the project. Such list shall be sealed, identified as a subcontractor list on the envelope and submitted to the City Clerk at the place and time specified in the public notice inviting bids.
- F. Disposition of Bid Security. All bid securities and bid bonds shall be returned to the unsuccessful bidders after award of the contract. The bid security and bid bond of the successful bidder shall be returned after execution of the contract and deposit of the necessary bonds.
- G. Approval of Faithful Performance and Labor and Materials Bonds—Waiver. Faithful performance and labor and material bonds in an amount equal to at least fifty (50) percent of the contract price shall be required by city specifications of contracts for services and shall be approved as to form by the City Attorney. Whenever the City Administrator deems it advisable in the purchase of supplies, City Administrator may require the furnishing of a faithful performance bond in an amount equal to at least twenty-five (25) percent of the contract price; that bond shall be approved as to form by the City Attorney.
- H. Time of Completion. The contract shall specify the time within which the work shall begin and when it shall be completed according to specifications. The City Administrator may extend time for acts of the city, acts of God, weather or strikes, or other circumstances over which the contractor has no control. The Council may extend the time; but in no event shall the time for the performance of any contract be extended more than ninety (90) days in addition to extensions as authorized by the City Administrator, except by a two-thirds vote of the Council.

In case of failure on the part of the contractor to complete the contract within the time specified in the contract or within the extension of the time as provided, the contract may be terminated and the contractor shall not be paid or allowed any further compensation for any work done under the contract, and the City Administrator may proceed to complete such contract either by reletting or otherwise, and the contractor and contractor's surety shall be liable to the city for all loss or damage that the city may suffer because contractor fails to complete the contract on time.

- I. Exceptions to Competitive Bidding. Upon a finding in each instance by the City Council that any of the following conditions exist, the provisions of this section shall not apply:
1. To contracts involving professional or specialized services such as, but not limited to, services rendered by architects, engineers and other specialized professional consultants;
 2. When calling for bids on a competitive basis is impracticable, unavailing or impossible;
 3. Placement of insurance coverage;
 4. When public work is performed by the city with its own employees;
 5. In other cases when specifically authorized by the City Council after a finding and determination that it is in the best interests of the city.
- J. No Bids. If no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market.

(Ord. No 13102, § 1, 12-20-2011; Ord. 12634 § 1 (part), 2004; Ord. 11724 § 3, 1994; Ord. 11297, 1991; Ord. 10066 §§ 1, 2 (part), 1981; Ord. 9739 § 3 (part), 1979; Ord. 7937 § 5, 1969)

2.04.051 - Competitive process and qualification-based awards for professional services contracts.

- A. Request for Qualifications or Proposal for Professional Services Contracts in Excess of Twenty-Five Thousand Dollars (\$25,000.00). The City Administrator, or the City Administrator's designee, shall conduct a request for proposal ("RFP") or request for qualifications ("RFQ") process

for the award of contracts that exceed twenty-five thousand dollars (\$25,000.00) and are exempt from bidding under Section 2.04.050.1.1. The city's RFP and RFQ processes shall be set forth in a City Administrator's administrative instruction. The RFP or RFQ requirement applies, but is not limited to, contracts for professional, technical or specialized services. The selection and award of contracts for professional services shall be based on demonstrated competence and qualifications for the types of services to be performed, at fair and reasonable prices to the city, but shall also take into account preference points awarded under Oakland's social equity policies and compliance with applicable Oakland's purchasing policies such as living wage and equal benefits.

- B. Waiver. Upon a finding by the City Council or its designee that it is in the best interests of the city, the City Council may waive the requirement for an RFP or RFQ process.
- C. Pre-Qualification for Pre-Construction and Other Professional Services Work Under \$250,000.00—Mandatory and Optional Preferred Small Local Business Programs (MPSLB and OPSLB).
1. Mandatory Preferred Small Local Business (MPSLB) Program for Pre-Construction Services. The City shall establish a list of pre-qualified businesses to perform as-needed and specified pre-construction work, such as architectural and engineering work, less than \$250,000.00 ("small projects"). The City shall solicit qualifications solely from Oakland certified small, local business enterprises to establish the pre-qualified business list for MPSLB professional pre-construction services.
 2. Optional Preferred Small Local Business (OPSLB) Program for Other Professional Services (Pre-Construction Services Excluded). The City may, in its discretion and when deemed by the City Administrator to be in the best interests of the City, establish a list of pre-qualified Oakland certified small local businesses to perform as-needed or specified professional services (pre-construction excluded) under \$250,000.00 ("small projects"). When authorized by the City Administrator, the City shall solicit qualifications solely from Oakland certified small, local business enterprises to establish a pre-qualified business list for OPSLB professional (non-pre-construction) services.
 3. When a pre-qualified list is established for small projects, the City will limit solicitations for proposals for such work to three or more businesses on the MPSLB or OPSLB pre-qualified lists.
 4. MPSLB and OPSLB contracts are exempt from the requirements of Oakland's Local and Small Local Business Enterprise (L/SLBE) program for professional services.
 5. With the exception of the L/SLBE program, MPSLB and OPSLB contracts are subject to insurance and social equity policies such as, but not limited to, living wages and equal benefits.
 6. Circumstance for Open Market Solicitation. The City Administrator may solicit proposals on the open market, without advertising, if less than three proposals are submitted by MPSLB or OPSLB pre-qualified businesses.
 7. MPSLB or OPSLB contracts exceeding \$100,000.00 are subject to Council approval in accord with Section 2.04.030, above.
 8. Removal From Pre-Qualified List. Businesses that lose necessary qualifications to perform the work, including, but not limited to, licenses or insurance, or that become disqualified or debarred, shall be removed from the MPSLB or OPSLB pre-qualified list.

(Ord. No. 13102, § 1, 12-20-2011; Ord. 12634 § 1 (part), 2004)

2.04.060 - Lowest responsible bidder.

In addition to price, in determining the lowest responsible bidder, consideration shall be given to:

- A. The quality and performance of the supplies to be purchased or services to be provided by the seller;
 - B. The ability, capacity and skill of the bidder to perform the contract or provide the supplies or services required;
 - C. The ability of the bidder to provide the supplies or services promptly, or within the time specified, without delay;
 - D. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - E. The quality of bidder's performance on previous purchases by, or contracts with, the city;
 - F. The ability of the bidder to provide future maintenance, repair parts and services for the use of the supplies purchased;
 - G. As permitted by law, a certified bidder's affirmative action hiring plan to be submitted with all sealed bids for supplies and commodities over five thousand dollars (\$5,000.00).
1. To be considered responsible and as permitted by law, bidder shall submit certification that bidder is in compliance with all provisions of Executive Order No. 11246 (as amended by Executive Order No. 11375), and
 2. To be considered responsible and as permitted by law, the bidder must have a current work force racially and ethnically proportionate to the population parity for the area from which bidder's work force is drawn (national, state, or local), must comply with subsection (G)(1) of this section, or must have an affirmative action plan to achieve population parity for the area in which they do business. The plan should include all aspects of employment recruiting, hiring, promotions, and layoff.

(Ord. 12634 § 1 (part), 2004; Ord. 9739 § 4, 1979; Ord. 7937 § 6, 1969)

2.04.070 - Open market purchase.

Except as otherwise provided by this chapter or unless otherwise directed by the City Administrator, all purchases of supplies or services involving an expenditure of city funds in an amount not exceeding fifteen thousand dollars (\$15,000.00) shall be purchased, when feasible and when in the best interest of the city, in the open market by written quotation or telephone solicitation, without newspaper advertisement and without observing the procedure prescribed for the award of formal bid purchases.

The procedure for such open-market purchases shall be as specified in control procedures to be established by the City Administrator.

(Ord. 12634 § 1 (part), 2004; Ord. 9739 § 3 (part), 1979; Ord. 7937 § 7, 1969)

2.04.080 - Cooperative purchasing agreements.

Where advantageous for the city, the City Administrator may purchase supplies or services as defined in Section 2.04.010, through legal contracts of other governmental jurisdictions or public agencies without further contracting, solicitation, or formal bidding.

(Ord. 12634 § 1 (part), 2004; Ord. 9739 § 5, 1979; Ord. 7937 § 6, 1969)

2.04.090 - Surplus supplies, purchases.

When it is advantageous to the city, the City Administrator may direct the purchase of surplus supplies from the United States Government, or any agency thereof, or from the state of California, or any agency thereof, or any public body, without compliance with open market purchase provisions, formal bidding requirements or entering into a formal contract.

(Ord. 12634 § 1 (part), 2004; Ord. 7937 § 9, 1969)

2.04.100 - Inspection and testing.

The receiving department shall inspect supplies delivered and services performed to determine their conformity with the specifications set forth in the purchase order or contract and shall report any deficiencies to the City Administrator or officer authorized by the City Administrator. The city may require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

(Ord. 12634 § 1 (part), 2004; Ord. 7937 § 10, 1969)

2.04.110 - Contract splitting prohibited.

- A. It is unlawful to split or separate into smaller work orders, projects, purchase orders or contracts or any public work project for the purpose of evading the provisions of this article.
- B. Splitting or separating a transaction means reducing the amount of any supply or service to be furnished to the city when there is a reasonable knowledge that the same supply or service will be additionally required within the same budgetary term, when there are funds available for the project or purchase and the sole purpose is to knowingly avoid the formal calling of bids. When it is to the benefit of the city to split or separate a transaction, the proposed splitting or separation shall be referred to the City Council for its determination in accordance with Section 2.04.050.I.

(Ord. 12634 § 1 (part); 2004; Ord. 7937 § 11, 1969)

2.04.120 - Surplus supplies and equipment—Disposal or destruction.

- A. Authority of Purchasing Supervisor. All using departments shall submit to the Purchasing Supervisor, at such times and in such form as Purchasing Supervisor shall prescribe, reports showing all supplies that are no longer used or that have become obsolete or worn out. The Purchasing Supervisor shall have authority to sell at public auction after advertising for one day in the official newspaper of city all supplies that cannot be used by any department or that have become unsuitable for city use, or to exchange or trade in the same for new supplies. However, the sales of such supplies may be made to other public bodies at the fair market value.
- B. Authority of City Administrator. Except as otherwise prohibited by law, the City Administrator may authorize the abandonment, destruction or donation to public bodies, charitable, civic or nonprofit organizations, of city property which has no commercial value or of which the estimated cost of continued care, handling, maintenance or storage would exceed the estimated proceeds of sale. Such determination shall be made in writing and countersigned by the Director of Finance and Management and City Administrator.
- C. Donation of Property. Except as otherwise prohibited by law, the donation to public bodies, charitable or nonprofit civic organizations, of surplus supplies or any other surplus property owned by the city (excluding real property) that has a value exceeding its continued care, handling, maintenance or storage, may be authorized only by resolution or ordinance of the City Council upon a finding by the City Council that such property is surplus to city needs and that the donation is in the best interests of the city.
- D. Sale of Property. Sale by means other than public auction of surplus supplies or any other surplus property owned by the city (excluding real property) may be authorized only by resolution or ordinance of this City Council upon a finding by the City Council that such sale is in the best interests of the city. However, such sales shall be authorized only at or above the fair market value of the property as determined by the City Administrator.

(Ord. 12634 § 1 (part), 2004; Ord. 10066 § 2 (part), 1981; Ord. 9739 § 6, 1979; Ord. 8611 §§ 1, 2, 1972; Ord. 7937 § 12, 1969)

2.04.130 - Administrative controls.

The City Administrator shall prepare administrative directives and controls sufficient to carry out the intent of this article.

(Ord. 12634 § 1 (part), 2004; Ord. 7937 § 13, 1969)

2.04.140 - Collusion with bidder—Effect on officer.

Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment.

(Ord. 12634 § 1 (part), 2004; Ord. 7937 § 14, 1969)

2.04.150 - Unauthorized purchases—Exceptions.

It is unlawful for any officer or employee to purchase or contract for supplies or services for the city other than as hereinafter prescribed, excepting purchases made from petty cash, emergency purchases or other purchases conforming to control procedures established by the City Administrator. Any purchases, contracts or obligations to pay made contrary to the provisions of this article shall be null and void.

(Ord. 12634 § 1 (part), 2004; Ord. 7937 § 15, 1969)

2.04.160 - Acceptance, appropriation and expenditures from restricted gift proceeds.

Notwithstanding any other provision of this article, the City Administrator is delegated limited authority to accept restricted gifts and donations to the city up to fifty thousand dollars (\$50,000.00), including money gifts, and to appropriate and expend monies derived from such gifts/donations, without City Council action, provided that: (1) the gift/donation does not create unbudgeted costs for the city, (2) the gift/donation is for a program or project that has been approved by the Council in the biennial or mid-cycle operating or Capital Improvement Program (CIP) budget, or by City Council legislation during the fiscal year, and 3) the gift/donations or proceeds therefrom are used in accord with restrictions and/or special conditions of the donor.

Notwithstanding the above, the City Administrator is authorized to expend monies derived from restricted gifts/donations that exceed fifty thousand dollars (\$50,000.00) without City Council action when the gift has been approved, accepted and appropriated by City Council resolution provided such expenditure is in accord with any restrictions or special conditions of donor

All funds accepted hereunder shall be deposited into the City Treasury. The City Administrator will provide an annual report to Council on all gifts and donations accepted hereunder during the previous year.

(Ord. 12731 § 1, 2006; Ord. 12634 § 1 (part), 2004; Ord. 8884 § 1, 1973)

2.04.170 - Affirmative action program for supplies, materials, commodities and equipment.

- A. To the extent permitted by law, the Purchasing Supervisor will establish a goal in the purchase of supplies and commodities that reflects the minority composition of the Standard Metropolitan Statistical Area (SMSA). Separate goals will be established for public works projects, community development projects and economic development and employment contractors.
- B. To the extent permitted by law, the Purchasing Supervisor will submit a yearly affirmative action plan for the purchasing of supplies and commodities to the City Administrator. The plan is to include: affirmative action requirements of vendors; a local vendor report that includes a local minority supplier development program, a progress report and new year participation goals; and an outline of new ideas developed to advance the affirmative action program during the coming year.

(Ord. 12634 § 1 (part), 2004; Ord. 9739 § 7, 1979)

2.04.180 - Design-build project delivery method.

The city may use the alternative fast-track project delivery method commonly known as "design-build" with or without formal bidding when the circumstances surrounding the project substantiate that it is in the "best interests of the city" to waive formal bidding pursuant to Section 2.04.050. The City Administrator, or the City Administrator's designee, will prepare and publish an administrative instruction, that will contain guidelines for the use of such alternative project delivery methods. These guidelines will provide the criteria and administrative procedures for the use of such alternative project delivery methods such as design-build.

(Ord. 12634 § 1 (part), 2004; Ord. 12388 § 5, 2001)

2.04.190 - Construction manager-at-risk project delivery method.

The city may use the alternative project delivery method commonly known as "construction manager-at-risk" with or without formal bidding when it is in the "best interests of the city" to waive formal bidding pursuant to Section 2.04.050. The City Administrator, or the City Administrator's designee, will prepare and publish an administrative instruction, that will contain guidelines for the use of such alternative project delivery methods. These guidelines will provide the criteria and procedures for alternative project delivery methods such as construction manager-at-risk.

(Ord. 12634 § 1 (part), 2004; Ord. 12388 § 6, 2001)

Donations to the Parker City Attorney Campaign from City Attorney Office Outside Contractors

Outside Contractor Firm Name	3 Year Contract Total	Donations to Parker Campaign
Fitzgerald, Abbott, & Beardsley LLP	\$1,573,197	\$4,392
Bertrand, Fox, & Elliot	\$1,312,866	\$3,500
Orrick, Herrington, & Sutcliffe	\$1,201,263	\$300
Renne Sloan Holtzman Sakai	\$1,077,787	\$400
Bingham McCutchen	\$743,459	\$100
Foster & Associates	\$728,243	\$500
Burnham & Brown	\$509,154	\$1,100
Meyers Nave	\$363,166	\$2,550
Lafayette & Kumagai	\$222,797	\$700
Cox, Castel, & Nicholson	\$213,319	\$250
Bennett, Samuelsen, Reynold, & Allard	\$209,153	\$1,750
Nossaman Guthner Knox	\$190,762	\$3,050
Holland & Knight	\$139,253	\$3,400
Burke, Williams, & Sorensen LLP	\$131,175	\$8,500
Goldfarb & Lipman	\$60,806	\$4,250
Lewis, Diane Law Office	\$60,265	\$340
Total Contracts and Total Donations	\$8,736,666	\$35,082

Total Donations to Parker 2011
 \$47,332
 Total Donations to Parker 2012
 74,332
 Total Donations to Parker to Date
 \$124,367

 Outside Contractor Donation %
 28.20%

Outside Contractor Law Firm Name	FY 09/10	FY 10/11	FY 11/12	TOTAL
Fitzgerald, Abbott, & Beardsley LLP	\$455,093.42	\$1,082,601.48	\$65,502.81	\$1,603,197.71
Bertrand, Fox, & Elliot	\$607,711.53	\$544,062.66	\$161,093.66	\$1,312,867.85
Orrick, Herrington, & Sutcliffe	\$329,317.35	\$653,307.50	\$218,638.43	\$1,201,263.28
Renne Sloan Holtzman Sakal	\$324,896.53	\$540,126.76	\$212,765.77	\$1,077,789.06
Bingham McCutchen	\$354,580.85	\$361,662.93	\$27,217.61	\$743,461.39
Foster & Associates	\$18,075.00	\$321,967.45	\$388,200.16	\$728,242.61
Burnham & Brown	\$207,418.18	\$228,907.93	\$72,829.28	\$509,155.39
Meyers Nave	\$155,587.43	\$162,800.98	\$44,779.80	\$363,168.21
Lafayette & Kumagai	\$33,421.01	\$44,814.85	\$144,535.82	\$222,771.68
Cox, Castel, & Nicholson	\$9,655.00	\$113,352.17	\$90,312.90	\$213,320.07
Bennett, Samuelsen, Reynold, & Allard	\$45,793.66	\$131,948.98	\$31,412.84	\$209,155.48
Nossaman Guthner Knox		\$36,202.05	\$154,560.85	\$190,762.90
Holland & Knight	\$1,347.30	\$137,906.02		\$139,253.32
Killpatrick Stockto LLP		\$44,158.94	\$91,426.54	\$135,585.48
Burke, Williams, & Sorensen LLP	\$602.50	\$27,011.48	\$104,163.37	\$131,777.35
Jocobs Chase		\$74,198.22	\$47,346.19	\$121,544.41
Snell, Karen Law Offices		\$84,240.00	\$15,000.00	\$99,240.00
Porter Scott Attorney's	\$67,481.80	\$30,321.08		\$97,802.88
Boley, Todd Law Office	\$68,940.00			\$68,940.00
Goldfarb & Lipman	\$24,604.01	\$1,245.50	\$34,957.40	\$60,806.91
Lewis, Diane Law Office		\$60,265.00		\$60,265.00
Cohen & Jacobson	\$53,808.23	\$4,656.10		\$58,464.33
Lombardi, Loper & Conant LLP	\$1,666.00	\$12,800.86	\$42,858.57	\$57,325.43
Bell, Rosenberg & Hughes LLP	\$13,496.00	\$33,548.40		\$47,044.40
Kee, Christopher			\$39,623.15	\$39,623.15
Wilson, Edwin J.			\$38,963.82	\$38,963.82
Lawson Law Offices	\$8,558.00	\$7,194.00	\$12,782.00	\$28,534.00
Goins & Associates		\$25,630.37		\$25,630.37

Robinson, Bari Law Offices			\$22,050.00	\$22,050.00
Llamas, Pelayo, Attorney at Law		\$19,295.00		\$19,295.00
Taylor & Goins	\$17,955.00			\$17,955.00
Moskoyitz, Myron	\$3,750.00		\$11,130.00	\$14,880.00
Wagner, Rachel, Law Office	\$13,553.00			\$13,553.00
Shute Mihalay & Weinberger	\$2,235.36	\$59.60	\$11,098.41	\$13,393.37
Rosales Law Partners LLP		\$4,548.66	\$6,585.18	\$11,133.84
Richards, Watson and Gershon		\$7,699.66		\$7,699.66
Nixon Peabody			\$7,000.00	\$7,000.00
Drinker Biddle & Reath LLP			\$6,588.00	\$6,588.00
Konrnfield, Paul	\$4,825.49			\$4,825.49
Littler, Medleson, Fastiff, Tichy			\$4,042.50	\$4,042.50
Cornerstone Law Group	\$3,420.00			\$3,420.00
Remcho Johansen & Purcell		\$1,537.82		\$1,537.82
Best Best & Krieger			\$1,164.50	\$1,164.50
Colantuono & Levin, PC	\$424.00			\$424.00
Rankin, Anne Law Office			\$67.50	\$67.50

**Oakland City Attorney's Office
Contract Management Vendor Payment Summary**

FY11/12

Vendor	Type	Number	Title	Paid Thru	Paid
✓ Bennett, Samuelsen, Reynolds & Allard	CO	C110024	Bennett, Samuelsen, Reynold, & Allard		\$31,412.84
				Total:	\$31,412.84
✓ Bertrand, Fox & Elliot	CO	C110014	Bertrand, Fox & Elliot		\$161,093.66
				Total:	\$161,093.66
Best Best & Krieger	CO	C110045	Best Best Krieger		\$1,164.50
				Total:	\$1,164.50
Bialosky, Deborah	CO	C110034	Bialosky, Deborah		\$114,181.11
				Total:	\$114,181.11
✓ Bingham McCutchen	CO	C110018	Bingham McCutchen		\$27,217.61
				Total:	\$27,217.61
✓ Burke, Williams & Sorensen LLP	CO	C110016	Burke Williams & Sorensen LLP		\$104,163.37
				Total:	\$104,163.37
✓ Burnham & Brown	CO	C110015	Burnham & Brown		\$72,829.28
				Total:	\$72,829.28
✓ Cox, Castle & Nicholson	CO	C110023	Cox Castle & Nicholson		\$90,312.90
				Total:	\$90,312.90
Drinker Biddle & Reath LLP	CO	C120001	Drinker Biddle & Reath LLP		\$6,588.00
				Total:	\$6,588.00
✓ Fitzgerald, Abbot & Beardsley LLP	CO	C110012	Fitzgerald, Abbott & Beardsley		\$35,502.81
				Total:	\$35,502.81
✓ Foster & Associates	CO	C110010	Foster & Associates		\$388,200.16
				Total:	\$388,200.16
✓ Goldfarb & Lipman	CO	C110020	Goldfarb & Lipman		\$34,957.40
				Total:	\$34,957.40
Hanson, Bridgett & Marcus	CO	C110047	Hanson Bridgen LLP		\$130,716.82
				Total:	\$130,716.82
Jacobs Chase	CO	C110032	Jacobs Chase		\$47,346.19
				Total:	\$47,346.19
Kee, Christopher	CO	C110049	Kee, Christopher		\$39,623.15
				Total:	\$39,623.15
Kilpatrick Stockton LLP	CO	C110031	Kilpatrick, Townsend & Stockton LLP		\$91,426.54
				Total:	\$91,426.54
✓ Lafayette & Kumagai	CO	C110013	Lafayette & Kumagai LLP		\$144,535.82

**Oakland City Attorney's Office
Contract Management Vendor Payment Summary**

Vendor	Type	Number	Title	Paid Thru	Paid
				Total:	\$144,535.82
Lawson Law Offices	CO	C110035	Lawson Law Offices		\$12,782.00
				Total:	\$12,782.00
Littler, Mendelson, Fastiff, Tichy	CO	C120004	Littler Mendelson PC		\$4,042.50
				Total:	\$4,042.50
Lombardi, Loper & Conant LLP	CO	C110017	Lombardi, Loper & Conant, LLP		\$42,858.57
				Total:	\$42,858.57
McClain, Ronald Attorney at Law	CO	C110028	McClain, Ronald R. Law Office of		\$56,950.00
				Total:	\$56,950.00
Meyers Nave	CO	C110025	Meyers Nave		\$44,779.80
				Total:	\$44,779.80
Moroz, Linda Law Office of	CO	C110022	Moroz, Linda, Attorney at Law		\$114,953.50
				Total:	\$114,953.50
Moskovitz, Myron	CO	C110037	Moskovitz, Myron Law Office of		\$11,130.00
				Total:	\$11,130.00
Nixon Peabody	CO	C120005	Nixon Peabody		\$7,000.00
				Total:	\$7,000.00
Nossaman Guthner Knox	CO	C110033	Nossaman LLP		\$154,560.85
				Total:	\$154,560.85
Orrick, Herrington & Sutcliffe	CO	C110046	Orrick Herrington		\$218,638.43
				Total:	\$218,638.43
Rankin, Anne Law Office of	CO	C110027	Rankin Sproat		\$67.50
				Total:	\$67.50
Renne Sloan Holtzman Sakai	CO	C110011	Renne Sloan Holtzman & Sakai		\$212,765.77
				Total:	\$212,765.77
Robinson, Bari Law Offices of	CO	C110039	Robinson, Bari S. Law Offices of		\$22,050.00
				Total:	\$22,050.00
Rosalcs Law Partners LLP	CO	C110030	Rosales Law Partners LLP		\$6,585.18
				Total:	\$6,585.18
Ruiz & Sperow LLP	CO	C110029	Ruiz & Sperow LLP		\$187,652.75
				Total:	\$187,652.75
Shute Mihaly & Weinberger	CO	C120002	Shute, Mihaly & Weinberger LLP		\$11,098.41
				Total:	\$11,098.41

**Oakland City Attorney's Office
Contract Management Vendor Payment Summary**

Vendor	Type	Number	Title	Paid Thru	Paid
Snell, Karen Law Office of	CO	C110021	Snell, Karen Law Office of		\$15,000.00
				Total:	\$15,000.00
Tang, J. Patrick Law Office of	CO	C110026	Tang, J. Patrick Law Office of		\$20,449.50
				Total:	\$20,449.50
Wilson, Edwin J.	CO	C110050	Wilson, Edwin J. (Attorney at Law)		\$38,963.82
				Total:	\$38,963.82
Wulfsberg, Reese & Sykes	CO	C110019	Wulfsberg Reese Colvig & Firstman		\$5,587.68
				Total:	\$5,587.68
				Grand Totals:	\$2,709,188.42

**Oakland City Attorney's Office
Contract Management Vendor Payment Summary**

FY 10/11

Vendor	Type	Number	Title	Paid Thru	Paid
Bell, Rosenberg & Huges LLP	CO	C100025	Bell Rosenberg & Hughes		\$33,548.40
				Total:	\$33,548.40
✓ Bennett, Samuelsen, Reynolds & Allard	CO	C100015	Bennett, Samuelsen, Reynold, & Allard		\$131,948.98
				Total:	\$131,948.98
Bertrand, Fox & Elliot	CO	C100018	Bertrand, Fox & Elliot		\$544,062.66
				Total:	\$544,062.66
Bialosky, Deborah	CO	C100031	Bialosky, Deborah		\$118,191.19
				Total:	\$118,191.19
Bingham McCutchen	CO	C100024	Bingham McCutchen		\$361,662.93
				Total:	\$361,662.93
✓ Burke, Williams & Sorensen LLP	CO	C110007	Bnrke Williams		\$27,011.48
				Total:	\$27,011.48
Burnham & Brown	CO	C100028	Burnham & Brown		\$228,907.93
				Total:	\$228,907.93
Cohen & Jacobson	CO	C110001	Cohen & Jacobson		\$4,656.10
				Total:	\$4,656.10
Cox, Castle & Nicholson	CO	C100037	Cox Castle Nicholson		\$113,352.17
				Total:	\$113,352.17
✓ Fitzgerald, Abbott & Beardsley LLP	CO	C100026	Fitzgerald, Abbott & Beardsley		\$1,082,601.48
				Total:	\$1,082,601.48
✓ Foster & Associates	CO	C10021	Foster & Associates		\$321,697.45
				Total:	\$321,697.45
Goins & Associates	CO	C100017	Goins & Associates		\$25,630.37
				Total:	\$25,630.37
✓ Goldfarb & Lipman	CO	C110003	Goldfarb & Lipman		\$1,245.50
				Total:	\$1,245.50
Hanson, Bridgett & Marcus	CO	C100023	Hanson Bridgett		\$44,595.45
				Total:	\$44,595.45
✓ Holland & Knight	CO	C100032	Holland & Knight		\$137,906.02
				Total:	\$137,906.02
Jacobs Chase	CO	C110004	Jacobs Chase		\$74,198.22
				Total:	\$74,198.22
Kilpatrick Stockton LLP	CO	C0100040	Kilpatrick Stockton LLP		\$44,158.94

**Oakland City Attorney's Office
Contract Management Vendor Payment Summary**

Vendor	Type	Number	Title	Paid Thru	Paid
				Total:	\$44,158.94
Lafayette & Kumagai	CO	C100013	Lafayette & Kumagai		\$44,841.85
				Total:	\$44,841.85
Lawson Law Offices	CO	C100035	Lawson Law Offices		\$7,194.00
				Total:	\$7,194.00
Lewis, Diane Law Office of	CO	C100042	Lewis, Diane Law Office of		\$60,265.00
				Total:	\$60,265.00
Llamas, Pelayo, Attorney at Law	CO	C100011	Llamas, Pelayo, Attorney at Law		\$19,295.00
				Total:	\$19,295.00
Lombardi, Loper & Conant LLP	CO	C100041	Lombardi, Loper & Conant, LLP		\$12,800.86
				Total:	\$12,800.86
McClain, Ronald Attorney at Law	CO	C100030	McClain, Ronald McClain Attorney at Law		\$62,700.00
				Total:	\$62,700.00
Meyers Nave	CO	C100029	Meyers Nave		\$162,800.98
				Total:	\$162,800.98
Moroz, Linda Law Office of	CO	C100010	Moroz, Linda, Attorney at Law		\$152,066.00
				Total:	\$152,066.00
Nossaman Guthner Knox	CO	C100036	Nossaman LLP		\$36,202.05
				Total:	\$36,202.05
Orrick, Herrington & Sutcliffe	CO	C100014	Orrick, Herrington & Sutcliffe		\$653,307.50
				Total:	\$653,307.50
Porter Scott Attorneys	CO	C100019	Porter Scott Attorneys		\$30,321.08
				Total:	\$30,321.08
Rankin, Sproat, Mires, Beaty & Reynolds	CO	C100020	Rankin Sproat		\$297,042.53
				Total:	\$297,042.53
Remcho Johansen & Purcell	CO	C110009	Remcho, Johansen & Purcell		\$1,537.82
				Total:	\$1,537.82
Renne Sloan Holtzman Sakai	CO	C100027	Renne Sloan Holtzman & Sakai		\$540,126.76
				Total:	\$540,126.76
Richards, Watson and Gershon	CO	C100033	Richards Watson & Gershon		\$7,699.66
				Total:	\$7,699.66
Rosales Law Partners LLP	CO	C110008	Rosales Law Partners LLP		\$4,548.42
				Total:	\$4,548.42

**Oakland City Attorney's Office
Contract Management Vendor Payment Summary**

Vendor	Type	Number	Title	Paid Thru	Paid
Ruiz & Sperow LLP	CO	C100016	Ruiz & Sperow LLP		\$111,126.07
				Total:	\$111,126.07
Shute Mihaly & Weinberger	CO	C100034	Shute Mihaly		\$59.60
				Total:	\$59.60
Snell, Karen Law Office of	CO	C110002	Snell, Karen Law Office of		\$84,240.00
				Total:	\$84,240.00
Tang, J. Patrick Law Office of	CO	C100009	Tang, J. Patrick, Law Office of		\$98,836.25
				Total:	\$98,836.25
Wulfsberg, Reese & Sykes	CO	C100012	Wulfsberg, Reese Colvig & Firstman		\$698,713.37
				Total:	\$698,713.37
				Grand Totals:	\$6,381,100.07

**Oakland City Attorney's Office
Contract Management Vendor Payment Summary**

FY 09/10

Vendor	Type	Number	Title	Paid Thru	Paid
Bell, Rosenberg & Huges LLP	CO	C090008	Bell & Rosenberg		\$13,496.00
				Total:	\$13,496.00
Bennett, Samuelsen, Reynolds & Allard	CO	C090020	Bennett, Samuelsen, Reynolds & Allard		\$45,793.66
				Total:	\$45,793.66
Bertrand, Fox & Elliot	CO	C090018	Bertrand Fox & Elliot		\$607,711.53
				Total:	\$607,711.53
Bialosky, Deborah	CO	C090030	Bialosky, Deborah, Law Office of		\$36,302.50
				Total:	\$36,302.50
Bingham McCutchen	CO	C100008	Bingham McCutchen		\$354,580.85
				Total:	\$354,580.85
Boley, Todd Law Office	CO	C090006	Boley, Todd Law Office of		\$68,940.00
				Total:	\$68,940.00
Burke, Williams & Sorensen LLP	CO	C090012	Burke, Williams & Sorensen LLP		\$602.50
				Total:	\$602.50
Burnham & Brown	CO	C090016	Burnham & Brown		\$207,418.18
				Total:	\$207,418.18
Cohen & Jacobson	CO	C090035	Cohen & Jacobson		\$53,808.23
				Total:	\$53,808.23
Colantuono & Levin, PC	CO	C090027	Colantuono & Levin PC		\$424.00
				Total:	\$424.00
Cornerstone Law Group	CO	C010003	Cornerstone Law Group		\$3,420.00
				Total:	\$3,420.00
Cox, Castle & Nicholson	CO	C010002	Cox, Castle & Nicholson		\$9,555.00
				Total:	\$9,555.00
Fitzgerald, Abbott & Beardsley LLP	CO	C090009	Fitzgerald, Abbott & Beardsley		\$445,093.42
				Total:	\$445,093.42
Poster & Associates	CO	C090031	Foster Employment Law		\$18,075.00
				Total:	\$18,075.00
Goldfarb & Lipman	CO	C090025	Goldfarb & Lipman		\$24,604.01
				Total:	\$24,604.01
Hanson, Bridgett & Marcus	CO	C090033	Hanson Bridgett		\$12,915.00
				Total:	\$12,915.00
Holland & Knight	CO	C090021	Holland & Knight		\$1,347.30

**Oakland City Attorney's Office
Contract Management Vendor Payment Summary**

Vendor	Type	Number	Title	Paid Thru	Paid
				Total:	\$1,347.30
Komfield, Paul	CO	C090028	Komfield, Paul, Nyberg		\$4,825.49
				Total:	\$4,825.49
Lafayette & Kumagai	CO	C090014	Lafayette & Kumagai LLP		\$33,421.01
				Total:	\$33,421.01
Lawson Law Offices	CO	C090034	Lawson Law Offices		\$8,558.00
				Total:	\$8,558.00
Lombardi, Loper & Conant LLP	CO	C100005	Lombardi, Loper & Conant LLP		\$1,666.00
				Total:	\$1,666.00
McClain, Ronald Attorney at Law	CO	C090010	McClain, Ronald Law Office of		\$63,875.00
				Total:	\$63,875.00
Meyers Nave	CO	C090013	Meyers Nave		\$155,587.43
				Total:	\$155,587.43
Moroz, Linda Law Office of	CO	C090024	Linda M. Moroz, Law Office of		\$128,969.50
				Total:	\$128,969.50
Moskovitz, Myron	CO	C090036	Moskovitz, Myron Law Office of		\$3,750.00
				Total:	\$3,750.00
Orrick, Herrington & Sutcliffe	CO	C090038	Orrick, Herrington & Sutcliffe		\$329,317.35
				Total:	\$329,317.35
Porter Scott Attorneys	CO	C090017	Porter Scott Attorneys		\$67,481.80
				Total:	\$67,481.80
Rankin, Sproat, Mires, Beaty & Reynolds	CO	C100006	Rankin Sproat Mires Beaty & Reynolds		\$69,981.96
				Total:	\$69,981.96
Renne Sloan Holtzman Sakai	CO	C090015	Renne Sloan Holtzman & Sakai		\$324,896.53
				Total:	\$324,896.53
Ruiz & Sperow LLP	CO	C090011	Ruiz & Sperow LLP		\$65,801.53
				Total:	\$65,801.53
Shute Mihaly & Weinberger	CO	C090007	Shute Mihaly & Weinberger		\$2,235.36
				Total:	\$2,235.36
Tang, J. Patrick Law Office of	CO	C090019	Tang, J. Patrick Law Office of		\$82,880.00
				Total:	\$82,880.00
Taylor & Goins	CO	C090023	Taylor & Goins		\$17,955.00
				Total:	\$17,955.00

**Oakland City Attorney's Office
Contract Management Vendor Payment Summary**

Vendor	Type	Number	Title	Paid Thru	Paid
Wagner, Rachel, Law Office of	CO	C090022	Wagner, Rachel Law Office of		\$13,653.00
				Total:	\$13,653.00
Wulfsberg, Reese & Sykes	CO	C090026	Wulfsberg Reese Colvig & Firstman		\$765,407.35
				Total:	\$765,407.35
				Grand Totals:	\$4,044,449.49

Oakland City Attorney's Office
Outside Counsel
 (from 7/1/09 to 6/30/12)

Effective	Name	Expires
07/01/2009	Cox, Castle & Nicholson	06/30/2010
07/01/2009	Cornerstone Law Group	06/30/2010
07/01/2010	Holland & Knight	06/30/2011
07/01/2010	Kilpatrick Stockton LLP	06/30/2011
07/01/2009	Boley, Todd Law Office of	06/30/2010
07/01/2009	Shute Mihaly & Weinberger	06/30/2010
07/01/2009	Bell & Rosenberg	06/30/2010
07/01/2009	Fitzgerald, Abbott & Beardsley	06/30/2010
07/01/2009	McClain, Ronald Law Office of	06/30/2010
07/01/2009	Ruiz & Sperow LLP	06/30/2010
07/01/2009	Burke, Williams & Sorensen LLP	06/30/2010
07/01/2009	Meyers Nave	06/30/2010
07/01/2009	Lafayette & Kumagai LLP	06/30/2010
07/01/2009	Renne Sloan Holtzman & Sakai	06/30/2010
07/01/2009	Burnham & Brown	06/30/2010
07/01/2009	Porter Scott Attorneys	06/30/2010
07/01/2009	Bertrand Fox & Elliot	06/30/2010
07/01/2009	Tang, J. Patrick Law Office of	06/30/2010
07/01/2009	Sennett, Samuelsen, Reynolds & Allard	06/30/2010
07/01/2009	Holland & Knight	06/30/2010
07/01/2009	Wagner, Rachel Law Office of	06/30/2010
07/01/2009	Taylor & Goins	06/30/2010
07/01/2009	Linda M. Moroz, Law Office of	06/30/2010
07/01/2009	Goldfarb & Lipman	06/30/2010
07/01/2009	Wulfsberg Reese Colvig & Firstman	06/30/2010
07/01/2009	Colantuono & Levin PC	06/30/2010
07/01/2009	Kornfield, Paul, Nyberg	06/30/2010
07/01/2009	Bialosky, Deborah, Law Office of	06/30/2010
07/01/2009	Foster Employment Law	06/30/2010
07/01/2009	Hanson Bridgett	06/30/2010
07/01/2009	Lawson Law Offices	06/30/2010
07/01/2009	Cohen & Jacobson	06/30/2010
07/01/2009	Moskovitz, Myron Law Office of	06/30/2010
07/01/2009	Lofton & Jennings	06/30/2010
07/01/2009	Orrick, Herrington & Sutcliffe	06/30/2010
07/01/2009	Lombardi, Loper & Conant LLP	06/30/2010
07/01/2009	Rankin Sproat Mires Beaty & Reynolds	06/30/2010
07/01/2009	Bingham McCutchen	06/30/2010
07/01/2010	Tang, J. Patrick, Law Office of	06/30/2011
07/01/2010	Moroz, Linda, Attorney at Law	06/30/2011
07/01/2010	Llamas, Pelayo, Attorney at Law	06/30/2011
07/01/2010	Wulfsberg, Reese Colvig & Firstman	06/30/2011
07/01/2010	Lafayette & Kumagai	06/30/2011
07/01/2010	Orrick, Herrington & Sutcliffe	06/30/2011
07/01/2010	Bennett, Samuelsen, Reynold, & Allard	06/30/2011
07/01/2010	Ruiz & Sperow LLP	06/30/2011

**Oakland City Attorney's Office
Outside Counsel**
(from 7/1/09 to 6/30/12)

Effective	Name	Expires
07/01/2010	Goins & Associates	06/30/2011
07/01/2010	Bertrand, Fox & Elliot	06/30/2011
07/01/2010	Porter Scott Attorneys	06/30/2011
07/01/2010	Rankin Sproat	06/30/2011
07/01/2010	Hanson Bridgett	06/30/2011
07/01/2010	Bingham McCutchen	06/30/2011
07/01/2010	Bell Rosenberg & Hughes	06/30/2011
07/01/2010	Fitzgerald, Abbott & Beardsley	06/30/2011
07/01/2010	Renne Sloan Holtzman & Sakai	06/30/2011
07/01/2010	Burnham & Brown	06/30/2011
07/01/2010	Meyers Nave	06/30/2011
07/01/2010	McClain, Ronald McClain Attorney at Law	06/30/2011
07/01/2010	Bialosky, Deborah	06/30/2011
07/01/2010	Richards Watson & Gershon	06/30/2011
07/01/2010	Shute Mihaly	06/30/2011
07/01/2010	Lawson Law Offices	06/30/2011
07/01/2010	Nossaman LLP	06/30/2011
07/01/2010	Cox Castle Nicholson	06/30/2011
07/01/2010	Lombardi, Loper & Conant, LLP	06/30/2011
07/01/2010	Lewis, Diane Law Office of	06/30/2011
07/01/2010	Foster & Associates	06/30/2011
07/01/2010	Cohen & Jacobson	06/30/2011
07/01/2010	Snell, Karen Law Office of	06/30/2011
07/01/2010	Goldfarb & Lipman	06/30/2011
07/01/2010	Jacobs Chase	06/30/2011
07/01/2010	Emard, Danoff, Port Tamulski & Paetzold LLP	06/30/2011
07/01/2010	Burke Williams	06/30/2011
07/01/2010	Rosales Law Partners LLP	06/30/2011
07/01/2010	Remcho, Johansen & Purcell	06/30/2011
07/01/2011	Foster & Associates	06/30/2012
07/01/2011	Renne Sloan Holtzman & Sakai	06/30/2012
07/01/2011	Fitzgerald, Abbott & Beardsley	06/30/2012
07/01/2011	Lafayette & Kumagai LLP	06/30/2012
07/01/2011	Bertrand, Fox & Elliot	06/30/2012
07/01/2011	Burnham & Brown	06/30/2012
07/01/2011	Burke Williams & Sorensen LLP	06/30/2012
07/01/2011	Lombardi, Loper & Conant, LLP	06/30/2012
07/01/2011	Bingham McCutchen	06/30/2012
07/01/2011	Wulfsberg Reese Colvig & Firstman	06/30/2012
07/01/2011	Goldfarb & Lipman	06/30/2012
07/01/2011	Snell, Karen Law Office of	06/30/2012
07/01/2011	Moroz, Linda, Attorney at Law	06/30/2012
07/01/2011	Cox Castle & Nicholson	06/30/2012
07/01/2011	Bennett, Samuelsen, Reynold, & Allard	06/30/2012

Oakland City Attorney's Office
Outside Counsel
(from 7/1/09 to 6/30/12)

Effective	Name	Expires
07/01/2011	Meyers Nave	06/30/2012
07/01/2011	Tang, J. Patrick Law Office of	06/30/2012
07/01/2011	Rankin Sproat	06/30/2012
07/01/2011	McClain, Ronald R. Law Office of	06/30/2012
07/01/2011	Ruiz & Sperow LLP	06/30/2012
07/01/2011	Rosales Law Partners LLP	06/30/2012
07/01/2011	Kilpatrick, Townsend & Stockton LLP	06/30/2012
07/01/2011	Jacobs Chase	06/30/2012
07/01/2011	Nossaman LLP	06/30/2012
07/01/2011	Bialosky, Deborah	06/30/2012
07/01/2011	Lawson Law Offices	06/30/2012
07/01/2011	Moskovitz, Myron Law Office of	06/30/2012
07/01/2011	Robinson, Bari S. Law Offices of	06/30/2012
07/01/2011	Husch Blackwell, LLP	06/30/2012
07/01/2011	Best Best Krieger	06/30/2012
07/01/2011	Orrick Herrington	06/30/2012
07/01/2011	Hanson Bridgett LLP	06/30/2012
11/08/2011	Kee, Christopher	06/30/2012
07/01/2011	Wilson, Edwin J. (Attorney at Law)	06/30/2012
07/01/2011	Drinker Biddle & Reath LLP	06/30/2012
03/20/2012	Shute, Mihaly & Weihberger LLP	06/30/2012
03/22/2012	Linda Moroz / Lament Bossard (PFRS)	06/30/2012
07/01/2011	Littler Mendelson PC	06/30/2012

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND S. LAMONT BOSSARD, JR. ATTORNEY AT LAW**

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the January 3, 2012 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank Ogawa Plaza, 6th Floor, Oakland, California 94612 and S. Lament Bossard, Jr of Iwama Law Firm, 333 5th Avenue S., Kent, WA 98032-5763 (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. Should Counsel provide services for subsequent matters, additional attachments must be numbered sequentially outlining the scope of service. Counsel shall designate an individual responsible for communications with the City Attorney during the term of this Agreement.

3. Time of Performance

This agreement is from January 3, 2012 through December 31, 2012.

4. Compensation and Method of Payment and Payment of Expenses

Counsel will be paid for performance in an amount based on actual costs but that will be "capped" so as not to exceed the amount agreed upon per the Scope of Services/Retention Agreement. The maximum that will be charged for the entire scope of service per matter will not exceed the capped amount, even if the Counsel's actual costs per matter exceed the capped amount. Counsel will be paid after approval of a monthly billing invoice for each matter. The invoice shall include the billing amount, total hours invoiced, total hours per day invoiced, hourly billing rate and the description of services rendered. Counsel will be responsible for all expenses incurred in performing services, which must be approved in advance and included in Attachment 1, Scope of Services Agreement. Any travel that requires an overnight stay or airline transportation must be pre-approved. If an overnight stay is necessary, the City has the right to approve the accommodations, and reimbursement for meals will be at the City's per diem rate. If airline travel is necessary, the City will reimburse at the coach rate.

5. Independent Counsel

a. Rights & Responsibilities

In the performance of the services necessary to execute this Agreement, Counsel is an independent Counsel, not a City employee. Counsel retains the right to exercise full control and supervision of the services and full control over the employment, direction, compensation and discharge of all persons assisting Counsel in the performance of the services. Counsel shall be solely responsible for all matters relating to the payment of Counsel's employees, including compliance with social security, withholding and all other regulations governing such matters, and shall be solely responsible for Counsel's own acts and those of Counsel's subordinates and employees.

b. Counsel's Qualifications

Counsel represents that Counsel has the qualifications and skills necessary to perform the services in a competent and professional manner without the direction of the City. Failure to perform all of the services required under this Agreement will constitute a material breach of the Agreement and may be cause for termination. Counsel has complete and sole discretion for the manner in which the work under this Agreement is performed.

c. Payment of Income Taxes

Counsel is responsible for paying, when due, all income taxes, including estimated taxes, incurred as a result of the compensation paid by City to Counsel. On request, Counsel will provide City with proof of timely payment. Counsel agrees to indemnify City for any claims, costs, losses, fees, penalties, interest or damages suffered by City resulting from Counsel's failure to comply with this provision.

d. Non-Exclusive Relationship

Counsel may perform services for, and contract with, as many additional clients, persons or companies as Counsel, in Counsel's sole discretion, sees fit.

e. Tools, Materials and Equipment

Counsel will supply all tools, materials and equipment required to perform the services under this Agreement.

f. Cooperation of City

City agrees to comply with all reasonable requests of Counsel necessary to the performance of Counsel's duties under this Agreement.

g. Extra Work

Counsel will do no extra work under this Agreement without first receiving written authorization from the City Attorney or the Chief Assistant City Attorneys.

6. Proprietary or Confidential Information of the City

Counsel understands and agrees that, in the performance of the services under this Agreement or in contemplation thereof, Counsel may have access to private or confidential information that may be owned or controlled by the City. Such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to the City. Counsel agrees that all information disclosed by the City to Counsel shall remain in confidence and used only in performance of the Agreement. Counsel shall exercise the same standard of care to protect such information as a reasonably prudent Counsel would use to protect its own proprietary data.

7. Ownership of Results

Any interest of Counsel or its sub-consultants, in specifications, studies, reports, memoranda, computation documents prepared by Counsel or its sub-consultants in drawings, plans, sheets or other connection with services to be performed under this Agreement shall be assigned and transmitted to the City. However, Counsel

may retain and use copies for reference and as documentation of its experience and capabilities.

8. Copyright

Counsel shall execute appropriate documents to assign to the City the copyright to works created pursuant to this Agreement.

9. Audit

Counsel shall maintain (a) a full set of accounting records in accordance with generally accepted accounting principles and procedures for all funds received under this Agreement; and (b) full and complete documentation of performance related matters such as benchmarks and deliverables associated with this Agreement.

Counsel shall (a) permit the City to have access to those records for the purpose of making an audit, examination or review of financial and performance data pertaining to this Agreement; and (b) maintain such records for four years following the last fiscal year during which the City paid an invoice to Counsel under this Agreement.

10. Agents/Brokers

Counsel warrants that Counsel has not employed or retained any subconsultant, agent, company or person other than bona fide, full-time employees of Counsel working solely for Counsel, to solicit or secure this Agreement, and that Counsel has not paid or agreed to pay any subconsultant, agent, company or persons other than bona fide employees any fee, commission, percentage, gifts or any other consideration, contingent upon or resulting from the award of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage or gift.

11. Assignment

Counsel shall not assign or otherwise transfer any rights, duties, obligations or interest in this Agreement to any person, persons, entity or entities whatsoever without the prior written consent of City and any attempt to assign or transfer without such consent shall be void. Consent to any single assignment or transfer shall not constitute consent to any further assignment or transfer.

12. Publicity

Any publicity generated by Counsel for the project funded pursuant to this Agreement, during the term of this Agreement or for one year thereafter, will make reference to the contribution of the City of Oakland in making the project possible. The words "City of Oakland" will be explicitly stated in all pieces of publicity, including but not limited to flyers, press releases, posters, brochures, public service announcements, interviews and newspaper articles.

At the request of Counsel, City staff will be available to assist Counsel in generating publicity for the project funded pursuant to this Agreement. Counsel further agrees to cooperate with authorized City officials and staff in any City-generated publicity or promotional activities undertaken with respect to this project.

13. Title of Property

Title to all property, real and personal, acquired by the Counsel from City funds shall vest in the name of the City of Oakland and shall be accounted for by means of a formal property records. Upon expiration or termination of this Agreement, the Counsel shall deliver to the City all of the property and documents evidencing title. In the case of lost or stolen items or equipment, the Counsel shall immediately notify the Police Department, obtain a written police report and notify the City in accordance with the "Notice" section of this Agreement.

14. Conflict of Interest

a. Counsel

Counsel shall uphold the following protections against conflict of interest:

i. Counsel certifies that no member of, or delegate to the Congress of the United States shall be permitted to share or participate in this Agreement or in any benefit arising from it.

ii. Counsel certifies that no member, officer or employee of City or its designees or agents, and no other public official of City who exercises any functions or responsibilities with respect to the programs or projects covered by this Agreement, shall have any interest, direct or indirect in this Agreement or in its proceeds during Counsel's tenure or for one year after.

iii. Counsel shall immediately notify the City of any real or possible conflict of interest between work performed for the City and work for other clients served by Counsel.

iv. Counsel warrants and represents, to the best of Counsel's present knowledge, that no public official or employee of City who has been involved in the making of this Agreement, or who is a member of a City board or commission that has been involved in the making of this Agreement whether in an advisory or decision-making capacity, has or will receive a direct or indirect financial interest in this Agreement in violation of the rules contained in California Government Code Section 1090 et seq., pertaining to conflicts of interest in public contracting. Counsel shall exercise due diligence to ensure that no such official will receive such an interest.

v. Counsel further warrants and represents, to the best of Counsel's present knowledge and excepting any written disclosures as to these matters already made by Counsel to City, that (1) no public official of City who has participated in decision-making concerning this Agreement or has used the official position to influence decisions regarding this Agreement, has an economic interest in Counsel or this Agreement, and (2) this Agreement will not have a direct or indirect financial effect on that official, the official's spouse or dependent children or any of the official's economic interests. For purposes of this paragraph, an official is deemed to have "economic interest" in any (a) for-profit business entity in which the official has a direct or indirect investment worth \$2,000 or more, (b) any real property in which the official has a direct or indirect interest worth \$2,000 or more, (c) any for-profit business entity in which the official is a director, officer, partner, trustee, employee or manager, or (d) any source of income or donors of gifts to the official (including nonprofit entities) if the income totaled more than \$500 in the previous year. Counsel agrees to promptly disclose to City in writing any information it may receive concerning any potential conflict of interest. Counsel's attention is directed to the conflict of interest rules applicable to governmental decision-making in the Political Reform Act (California Government Code Section 87100 et seq.) and its implementing regulations (California Code of Regulations, Title 2, Section 18700 et seq.).

vi. Counsel understands that in some cases Counsel or persons associated with Counsel may be deemed a "City officer" or "public official" for purposes of the conflict of interest provisions of Government Code Section 1090 and/or the Political Reform Act. Counsel further understands that, as a public officer or official, Counsel or persons associated with Counsel may be disqualified from

future City contracts to the extent that Counsel is involved in any aspect of the making of that future contract (including preparing plans and specifications or performing design work or feasibility studies for that contract) through its work under this Agreement.

vii. Counsel shall incorporate or cause to be incorporated into all sub agreements for work to be performed under this Agreement a provision governing conflict of interest in substantially the same form set forth here.

b. No Waiver

Nothing here is intended to, nor waives, any applicable federal, state or local conflict of interest law or regulation.

c. Remedies and Sanctions

In addition to the rights and remedies otherwise available to the City under this Agreement and under federal and state law, Counsel understands and agrees that if the City reasonably determines that Counsel has failed to make a good faith effort to avoid an improper conflict of interest or is responsible for the conflict situation, the City may (1) suspend payments under this Agreement, (2) terminate this Agreement, (3) require reimbursement by Counsel to the City of any amounts disbursed under this Agreement. In addition, the City may suspend payments or terminate this Agreement whether or not Counsel is responsible for the conflict of interest.

15. Non Discrimination/Equal Employment Practices

Counsel shall not discriminate or permit discrimination against any person or group of persons in any manner prohibited by federal, state or local laws. During the performance of this Agreement, Counsel agrees to the following:

a. Counsel and Counsel's sub-consultants, if any, shall not discriminate against any employee or applicant for employment because of age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability. This nondiscriminatory policy shall include, but not be limited to employment, upgrading, failure to promote, demotion or transfer, recruitment advertising, layoffs, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

b. In all solicitations or advertisements for employees placed by or on behalf of the Counsel, Counsel and Counsel's sub-consultants shall state that all qualified applicants will receive consideration for employment without regard to age, marital

status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability.

c. Counsel shall make its goods, services and facilities accessible to people with disabilities and shall verify compliance with the Americans with Disabilities Act by executing Schedule C-1 ("Declaration of Compliance with the American with Disabilities Act,") attached and incorporated here.

d. If applicable, Counsel will send to each labor union or representative of workers with whom Counsel has a collective bargaining agreement or contract of understanding, a notice advising the labor union or workers' representative of Counsel's commitments under this nondiscrimination clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

16. Local, Small Business Enterprise Program (LSBE)

a. *Requirement* – There is a twenty percent minimum participation requirement for all professional services contracts \$50,000 or more. Counsel shall comply with the twenty percent local business participation requirement at a rate of ten percent local and ten percent small local business participation. The requirement may be satisfied by a certified prime Counsel and/or sub-consultant (s) or a small local certified firm may meet the twenty percent requirement. A business must be certified by the City of Oakland to earn credit toward meeting the twenty percent requirement.

b. *Good Faith Effort*-In light of the twenty percent requirement, good faith effort documentation is not necessary.

c. *Incentives* – Upon satisfying the twenty percent requirement, a Counsel will earn two preference points. Three additional preference points may be earned at a rate of one point for every additional ten percent participation up to fifty percent participation of the total contract dollars attributable to local certified firms.

d. *Banking* – The City will allow banking of credits for L/SLBE participation that exceeds fifty percent on a City-funded project and will allow Counsel to accumulate credits for hiring certified local businesses and certified small local businesses on non-City funded projects within a year of the City-funded project. Banked credits will count toward achieving a bid discount or preference points (up to 2%) on a City contract. The ability of firms to bank credits or hours on non-City projects will not be retroactive. Counsel will have one year to apply credits. A certificate validating banked credits must be issued by the City before the submittal or bid date.

e. *The Exit Report and Affidavit (ERA)* – This report declares the level of participation achieved and will be used to calculate banked credits. The prime Counsel must complete the Exit Report and Affidavit for, and have it executed by, each L/SLBE sub-consultant and submitted to the City Manager's Office of Contract Compliance & Employment Services along with a copy of the final progress payment application.

f. *Joint Venture and Mentor-Protégé Agreements*. If a prime Counsel is able to develop a Joint Venture or "Mentor-Protégé" relationship with a certified LBE or SLBE, the mentor or Joint Venture partners will enjoy the benefit of credits against the participation requirement. To earn credit for Joint Venture or Mentor-Protégé relationships, the Agreement must be submitted for approval to Contract Compliance and Employment Services before the project bid date for construction, and by proposal due date for professional services contracts. Joint Venture Applications and elements of City approved Mentor Protégé relation are available upon request.

g. Counsel shall submit information concerning the ownership and workforce composition of Counsel's firm as well as its sub-consultants and suppliers, by completing **Schedule D** ("Ownership, Ethnicity and Gender Questionnaire") and **Schedule E** ("Project Consultant Team") attached and incorporated here.

h. All affirmative action efforts of Counsel are subject to tracking by the City. This information shall be used for statistical purposes only. Counsel is required to provide data regarding the make-up of their sub-consultants and agents who will perform City contracts, including the race and gender of each employee and/or Counsel and the job title or function and the methodology used by Counsel to hire and/or contract with the individual or entity.

i. In recruiting sub-consultants, the City of Oakland requires Counsel to undertake nondiscriminatory and equal outreach efforts, which include outreach to minorities and women-owned businesses as well as other segments of Oakland's business community. The City Manager will track the City's MBEAWBE utilization to ensure the absence of unlawful discrimination on the basis of age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability.

j. In recruiting, hiring and retaining employees or sub-consultants, the City of Oakland requires Counsel to undertake nondiscriminatory and equal outreach efforts, which includes outreach to minorities and women as well as other segments of Oakland's business community.

17. Living Wage Requirements

This Agreement is subject to the Oakland Living Wage Ordinance which requires that nothing less than a prescribed minimum level of compensation be paid to employees of service contractors (Counsel) of the City and employees of CFARs (Ord. 12050 § 1, 1998). The Ordinance also requires submission of the Declaration of Compliance attached and incorporated herein as **Schedule N** and made part of this Agreement and, unless exemptions apply or a waiver is granted, the Counsel must provide the following to employees who perform services under or related to this Agreement:

- a. Minimum compensation – Employees shall be paid an initial hourly wage rate of \$11.15 with health benefits or \$12.82 without health benefits. These rates shall be upwardly adjusted each year no later than April 1 in proportion to the increase at the immediately preceding December 31 over the year-earlier level of the Bay Region Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor.
- b. Health benefits – Full-time and part-time employees paid at the lower living wage rate shall be provided health benefits of at least \$1.51 per hour. Counsel shall provide proof that health benefits are in effect for those employees no later than 30 days after execution of the contract or receipt of City financial assistance.
- c. Compensated days off – Employees shall be entitled to twelve compensated days off per year for sick leave, vacation or personal necessity at the employee's request, and ten uncompensated days off per year for sick leave. Employees shall accrue one compensated day off per month of full time employment. Part-time employees shall accrue compensated days off in increments proportional to that accrued by full-time employees. The employees shall be eligible to use accrued days off after the first six months of employment or consistent with company policy, whichever is sooner. Paid holidays, consistent with established employer policy, may be counted toward provision of the required twelve compensated days off. Ten uncompensated days off shall be made available, as needed, for personal or immediate family illness after the employee has exhausted accrued compensated days off for that year.
- d. Earned Income Credit (EIC) – Counsel shall inform employees that he or she may be eligible for EIC payments. Counsel shall provide forms to apply for advance EIC payments to eligible employees.

18. Equal Benetits Ordinance

This Agreement is subject to the Equal Benetits Ordinance of Chapter 2.232.010 of the Oakland Municipal Code and its implementing regulations. The purpose of this Ordinance is to protect and further the public, health, safety, convenience, comfort, property and general welfare by requiring that public funds be expended in a manner that prohibits discrimination in the provision of employee benetits by City contractors and Counsel between employees with spouses and employees with domestic partners, and/or between domestic partners and spouses of such employees. (Ord. 12394 (part), 2001)

Entities that enter into a contract with the City for an amount of twenty-five thousand dollars or more for public works or improvements to be performed, or for goods or services to be purchased or grants to be provided at the expense of the City or to be paid out of moneys deposited in the treasury or out of trust moneys under the control of or collected by the City; and Entities that enter into a property contract pursuant to Section 2.32.020(D) with the City in an amount of twenty-five thousand dollars or more for the exclusive use of or occupancy (1) of real property owned or controlled by the City or (2) of real property owned by others for the City's use or occupancy, for a term exceeding twenty-nine days in any calendar year.

The Ordinance shall only apply to those portions of a Counsel's operations that occur (1) within the city; (2) on real property outside the City if the property is owned by the City or if the City has a right to occupy the property, and if the contract's presence at that location is connected to a contract with the City; and (3) elsewhere in the United States where work related to a City contract is being performed. The requirements of this chapter shall not apply to subcontracts or subcontractors of any contract or contractor

Trie Equal Benetits Ordinance requires among other things, submission of the attached and incorporated here as **Schedule N-1 – Equal Benetits-Declaration of Nondiscrimination**.

19. City of Oakland Campaign Contribution Limits

This Agreement is subject to the City of Oakland Campaign Reform Act of Chapter 3.12 of the Oakland Municipal Code and its implementing regulations if it requires City Council approval. The City of Oakland Campaign Reform Act prohibits Counsel who are doing business or seeking to do business with the City of Oakland from making campaign contributions to Oakland candidates between commencement of negotiations and either 180 days after completion of or termination of contract negotiations.

If this Agreement requires Council approval, Counsel must sign and date an Acknowledgment of Campaign Contribution Limits Form attached and incorporated here as Schedule O.

20. Nuclear Free Zone Disclosure

Counsel represents, pursuant to Schedule P ("Nuclear Free Zone Disclosure Form"), that Counsel is in compliance with the City of Oakland's restrictions on doing business with service providers considered nuclear weapons makers. Before execution of this Agreement, Counsel shall complete Schedule P, attached here.

21. Insurance

Unless a written waiver is obtained from the City's Risk Manager, Counsel must provide the insurance listed in Schedule Q. Schedule Q which is attached and incorporated here.

22. Indemnification

Each Counsel shall indemnify and hold harmless the City, its officers, employees, agents and members of its boards and commissions (each an "indemnified party") from and against all losses, claims, demands, damages, liabilities, actions, judgments and awards caused by the negligent or wrongful acts of Counsel in connection with the performance of its services under this Agreement. Counsel shall promptly reimburse each indemnified party for all legal and other costs and expenses reasonably incurred by the indemnified party in investigating, defending or preparing to defend an action or claim.

Promptly after receipt by an indemnified party of written notice of the filing of any claim or the commencement of any action, the indemnified party shall, if a claim is to be made against Counsel under this section, notify Counsel in writing of its filing; but the omission to notify Counsel shall not relieve Counsel from any liability which it may have to the indemnified party. In case any claim or action shall be brought against an indemnified party and the indemnified party shall notify Counsel of its filing or commencement, Counsel shall be entitled to participate and, to the extent that it wishes, to assume the defense with Counsel reasonably acceptable to the indemnified party. After timely written notice from Counsel to the indemnified party of its election to assume the defense, Counsel shall not be liable to the indemnified party under this section for any legal or other expenses subsequently incurred by the indemnified party in connection with the defense, other than reasonable out-of-pocket costs or any investigation, so long as Counsel continues to diligently pursue the defense. However, any indemnified party shall have the right to select separate counsel to assert legal

defenses that may be different from or additional to those available to Counsel and otherwise participate in the defense of an action on behalf of the indemnified party. In such event the fees and expenses of separate Counsel for the indemnified party in defending such claim or action shall be borne by the indemnified party. Nothing in this Section shall limit any of City's rights or remedies under this Agreement or at law or in equity. The indemnity agreements in this Section shall survive the termination, expiration or cancellation of this Agreement.

23. Political Prohibition

Subject to applicable state and federal laws, moneys paid pursuant to this Agreement shall not be used for political purposes, sponsoring or conducting candidate meetings, engaging in voter registration activity, nor for publicity or propaganda purposes designed to support or defeat legislation pending before federal, state or local government.

24. Religious Prohibition

There shall be no religious worship, instruction or proselytization as part of or in connection with the performance of the Agreement.

25. Business Tax Certificate

Counsel shall obtain and provide proof of a valid City business tax certificate, which will be valid before and to the conclusion of this Agreement.

26. Termination on Notice

The City may terminate this Agreement immediately for cause or without cause upon giving thirty calendar days' written notice to Counsel. Unless otherwise terminated this Agreement will terminate on December 31, 2012.

27. Abandonment of Project

The City may abandon or indefinitely postpone the project or the services for any or all of the project at any time. In such event, the City shall give thirty days written notice of abandonment. In the event of abandonment before completion of the final drawings, if applicable, and cost estimates, Counsel shall have the right to expend a reasonable amount of additional time to assemble work in

progress for the purpose of proper filing and closing the job. Before expending that time, Counsel shall present to the City a complete report of the proposed job closure and its costs, and the City may approve all or any part of the expense. Such additional time shall not exceed ten percent of the total time expended to the date of notice of termination. All charges incurred and approved by the City, together with any other charges outstanding at the time of termination, shall be payable by the City within thirty days following submission of a final statement by Counsel.

Should the project or any portion of it be abandoned, the City shall pay the Counsel for all services performed in accordance with the terms of this Agreement.

28. Validity of Contracts

This Agreement shall not be binding or of any force or effect until signed by the City Attorney or the City Attorney's designee.

29. Governing Law

This Agreement shall be governed by the laws of the State of California.

30. Notices

If either party shall desire or be required to give notice to the other, that notice shall be given in writing, by prepaid U.S. certified or registered postage, addressed as follows:

City of Oakland, Office of the City Attorney, One Frank Ogawa Plaza 6th Floor,
Oakland, CA 94612 (510) 238-3601, Attn: Tracy Chriss

Iwama Law Firm, 333 5th Avenue S., Kent, WA 98032-5763, Attn: S. Lamont
Bossard, Jr.

31. Entire Agreement of the Parties

This Agreement supersedes all agreements, either oral or written, between the parties with respect to the rendering of services by Counsel for City and contains all of the representations, covenants and agreements between the parties with respect to the rendering of those services. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of

any party, which is not contained in this Agreement; and that no other agreement, statement or promise not contained in this Agreement will be valid or binding.

32. Modification

Any modification of this Agreement will be effective only if it is in writing signed by the party to be charged.

33. Severability/Partial Invalidity

If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, shall be finally found to be void, invalid, illegal or unenforceable by a court then notwithstanding that determination, the term or provision shall remain in force and effect to the extent allowed by such ruling and all other terms and provisions of this Agreement or the application of this Agreement to other situations shall remain in full force and effect.

Notwithstanding the foregoing, if any material term or provision of this Agreement or the application of such material term or condition to a particular situation is finally found to be void, invalid, illegal or unenforceable by a court, then the parties agree to work in good faith and fully cooperate with each other to amend this Agreement to carry out its intent.

34. Time of the Essence

Time is of the essence in the performance of this Agreement.

35. Commencement, Completion and Close Out

It shall be the responsibility of the Counsel to coordinate and schedule the work to be performed so that commencement and completion take place in accordance with the provisions of this Agreement.

Any time extension granted to Counsel to enable Counsel to complete the work must be in writing and shall not constitute a waiver of rights the City may have under this Agreement.

Should the Counsel not complete the work by the scheduled date or by an extended date, the City shall be released from all of its obligations under this Agreement.

Within thirty days of completion of the performance under this Agreement, the Counsel shall make a determination of any and all final costs due under this Agreement and shall submit a requisition for such final and complete payment (including without limitations any and all claims relating to or arising from this Agreement) to the City. Failure of the Counsel to timely submit a complete and accurate requisition for final payment shall relieve the City of any further obligations under this Agreement, including without limitation any obligation for payment of work performed or payment of claims by Counsel.

36. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

37. Inconsistency

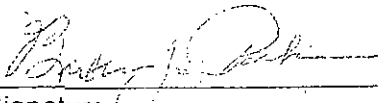
If there is any inconsistency between the main Agreement and the attachments, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

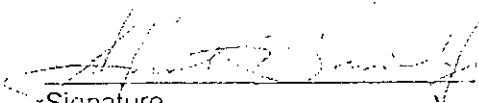
Counsel,

Barbara Parker, City Attorney

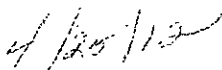
S. Lamont Bossard, Jr. Attorney at Law



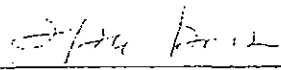
Signature



Signature



Date



Date

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND BINGHAM McCUTCHEN

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the _____ between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Bingham McCutchen, 355 South Grand Avenue, Los Angeles, CA 90071-3106, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Counsel's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement; the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.



39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency


If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

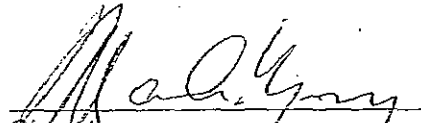
Counsel,

Barbara J. Parker, Acting
City Attorney

Bingham McCutchen



Signature



Signature

10/18/11

Date

10/14/11

Date

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND
DRINKER BIDDLE & REATH LLP

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the _____ between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Drinker Biddle & Reath LLP, 1800 Century Park East, Suite 1400, Los Angeles, California, 90067, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Counsel's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement, the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.

39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

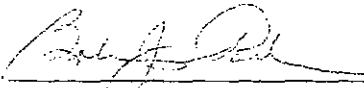
If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

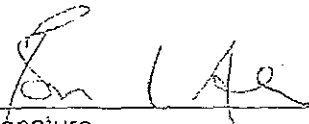
Counsel,

Barbara J. Parker
City Attorney

Drinker Biddle & Reath LLP



Signature



Signature

1/8/12

Date

December 1, 2011

Date

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND FITZGERALD, ABBOTT & BEARDSLEY, LLP

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the July 1 2011 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Fitzgerald, Abbott & Beardsley, LLP, 1221 Broadway, 21st Floor, Oakland, California, 94612, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Counsel's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement, the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.

39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

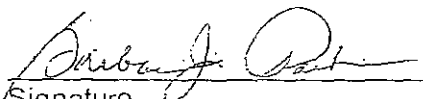
If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation


Counsel,

Barbara J. Parker
City Attorney

Fitzgerald, Abbott & Beardsley



Signature



Signature: BARRY H. EPSTEIN, PARTNER

10/15/11

Date

10/12/2011

Date

631345

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND
HANSON BRIDGETT LLP

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of July 1, 2011 between the City of Oakland, a municipal corporation (hereinafter "City"), One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Hanson Bridgett, LLP, 1676 No. California Blvd., Suite 620, Walnut Creek, CA 94596, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Counsel's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement, the billed/invoiced amounts to date, and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.

39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

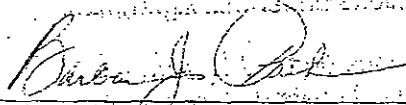
If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

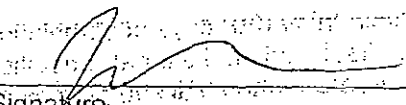
Counsel,

Barbara J. Parker
City Attorney

Hanson Bridgett LLP



Signature



Signature

12/1/11

Date

11/29/11

Date

3324265

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND
HUSCH BLACKWELL LLP

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the 15th day of July 2011 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Husch Blackwell LLP, 1050 17th Street, Suite 1500, Denver, CO , 80265, (hereinafter Husch Blackwell, LLP).

2. Scope of Services

Husch Blackwell, LLP agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Husch Blackwell, LLP's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement, the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.

Within thirty (30) days of completion of the performance under this Agreement, Husch Blackwell, LLP shall make a determination of any and all final costs due under this Agreement and shall submit a requisition for such final and complete payment (including without limitations any and all claims relating to or arising from this Agreement) to the City. Failure of Husch Blackwell, LLP to timely submit a complete and accurate requisition for final payment shall relieve the City of any further obligations under this Agreement, including without limitation any obligation for payment of work performed or payment of claims by Husch Blackwell, LLP.

39. Approval

If the terms of this Agreement are acceptable to Husch Blackwell, LLP and the City, sign and date below.

40. Inconsistency

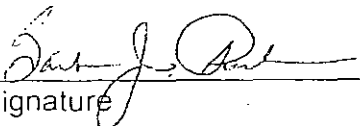
If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

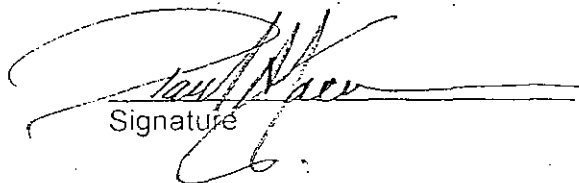
Consultant,

Barbara J. Parker
City Attorney

Husch Blackwell LLP



Signature



Signature

10/26/11

Date

Oct-10, 2011

Date

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND BURNHAM BROWN

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the 7/1/2011 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Burnham Brown, 1901 Harrison Street, 11th Floor Oakland, CA 94612, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Counsel's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement, the billed/invoiced amounts to date and the amount remaining on the original budget Bills not including this accounting will be returned unpaid.



39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

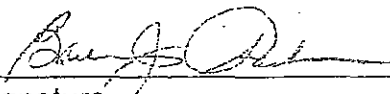
If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

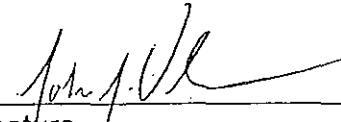
Counsel,

Barbara J. Parker, Acting
City Attorney

Bumham Brown



Signature



Signature

7/28/11

Date

7/25/11

Date

1269690

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND S. LAMONT BOSSARD, JR. ATTORNEY AT LAW

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the January 3, 2012 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank Ogawa Plaza, 6th Floor, Oakland, California 94612 and S. Lamont Bossard, Jr of Iwama Law Firm, 333 5th Avenue S., Kent, WA 98032-5763 (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. Should Counsel provide services for subsequent matters, additional attachments must be numbered sequentially outlining the scope of service. Counsel shall designate an individual responsible for communications with the City Attorney during the term of this Agreement.

Within thirty days of completion of the performance under this Agreement, the Counsel shall make a determination of any and all final costs due under this Agreement and shall submit a requisition for such final and complete payment (including without limitations any and all claims relating to or arising from this Agreement) to the City. Failure of the Counsel to timely submit a complete and accurate requisition for final payment shall relieve the City of any further obligations under this Agreement, including without limitation any obligation for payment of work performed or payment of claims by Counsel.

36. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

37. Inconsistency

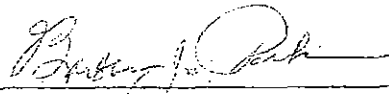
If there is any inconsistency between the main Agreement and the attachments, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

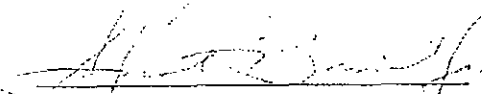
Counsel,

Barbara Parker, City Attorney

S. Lamont Bossard, Jr. Attorney at Law



Signature



Signature

4/25/12

Date

4/25/12

Date

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND
BEST BEST KRIEGER

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the July 1, 2011 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Best, Best & Krieger, 400 Capitol Mall, Suite 1650 Sacramento, CA 95814 (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Counsel's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement, the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.



39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

Counsel,

Barbara J. Parker
City Attorney

Best, Best & Krieger

Signature

Signature

Date

Date

5/8/2012

28012513
City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND BERTRAND, FOX & ELLIOT

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the July 1, 2011 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Bertrand, Fox & Elliot, 2749 Hyde Street, San Francisco, California, 94109, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Counsel's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

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39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

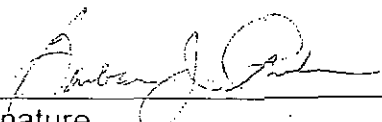
If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

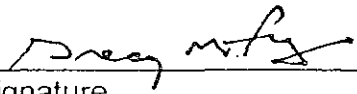
Counsel,

Barbara J. Parker, Acting
City Attorney

Bertrand, Fox & Elliot



Signature



Signature

7/21/11

Date

July 21 2011

Date

1550705

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND
CHRISTOPHER KEE, ATTORNEY AT LAW

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of November 18, 2011 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Christopher Kee, Attorney at Law. 4330 Old Pine Court, Etna, CA 96027 (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Counsel's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement, the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.

39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

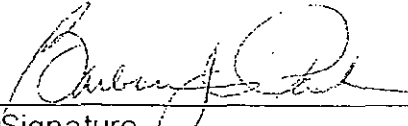
If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

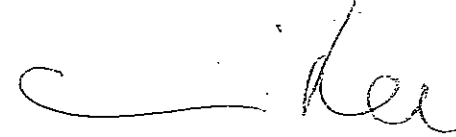
Counsel,

Barbara J. Parker
City Attorney

Christopher Kee
Attorney at Law



Signature



Signature

12/21/11

Date

12/15/11

Date

pending

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND
KILPATRICK TOWNSEND & STOCKTON LLP

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the 6/1/11 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Kilpatrick, Townsend & Stockton, LLP, 1300 Clay Street, Suite 1000, Oakland, California, 94612, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. Should Counsel provide services for subsequent matters, additional attachments must be numbered sequentially outlining the scope of service. Counsel shall designate an individual responsible for communications with the City Attorney during the term of this Agreement.

39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

if there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

Barbara Rasso

~~John Rasso~~, City Attorney

Barbara J. Rasso

Signature

7/26/12

Date

Counsel,

Kilpatrick, Townsend & Stockton, LLP

[Signature]

Signature

RMN
6/6/12 6/6/2011

Date

28015109

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND
LAFAYETTE & KUMAGAI, LLP

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the _____ between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Lafayette & Kumagai, LLP, 100 Spear Street, Suite 600, San Francisco, CA 94105, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. The maximum that will be paid for the entire scope of service per matter will not exceed the not to exceed amount included in the Scope of Service/Retention Agreement, even if the Counsel's actual costs exceed the amount. The Office of the City Attorney will not approve bills/invoices that are in excess of budget, absent prior approval.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement, the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.



39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

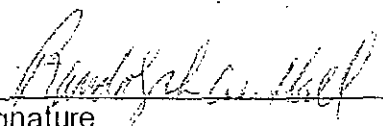
If there is any Inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

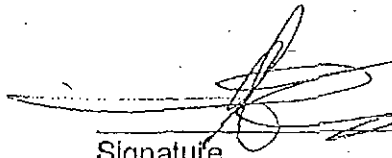
Counsel,

Barbara J. Parker
City Attorney

Lafayette & Kumagai, LLP



Signature



Signature

5-22-12

Date

Date

City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND
RONALD R. MCCLAIN
ATTORNEY AT LAW

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the July 1, 2011 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612 and Ronald R. McClain, Attorney at Law, 5979 Contra Costa Road, Oakland, CA, 94610, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. Should Counsel provide services for subsequent matters, additional attachments must be numbered sequentially outlining the scope of service. Counsel shall designate an individual responsible for communications with the City Attorney during the term of this Agreement.



39. Approval

If the terms of this Agreement are acceptable to Counsel and the City, sign and date below.

40. Inconsistency

If there is any inconsistency between the main Agreement and the attachments/exhibits, the text of the main Agreement shall prevail.

City of Oakland,
a municipal corporation

Counsel,

Barbara J. Parker, Acting
City Attorney

Ronald R. McClain
Attorney at Law

Barbara J. Parker
Signature

Ronald R. McClain
Signature

7/18/11
Date

7/15/11
Date

2263084
City of Oakland
Business Tax Certificate Number

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAKLAND
AND
FOSTER & ASSOCIATES, ATTORNEYS AT LAW

Whereas, the Oakland City Charter authorizes the City Attorney to retain special legal counsel without regard to the provisions of Article IX of the Oakland City Charter; and

Whereas, the City Attorney hereby finds that this agreement is for temporary services of a professional nature; and

Whereas, the City Attorney further finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service of the City;

Now therefore the parties to this Agreement covenant as follows:

1. Parties and Effective Date

This Agreement is made and entered into as of the July 28, 2009 between the City of Oakland, a municipal corporation, (hereinafter "City") One Frank Ogawa Plaza, 6th Floor, Oakland, California 94612 and Foster & Associates, Attorneys at Law, 3000 Lakeshore Avenue, Oakland, California, 94610, (hereinafter "Counsel").

2. Scope of Services

Counsel agrees to perform the services specified in the Scope of Services/Retention Agreement, which is made a part of this Agreement. A Scope of Services/Retention Agreement is required for each matter and must be approved by the City Attorney. The Scope of Service Agreement(s) for each matter must include a written work plan and a "not to exceed amount." The Scope of Service Agreement(s) for each matter cannot be modified without the written approval of the City Attorney or one of the Chief Assistant City Attorneys. Should Counsel provide services for subsequent matters, additional attachments must be numbered sequentially outlining the scope of service. Counsel shall designate an individual responsible for communications with the City Attorney during the term of this Agreement.

37. Inconsistency

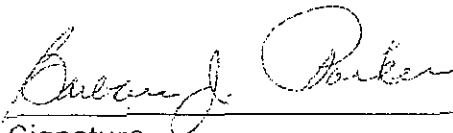
If there is any inconsistency between the main Agreement and the attachments, the text of the main Agreement shall prevail:

City of Oakland,
a municipal corporation


Counsel,

John Russo, City Attorney

Foster & Associates, Attorneys at Law



Signature



Signature

8-19-09

Date

8-14-09

Date

962619

City of Oakland
Business Tax Certificate Number

Oakland, California, Code of Ordinances >> - THE CHARTER OF THE CITY OF OAKLAND >> ARTICLE XII - GENERAL PROVISIONS >>

ARTICLE XII - GENERAL PROVISIONS 

Section 1200. Conflict of Interest. No officer of the City may participate on behalf of the City in any transaction or activity in which he has a conflict of interest, as such conflict is defined by State Law. The penalty for violation of this section shall be as provided by State Law.

(Amended by: Stats. November 1988.)

Section 1201. Incompatible Employment. Each officer and employee shall, during his hours of active duty, devote his whole time, attention and efforts to his office or employment, and he may not be required to perform any service except for the benefit of the City. No officer or employee of the City may engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible or in conflict with his duties or with the duties, functions and responsibilities of the department or other agency in which he is employed.

The City Administrator or the City Attorney, or the Auditor, as to personnel under their respective jurisdictions, shall declare the activities which will be considered inconsistent, incompatible or in conflict with, or inimical to, the duties of such personnel as City employees. In making this determination, consideration shall be given to employment, activity or enterprise which: (a) involves the use for private gain or advantage of City time, facilities, equipment and supplies; or the badge, uniform, prestige or influence of one's City office or employment; or (b) involves receipt by the officer or employee of any money or other consideration for the performance of any act required of him/her as a City officer or employee; or (c) involves the performance of an act in other than his capacity as City officer or employee which act may later be subject directly or indirectly, to control, inspection, review, audit or enforcement by him/her or by the agency in which he is employed.

(Amended by: Stats. November 1988 and March 2004.)

Section 1202. Conflict in Office. The Mayor and members of the Council shall not hold any other municipal office or any other office or employment to receive compensation from the City; or be appointed or elected to any office created by the Council while he is a member thereof, until at least one year shall have expired after the expiration of the term for which he was elected.

(Amended by: Stats. November 1988.)

Section 1203. Gifts and Trusts. The Council shall have the power to accept gifts and trusts in behalf of the City and to control, manage, dispose of and otherwise administer the same in accordance with their terms.

(Amended by: Stats. November 1988.)

Section 1204. Title to Property. All real property acquired by the City shall be held in the name of "The City of Oakland."

(Amended by: Stats. November 1988.)

Section 1205. Public Notice. Except as otherwise provided in this Charter or by general law, the Council shall, by ordinance applying to all agencies of the City, designate the time and conditions under which adequate public notice should be given, through publication or otherwise, of the pending consideration of ordinances, invitations to bid, and awards of contracts or leases, notices of intention to grant franchise, election proceedings and other matters requiring public

notice in accordance with this Charter, any ordinance enacted pursuant thereto or general state law. Publication, if required, shall be in an official newspaper designated annually by the Council, which shall be a newspaper printed and published in the City of Oakland and which shall have a daily circulation within the City of at least 25,000.

(Amended by: Stats. November 1988.)

Section 1206. Oath of Office. Every officer of the City, before entering upon his duties, shall take the following oath and file the same with the City Clerk: "I solemnly swear or affirm that I will support the constitution of the United States, the constitution of the State of California, and the Charter of the City of Oakland, and will truly and to the best of my abilities perform the duties of the office of _____."

(Amended by: Stats. November 1988.)

Section 1207. Oaths and Subpoenas. Every officer and every member of any Board provided for in this Charter shall, in all matters relevant to his office, have the power to administer oaths and affirmations and to issue subpoenas to compel the production of books, papers and documents and to take testimony on any matter pending before him. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, said officer or the majority of the members of the board or commission may find him in contempt, and shall have power to take the proceedings in that behalf provided by the general law of the State.

(Amended by: Stats. November 1988.)

Section 1208. Violation. The violation of any provision of the Charter shall be deemed a misdemeanor and be punishable upon conviction in the manner provided by State Law, unless otherwise expressly provided for in this Charter.

(Amended by: Stats. November 1988 and Stats. November 2000.)

Section 1209. Previous Charter Provisions Continued. Section 91(e) added by Stats. Feb. 1959, Sections 97(f), 33(1) through 33(10), 92-½ through 96-¾, 100-½ through 104(c), 199 (d), all the sections of Article XXVI and all the sections of Article XXVII, as the same appeared in the Charter immediately prior to the adoption of this section, are by this reference hereby continued in full force and effect, and ratified, by the adoption of this section as if the same were herein printed and set forth in full. Said sections shall be printed in the appendix to this revised Charter and shall be renumbered therein as sections of said appendix. All sections and articles of the said Charter, as the same existed immediately prior to the adoption of this section, other than the hereinabove specified sections and articles thereof which are ratified and continued in full force and effect by the adoption of this section, are hereby repealed by the adoption of this section.

(Amended by: Stats. November 1988.)

Section 1210. Construction and Separability. If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the remainder of this Charter and the application of such provisions to other persons or circumstances shall not be affected thereby.

(Amended by: Stats. November 1988.)

Section 1211. Effective Date. This charter shall take effect upon the filing with the Secretary of State of the concurrent resolution of its approval by the State Legislature.

(Amended by: Stats. November 1988.)

Section 1212. Gender References. All gender references in this Charter shall be considered neutral in form and context.

(Amended by: Stats. November 1988.)

-----Original Message-----

From: Simmons, LaTonda
Sent: Wed 10/17/2012 10:37 PM
To: Brooks, Desley
Subject: RE: chronology.

The following speaks to the scheduling chronology of the report you requested from the City Attorney's office on their process for awarding outside legal contracts.

At the January 13, 2011 Rules and Legislation Committee, then Councilmember Brooks serving as Vice Mayor submitted a scheduling request on the dais bearing the following title:

Receive An Informational Report From The City Of Oakland's Contract And Purchasing Department On The Contracting Process And Timeline For The Public Works Agency, Police Department, Fire Department,

Attorney's Office, Library, Community And Economic Development Agency, Department of Human Services, And City Administration's Office

The item in question was assigned the File ID number (10-0334)

The above request was scheduled to the March 22, 2011 Finance and Management Committee. At the March 22, 2011 Finance and Management Committee staff appeared before the Finance Committee stating they were not prepared to deliver the report and requested the item be rescheduled to a future date. Although no report was prepared, the item was rescheduled to the April 12, 2011 Finance and Management Committee meeting. At the March 22, 2011 Finance and Management Committee staff was directed accordingly:

The Committee directed staff to provide a "snapshot" of current practices in each department. The report should include the current processes and the amount of time it takes to complete each step in the process.

Staff prepared a report for the April 12, 2011 Finance and Management committee, a supplemental report changing the original title was produced and the title was changed to:

Discussion And Possible Action On The City's Contracting Process And Timeline For Various Agencies [TITLE CHANGE]

The April Finance and Management Committee Received and Filed the report and directed staff to return accordingly:

Staff was directed to return to the May 24, 2011 Finance and Management Committee meeting with the following information: 1. Additional information on the City Attorney's contracting processes 2. Additional information on the City Auditor's contracting processes 3. A real-time estimate of each task in the process (i.e. the amount of time it actually takes to read a report) 4. A Procure to Pay (P to P) print out of actual time taken in each step of the process Staff was also directed to provide information on the amount of time it takes to initiate the process and pay a vendor after Council has approved the contract. There was one speaker on this item.

The follow up report was assigned file ID 10-0334-1 on May 6, 2011 and placed on the May 24, 2011 Finance and Management Committee bearing the following title:

Discussion And Possible Action On The City's Contracting Process And Timeline For Various Agencies
[TITLE CHANGE]

However, at the May 19, 2011 Rules and Legislation Committee, the item was withdrawn from the May 24, 2011 Finance and Management Committee agenda and rescheduled to June 14, 2011 Finance and Management Committee agenda.

The June 14, 2011 Finance and Management Committee approved recommendations and forwarded the time to the June 21, 2011 City Council agenda and directed staff accordingly:

The committee directed the City Attorney's office to provide the following information in a supplemental report to Council: 1. An explanation of why contracts from the Office of the City Attorney do not require Council approval; and 2. Details of a more specific contracting process. The committee also directed the City Auditor's office to provide the total amount of money expended in contracts per year. Staff was further directed to schedule a resolution through Rules raising the threshold of the City Administrator's approval. There were 2 speakers on this item.

Action: *Approve as Amended the Recommendation of Staff, and Forward

In an email dated June 15, 2011, the Office of the City Attorney requested removal of the item from the June 21, 2011 City Council Agenda by way of Rule 28a and rescheduling of the item to the July 5, 2011 City Council agenda.

The item was assigned as number 13 on the July 5, 2011 City Council agenda, and it was again requested by Rule 28a from the City Attorney Office to be stricken from the July 5, 2011 City Council agenda with no new date.

Thereafter this item was requested yet again to be removed from the July 5, 2011 City Council agenda by the Office of the City Attorney via Rule 28a with no specific date designated for return.

At the July 7, 2011 Rules and Legislation Committee at the request of Councilmember Brooks serving as Vice Mayor the same contracting item bearing file id number 10-0334-1 was requested to be scheduled to the July 19, 2011 City Council agenda.

However, at 6:31pm on July 7, 2011, the City Attorney again requested Rule 28a approval to remove the Contract report from the July 19, City Council agenda and defer the item to September of 2011. Further research shows no return of the item but additional time may be necessary to determine if additional Rule 28 approvals were approved.

I have attached much of the documentation that supports the date and time changes. Please let me know if you need anything further. Thanks.

LaTonda Simmons
City Clerk and Clerk of the Council
(510) 238-3122

From: Brooks, Desley
Sent: Tue 10/9/2012 3:02 PM
To: Simmons, LaTonda
Subject: chronology.

Hi LaTonda:

Hope this email finds you well. At a finance committee meeting, prior to the Council recess, I requested a report from the City Attorney's Office on their process for awarding outside legal contracts. The item was scheduled by the Rules committee, but somehow mysteriously has fallen through the cracks.

Please provide me with the chronology of the request and why the item has not been brought to committee.

Let me know if you can provide this information before Thursday's Rules Committee meeting as I would like to get the item scheduled and need to understand why it has not been brought forward.

Thanks in advance for your assistance.

Desley

Desley Brooks
Oakland City Council Member, District 6
City Hall
1 Frank Ogawa Plaza, 2nd Floor
Oakland, CA 94612
(510) 238-7006 (office)
(510) 986-2650 (facsimile)
dbrooks@oaklandnet.com

Keep Making A Difference -- Pay It Forward!
For information about news and events in District 6
"Like" me on Facebook:
<https://www.facebook.com/pages/Desley-Brooks/135189713236208>

--
Desley Brooks
Council Member, District 6

1 Frank Ogawa Plaza, 2nd Floor
Oakland, CA 94612
(510) 238-7006 (office)

(510) 986-2650 (facsimile)

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--

Desley Brooks

Council Member, District 6

1 Frank Ogawa Plaza, 2nd Floor

Oakland, CA 94612

(510) 238-7006 (office)

(510) 986-2650 (facsimile)

Keep Making A Difference -- Pay It Forward

For information about news and events in District 6

"Like" me on Facebook:

<https://www.facebook.com/pages/Desley-Brooks/135189713236208>



City of Oakland
Office of the City Clerk

Upcoming Council Dates:

Week 3	4-19-11 Council Recess
Week 1	05-03-11

**Rules Committee Assignment of the Consent Calendar and Non-Consent
Items to the ORA/City Council Agenda (Committee Matrix)**

Committee Agenda Date: April 12, 2011

RECOMMENDED

Item No.	PUBLIC WORKS COMMITTEE	COMMITTEE ACTION	CONSENT	NON-CONSENT
MEETING CANCELLED				
	FINANCE AND MANAGEMENT COMMITTEE	COMMITTEE ACTION	CONSENT	NON-CONSENT
3	Receive An Informational Report Regarding The Status Of The State's Budget Development And Its Potential Impacts On The City Of Oakland [TITLE CHANGE] (09-0439-4) The Committee directed staff to also provide information on the Federal Budget and its potential impacts on the City of Oakland in future reports.	Received and Filed	No Council Action Necessary	
4	Discussion And Possible Action On The City's Contracting Process And Timeline For Various Agencies [TITLE CHANGE] (10-0334) Staff was directed to return to the May 24, 2011 Finance and Management Committee meeting with the following information: <ul style="list-style-type: none"> 1. Additional information on the City Attorney's contracting processes 2. Additional information on the City Auditor's contracting processes 3. A real-time estimate of each task in the process (i.e. the amount of time it actually takes to read a report) 4. A Procure to Pay (P to P) print out of actual time taken in each step of the process Staff was also directed to provide information on the amount of time it takes to initiate the process and pay a vendor after. Council has approved the contract.	Received and Filed	No Council Action Necessary	
Item No.	COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE	COMMITTEE ACTION	CONSENT	NON-CONSENT
3	Discussion And Action On A Standing Report Discussing Potential Impacts From The State Of California's Budget Development Process On The City Of Oakland's Community And Economic Development Agency And The Oakland Redevelopment Agency (10-0336-3) The Committee directed	Received and Filed	No Council Action Necessary	

5



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

*Finance & Management Committee

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California 94612

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, April 12, 2011

12:00 PM

Sgt Mark Dunakin Rm - 1st Floor

- 4 Subject: Contracting Process And Timeline - Various Departments
From: Vice Mayor Brooks
Recommendation: Discussion And Possible Action On The City's Contracting Process And Timeline For Various Agencies [TITLE CHANGE] (10-0334)

A motion was made by Member Brooks, seconded by Member Kernighan, that this matter be *Received and Filed. The motion carried by the following vote:

Votes: Councilmember Aye: Member Brooks, Member Kernighan, Chair De La Fuente and Member Brunner

Staff was directed to return to the May 24, 2011 Finance and Management Committee meeting with the following information:

1. Additional information on the City Attorney's contracting processes
2. Additional information on the City Auditor's contracting processes
3. A real-time estimate of each task in the process (i.e. the amount of time it actually takes to read a report)
4. A Procure to Pay (P to P) print out of actual time taken in each step of the process

Staff was also directed to provide information on the amount of time it takes to initiate the process and pay a vendor after Council has approved the contract

There was one speaker on this item.

City Clerk and Clerk of the Council



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

*Rules & Legislation Committee

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, May 19, 2011

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

The Oakland City Council Rules and Legislation Committee convened at 10:49 a.m., with Council President Reid presiding as Chairperson.

1 Closed Session

Present: Member Brooks, Member Schaaf, Member Reid and President Pro Tempore De La Fuente

There was no action necessary for this item.

2 Approval of the Draft Minutes from the Committee meeting of May 5, 2011

A motion was made by Member Schaaf, seconded by President Pro Tempore De La Fuente, to *Approve as Submitted. The motion carried by the following vote:

Votes: Absent; 1 - Member Brooks

Aye; 3 - Member Schaaf, Member Reid and President Pro Tempore De La Fuente

3 Determination of Schedule of Outstanding Committee Items

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve as Submitted. The motion carried by the following vote:

Votes: Absent; 1 - Member Brooks

Aye; 3 - Member Schaaf, Member Reid and President Pro Tempore De La Fuente

(rules051911)

Roll Call was modified to show Vice Mayor Brooks present at 10:51am.

4 Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings of May 24, 2011 (SUPPLEMENTAL)

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

(rules51911item4)

S-4.1 Subject: Professional Services Agreement With Police Performance Solutions
From: Oakland Police Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator , On Behalf Of The City Of Oakland, To 1) Waive The Request For Proposals Process (RFP) And Enter Into A Professional Services Agreement With Police Performance Solutions, LLC In An Amount Not To Exceed One Million Five Hundred Eighty Thousand Dollars (\$1,580,000.00), To Continue To Perform The Services Of An Independent Monitor 2) To Enter Into A Professional Services Agreement With Police Performance Solutions, LLC In An Amount Not To Exceed One Hundred Four Thousand Dollars (\$104,000.00), To Continue To Provide Additional Technical Assistance, For The Period Beginning January 21, 2012 Through January 20, 2014, As Required By The Memorandum Of Understanding (MOU) Re: Post Negotiated Settlement Agreement (NSA) Terms And Conditions Allowing For The Resolution Of Plaintiffs Claims For Injunctive Relief And For Dismissal Of The Action, And 3) Appropriate Said Funds To Pay For The Work (10-0664)

Scheduled to Meeting of the Oakland City Council on 6/7/2011

There was one speaker on this item.

S-4.2 Subject: Increase To A Special Tax Imposed For Emergency Medical Services
From: Office Of Budget
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2011-2012 Increase To A Special Tax Imposed For Emergency Medical Services In Accordance With The Emergency Medical Services Retention Act Of 1997 (Measure M) And Setting June 7, 2011 As The Date For A Public Hearing (10-0657)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011

There was one speaker on this item.

S-4.3 Subject: Special Tax Imposed For Paramedic Emergency Services
From: Office Of Budget
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2011-12 Increase To A Special Tax Imposed For Paramedic Emergency Services In Accordance With The Paramedic Services Act Of 1997 (Measure N) And Setting June 7, 2011 As The Date For A Public Hearing (10-0658)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011

There was one speaker on this item.

- S-4.4 Subject: Special Tax Imposed For Library Services
From: Office Of Budget
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2011-2012 Increase To A Special Tax Imposed For Library Services In Accordance With The Library Services Retention And Enhancement Act Of 2004 (Measure Q) And Setting June 7, 2011 As The Date For A Public Hearing (10-0659)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011
There was one speaker on this item.
- S-4.5 Subject: Special Tax Imposed For Violence Prevention And Public Safety Services
From: Office Of Budget
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2011-2012 Increase To A Special Tax Imposed For Violence Prevention And Public Safety Services In Accordance With The Violence Prevention And Public Safety Act Of 2004 (Measure Y) And Setting June 7, 2011 As The Date For A Public Hearing (10-0660)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011
There was one speaker on this item.
- S-4.6 Subject: LLAD Engineer's Report FY 2011-2012.
From: Office Of Budget
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Information In The Engineer's Report For The City Of Oakland Landscaping And Lighting Assessment District For Fiscal Year 2011-2012 And The Levying Of Assessments (10-0661)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011
- S-4.7 Subject: Wildfire Prevention - Annual Report
From: Office Of Budget
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Confirming The Information In The Annual Report For The City Of Oakland Wildfire Prevention Assessment District For Fiscal Year 2011-2012 And The Levying Of Assessments (10-0662)
Scheduled to Meeting of the Oakland City Council on 6/7/2011
There was one speaker on this item.

- S-4.8 Subject: Amending Ordinance No. 13024 C.M.S (Master Fee Schedule)
From: Office Of Budget
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Ordinance Number 13024 C.M.S. (Master Fee Schedule), As Amended, To Establish, Modify And Delete Fees Assessed By The Office Of The City Administrator, Office Of The City Clerk, Finance And Management Agency, Oakland Police Department, Oakland Fire Department, Oakland Public Library, Office Of Parks And Recreation, Department Of Human Services Public Works Agency, And The Community And Economic Development Agency. (10-0663)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011
There was one speaker on this item.
- S-4.9 Subject: City Attorney's Salary
From: Office Of The City Auditor
Recommendation: Discussion And Possible Action On A Report Calculating The Oakland City Attorney's Salary In Conformity With The Oakland City Charter (10-0666)
Scheduled to *Finance & Management Committee on 6/14/2011
- S-4.10 Subject: City Auditor's Salary
From: Office Of The City Auditor
Recommendation: Discussion And Possible Action On A Report Calculating The Oakland City Auditor's Salary In Conformity With The Oakland City Charter (10-0667)
Scheduled to *Finance & Management Committee on 6/14/2011
There was one speaker on this item.
- S-4.11 Subject: Status Of Required Audits And Mandated Duties
From: Office Of City Auditor
Recommendation: Receive An Informational Report On City Ordinance And Enacted Ballot Measure Mandated Audits And Other Mandated Duties (10-0668)
Scheduled to *Finance & Management Committee on 6/14/2011
There was one speaker on this item.
- S-4.12 Subject: Entitlements Extension
From: Councilmember Brunner and President Pro Tempore De La Fuente
Recommendations: Adopt A Resolution Extending Until December 31, 2012 The Expiration Date Of Permits Issued Under The Authority Of Title 17 Of The Oakland Municipal Code (Planning Code) And Creek Protection Permits Issued Under The Authority Of Chapter 13.16 Of The Oakland Municipal Code That Otherwise Would Expire Prior To January 1, 2012 Upon Request And Payment Of Administrative Fee (10-0665)
Scheduled to *Community & Economic Development Committee on 6/14/2011

- S-4.13 Subject: Citywide Vacancies/Status Updates ("Golden Handshake")
From: Department Of Human Resources Management
Recommendation: Receive A Quarterly Report On Citywide Vacancies And A Status Update On Positions Vacated Under The 2009 CalPERS Two Years Additional Service Credit Retirement Incentive Program ("Golden Handshake") (10-0654)
Scheduled to *Finance & Management Committee on 6/14/2011
- S-4.14 Subject: Amending Salary Schedule - Ordinance No. 12187
From: Department Of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 ("Salary Ordinance") To: Add The Full Time Equivalent Classifications Of Treasury Analyst I; Treasury Analyst II; Outreach Developer; Spatial Data Analyst I; Spatial Data Analyst II; Forensic Technician; Recreation Specialist III; Deputy City Attorney V - Labor & Employment; Human Resources Manager; Department Administrative Manager; And To Add The Permanent Part Time (PPT) Equivalent Classifications Of Early Childhood Instructor, PPT; Family Advocate, PPT; Forensic Technician, PPT; Head Start Program Coordinator, PPT; Recreation Specialist III, PPT; And To Add The Part Time (PT) Equivalent Classifications Of Forensic Technician, PT; Head Start Program Coordinator, PT; Senior Services Program Assistant, PT; Family Advocate, PT; Recreation Specialist III, PT; And To Revise The Title Of The Classification Of Treasury Analyst To Treasury Analyst III; And To Correct The Salary Pay Grade For Nurse Case Manager, PPT (10-0655)
Scheduled to *Finance & Management Committee on 6/14/2011
- S-4.15 Subject: Revisions To The City Of Oakland Personnel Rules
From: Department Of Human Resources Management
Recommendation: Receive An Informational Report Regarding Recent Revisions To The City Of Oakland Personnel Rules Adopted By The Civil Service Board At Its May 12, 2011 Meeting (10-0656)
Scheduled to *Finance & Management Committee on 6/14/2011
- S-4.16 Subject: Highway Safety Improvement Program Grant
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate One Million Eight Hundred Thousand Nine Hundred Dollars (\$1,800,900.00) In Highway Safety Improvement Program (HSIP) Grant Funds To Upgrade Existing Traffic Signals, Install A New Traffic Signal, Modify Intersection Geometry, Install ADA compliant Curb Ramps, And Install Speed Message Signs At Various Intersections In The City Of Oakland (10-0652)
Scheduled to *Public Works Committee on 6/28/2011

Councilmember Kernighan was noted as present at 11:08 a.m. and at that time the Rules and Legislation Committee adjourned and the body convened as a Special Meeting of the Oakland City Council.

S-4.17 Subject: Free Parking - Pacific Renaissance Plaza Garage
From: Finance And Management Agency
Recommendation: Adopt A Resolution To Authorize The Execution Of An Agreement With The Oakland Unified School District To Allow Parking At A Discounted Rate For Lincoln School Teachers And Staff At Pacific Renaissance Plaza Garage [TITLE CHANGE] (10-0653)
Scheduled to *Life Enrichment Committee on 6/14/2011
There was one speaker on this item.

Councilmember Kernighan was noted as absent at 11:17 a.m. and at that time the Special Meeting of the Oakland City Council adjourned and the body convened as the Rules and Legislation Committee.

Requests Submitted on the Dias:

Subject: Oakland Museum Professional Services And Lease Agreements
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Ten-Year Professional Services Agreement And A Thirty-Year Lease For Two Museum Buildings At The Rent Of \$1.00 Per Year, Between The City Of Oakland And The Oakland Museum Of California Foundation To Perform Services Related To The Care, Conservation, Stewardship, And Presentation Of The City's Collection Of Art Works, Historical Artifacts And Natural Sciences Specimens Related To California's Cultural And Environmental History, With An Initial City Annual Professional Services Agreement Payment Of \$5 Million On July 1, 2011 That Declines Annually To \$3 Million Over The Ten-Year Period (10-0669)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011

5 A review of the Agendas for the Special Concurrent Meeting of ORA/City Council of May 31, 2011 and the Rules and Legislation Committee Meeting of June 2, 2011
A motion was made by President Pro Tempore De La Fuente, seconded by Member Brooks, to *Approve with the following amendments. The motion carried by the following vote:
Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente
There was one speaker on this item.

Subject: Contracting Process And Timeline - Various Departments
From: Vice Mayor Brooks
Recommendation: Discussion And Possible Action On The City's Contracting Process And Timeline For Various Agencies [TITLE CHANGE] (10-0334-1)
*Withdrawn and Rescheduled to *Finance & Management Committee on 6/14/2011

At the direction of the chair, the May 24, 2011 Life Enrichment Committee Meeting was cancelled.

- 6 Subject: Federal Legislative Lobbyist Agreement
From: Office Of The Mayor
Recommendation: Adopt A Resolution Recommending That Townsend Public Affairs Serves As The City's Federal Legislative Lobbyist For The Period Of June 1,2011 Through May 31,2012, At A Cost Of Seventy Two Thousand Dollars (\$72,000), And Authorize An Option To Renew For One Year Until May 31, 2013 For An Additional Seventy Two Thousand Dollars (\$72,000), For A Total Amount Not-To-Exceed (\$144,000) For The Entire Term Of The Agreement (10-0608)

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 7, 2011. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

Staff was directed to provide in a supplemental report all information regarding the other bids recieved from other organization and the bidding process.

There was one speaker on this item.

(rules51911item5)

- 7 Subject: Supporting SB 48 - FAIR Education Act
From: President Pro Tempore De La Fuente.
Recommendation: Adopt A Resolution Supporting Senate Bill 48 (Leno) "Fair, Accurate, Inclusive And Respectful (FAIR) Education Act " That Would 1) Amend The Education Code To Include Social Sciences Instruction On The Contributions Of Lesbian, Gay, Bisexual And Transgender (LGBT) People And 2) Prohibit Discriminatory Instruction And Discriminatory Materials From Being Adopted By The State Board Of Education (10-0624)

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Meeting of the Oaldand City Council, due back on June 7, 2011. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

There was one speaker on this item.

- 8 Subject: Supporting AB 1081 - TRUST Act
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Assembly Bill 1081 (Anniano) "TRUST Act" Which Would Give Local Governments The Right To Opt-Out Of Immigration And Customs Enforcement's Secure Communities Program (10-0625)

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 7, 2011. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

There were 4 speakers on this item.

- 9 Subject: Supporting SB 104 - Fair Treatment of Farm Workers Act
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Senate Bill 104 (Steinberg) "Fair Treatment Of Farm Workers Act" Which Authorizes Agricultural Employees To Select Collective Bargaining Representation Through A Specified "Majority Signup Election" Process, In Addition To The Existing Representation Election Process Provided For Under Current Law (10-0626)

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, due back on June 7, 2011. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

There was one speaker on this item.

- 10 Subject: Supporting AB 1389 - Clarity On California DUI Checkpoints
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Assembly Bill 1389 (Allen) "Clarity On California DUI Checkpoints" Which Would Establish Uniformity In The Way That DUI Checkpoints And Vehicle Impoundments Are Conducted Across The State (10-0627)

Continued to *Rules & Legislation Committee on 6/2/2011

There were 3 speakers on this item.

- 11 Subject: Supporting AB 130 And 131 - California Dream Act Of 2011
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Assembly Bills 130 And 131 (Cedillo), "California Dream Act Of 2011" AB 130 Which Would Open Access To Institutional Aid To All Eligible AB 540 Undocumented Students And Ab 131 Would Allow Eligible AB 540 Undocumented Students Access To Any Financial Aid Program Run By The State Of California (10-0628)

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 7, 2011. The motion carried by the following vote:

Votes: Aye: 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

There was one speaker on this item.

- 12 Subject: Supporting AB 889 - Domestic Work Bill Of Rights
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Assembly Bill 889 (Anniano And Perez) "Domestic Work Bill Of Rights" Which Would Specially Regulate The Wages, Hours, And Working Conditions Of Domestic Work Employees Which Is Currently An Industry That Is Unregulated (10-0629)

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 7, 2011. The motion carried by the following vote:

Votes: Aye: 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

There was one speaker on this item.

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

There was one speaker on this item.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 12:21 p.m.

NOTE: Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or in multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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* In the event a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City Council action can be taken.

City Clerk and Clerk of the Council



City of Oakland
Office of the City Clerk

Upcoming Council Dates:

Week 3	6-21-11
Week 1	7-5-11

Rules Committee Assignment of the Consent Calendar and Non-Consent Items to the ORA/City Council Agenda (Committee Matrix)

Committee Agenda Date: June 14, 2011

RECOMMENDED

Item No.	PUBLIC WORKS COMMITTEE	COMMITTEE ACTION	CONSENT	NON-CONSENT
3	Adopt A Resolution Awarding A Construction Contract To Andes Construction, Inc., For The On-Call Sanitary Sewers Emergency Project Fiscal Year 2011-2012 (Project No. C329120) In Accord With The Specifications For The Project And Contractor's Bid In The Amount Of Three Hundred Seventeen Thousand Five Hundred Dollars (\$317,500.00) (10-0622)	Approved Recommendations; 4 Ayes	6-21-2011	
4	Adopt A Resolution Authorizing The City Administrator To Award Agreements For As-Needed Graphic Design Services In A Maximum Amount Not-To-Exceed One Hundred Thousand Dollars (\$100,000.00) Per Agreement To: • Circle Point, • Jung Design, Inc., • MMM Design, And • The Planning Center/DC&E (10-0638)	Approved Recommendations; 4 Ayes	6-21-2011	
5	Adopt A Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate Up To Two Hundred Thousand Dollars (\$200,000.00) From, And To Enter Into An Agreement With, The Bay Area Stormwater Management Agencies Association To Reimburse The City For Staff Costs Expended On The Clean Watersheds For A Clean Bay Project (10-0641)	Approved Recommendations; 4 Ayes	6-21-2011	
6	Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into An Agreement With The Association Of Bay Area Governments (ABAG) To Accept Up To Four Hundred Thousand Dollars (\$400,000.00) Worth Of Free Storm Water Trash Control Devices, That Will Be Paid For By American Recovery And Reinvestment Act Of 2009 (ARRA) Funds (10-0642)	Approved Recommendations; 4 Ayes	6-21-2011	
7	1) Ordinance Amending Oakland Municipal Code Title 13, Chapter 13.08 To Add New Regulations Requiring Oakland Property Owners To Inspect And Certify Lower Sewer Laterals In The Public Right-Of-Way At The Time Of Property Transfer, Major Remodeling And Change In Water Service; And (10-0648)	This item was continued to the June 28, 2010 Public Works Committee	No Council Action Necessary	

7-1	2) Resolution Authorizing The City Administrator Or His Designee To Sign A Statement Of Roles And Responsibilities With The East Bay Municipal Utility District For Implementation Of The East Bay Regional Private Sewer Lateral Program (10-0648-1)			
8	<p>Adopt A Resolution Authorizing The City Administrator To Award: 1) As-Needed Design And Technical Services Agreements For Water Quality And Waterway Restoration In A Maximum Amount Per Agreement Not-To-Exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00), To:</p> <ul style="list-style-type: none"> • AMEC Geomatrix, Inc., • Arcadis-U.S., Inc., • ENGeo Incorporated, • Environmental Science Associates (ESA PWA), • Horizon Water & Environment; • Northgate Environmental Management, Inc., • The Planning Center/Dc& E, • Questa Engineering Corporation, • Restoration Design Group, And • Stantec Consulting Services, Inc.; And <p>2) An As-Needed Design And Technical Services Agreement For Water Quality And Waterway Restoration In A Maximum Amount Not-To-Exceed One Hundred Fifty Thousand Dollars (\$150,000.00) To PGA design, Inc.(10-0649)</p>	Approved Recommendations; 4 Ayes	6-21-2011	
9	Adopt A Resolution Authorizing The City Administrator To Accept, Appropriate And Expend One-Hundred Eighty Thousand Thirty-eight Dollars (\$180,038.00) Of Stimulus Package Funds From Quamm Energy Services And Technologies (QuEST) For City Staff Activities In The Oakland Shines Energy Efficiency Program (10-0679)	Approved Recommendations; 4 Ayes	6-21-2011	
10	Adopt A Resolution: 1) Awarding A Property Management And Maintenance Contract To ABM Facility Services To Manage, And Maintain The East Oakland Sports Complex (EOSC) For A Term Of Two Years In An Amount Not-To-Exceed Seven Hundred Thousand Dollars (\$700,000) (350,000, Annually) And Authorizing The City Administrator Or His Designee To Exercise Two One-Year Options To Renew Up To An Amount Not-To-Exceed Three Hundred Eighty Five Thousand Dollars (\$385,000) In The Third Year And Up To An Amount Not-To-Exceed Four Hundred Twenty Three Thousand Five Hundred Dollars (\$423,500), Which Includes 10% Increases In Each Additional Year To Cover Increased Labor Costs, And 2) Waiving The City's Advertising And Bidding Requirements For The Purchase Of Products, Parts And Other Materials Needed To Manage And Maintain The EOSC And Authorizing The City Administrator To Include Such Necessary Purchases In The Management And Maintenance Contract With ABM Facility Services (10-0683) The Committee directed staff to explain the following information in a supplemental report: 1) Funding source for the 1 st fiscal year; 2) Changes in the subcontracting; and 3) Why staff felt ABM Facility Services was the most qualified contractor.	Approved Recommendations; 3 Ayes; 1 Abstain - Schaaf		6-21-2011

	The committee also referred the discussion regarding the legal issues to the June 21, 2011 Closed Session.			
	FINANCE AND MANAGEMENT COMMITTEE	COMMITTEE ACTION	CONSENT	NON-CONSENT
3	Receive An Informational Report Regarding The Status Of The State and Federal Budget Development And Its Potential Impacts On The City Of Oakland [TITLE CHANGE] (09-0439-7)	Received and Filed	No Council Action Necessary	
4	Discussion And Possible Action On The City's Contracting Process And Timeline For Various Agencies [TITLE CHANGE] (10-0334-1) The committee directed the City Attorney's office to provide the following information a supplemental report to Council: <ol style="list-style-type: none"> 1. An explanation of why contracts from the Office of the City Attorney do not require Council approval 2. Details of a more specific contracting process The committee also directed the City Auditor's office to provide the total amount of money expended in contracts per year. Staff was directed to schedule a resolution through Rules raising the threshold of the City Administrator's approval.	Received and Forwarded; 4 Ayes		6-21-11
5	Discussion And Possible Action On A Report Regarding Workers' Compensation (10-0561) The committee requested this item be placed on the Finance and Management Pending List as a Standing Item to return every two months beginning in September 2011. The report should include information regarding adjustments made to worker's compensation program and the amount of money spent in the reporting period. Staff was directed to return with a report that gives details the number of people, by department, out on Worker's Compensation for more than 12 months and the strategies employed to bring them back to work.	Received and Filed	No Council Action Necessary	
6	Receive A Quarterly Report On Citywide Vacancies And A Status Update On Positions Vacated Under The 2009 CalPERS Two Years Additional Service Credit Retirement Incentive Program ("Golden Handshake") (10-0654) The committee directed staff to return to the June 28, 2011 Finance and Management Committee Meeting with a report that lists a dollar amount related to each vacant position and whether or not the position is paid out of the general fund. The committee also directed staff to provide a report of the hiring freeze currently in place.	Continued to the June 28, 2011 Finance and Management Committee Agenda	No Council Action Necessary	
7	1) An Agency Resolution Adopting The Oakland Redevelopment Agency's Investment Policy For Fiscal Year 2011-2012; And (10-0639)	Approved Recommendations; 4 Ayes	6-21-11	
7-1	2) Resolution Adopting The City Of Oakland Investment Policy For Fiscal Year 2011-2012 (10-0639-1)	Approved Recommendations; 4 Ayes	6-21-11	
8	1) A Resolution Adopting The City Of Oakland's Debt Management Policy And Swap Policy For Fiscal Year 2011-2012; And (10-0640)	Approved Recommendations; 3 Ayes, 1 Abstain - Brunner	6-21-11	

Simmons, LaTonda

From: Parker, Barbara
Sent: Thursday, June 16, 2011 11:11 AM
To: Simmons, LaTonda; Reid, Larry; Keller, Marjo R.; Ewell, Lamont; De La Fuente, Ignacio
Cc: Thomas, Tamika; Bing, Crystal; Wheeler, Tiffany; Mossburg, Pat
Subject: RE: Committee Matrix - Draft Agendas for June 28th.

Hi LaTonda,

We are on the same page regarding the Rule 28 process.

I was updating everyone on the status of the approvals to defer the item. See my email last night around 5:52 p.m. confirming that President Reid and CM De La Fuente orally confirmed their approval and that I was awaiting CA Ewell's approval. I heard from CA Ewell subsequently approving the deferral. I assume he will confirm this in writing or with you and/or Marjo after closed session.

Simmons, LaTonda

Sent: Thursday, June 16, 2011 9:12 AM
To: Parker, Barbara; Reid, Larry; Keller, Marjo R.; Ewell, Lamont; De La Fuente, Ignacio
Cc: Thomas, Tamika; Bing, Crystal; Wheeler, Tiffany; Mossburg, Pat
Subject: Re: Committee Matrix - Draft Agendas for June 28th

Hi Barbara -

I'm confused. I acknowledged your interaction with the Council President. I believe Rule 28 is not complete until the City Administrator sends his approval. Is there something else going on that I may be missing?

LaTonda Simmons
City Clerk - 510 238-3122

From: Parker, Barbara
To: Simmons, LaTonda; Reid, Larry; Keller, Marjo R.; Ewell, Lamont; De La Fuente, Ignacio
Cc: Thomas, Tamika; Bing, Crystal; Wheeler, Tiffany; Mossburg, Pat
Sent: Thu Jun 16 08:15:18 2011
Subject: Re: Committee Matrix - Draft Agendas for June 28th

Last night I sent an email to you, LaTonda confirming! Rule 28 approval by President Reid, CM De La Fuente and stating that I anticipate that City Administrator Ewell's approval would be forthcoming. He responded to me last night. I am copying him on this email so that he can confirm his approval to defer item 4 - contracting procedures and timelines, to July 5. This gives our Office sufficient time to respond to committee's questions.

Sent via DROID on Verizon Wireless

-----Original message-----

From: "Simmons, LaTonda" <LSimmons@oaklandnet.com>
To: "Reid, Larry" <LReid@oaklandnet.com>, "Keller, Marjo R." <MRKeller@oaklandnet.com>
Cc: "Thomas, Tamika" <TThomas@oaklandnet.com>, "Bing, Crystal" <CBing@oaklandnet.com>, "Wheeler, Tiffany" <TWheeler@oaklandnet.com>, "Mossburg, Pat" <PMossburg@oaklandnet.com>, "Parker, Barbara" <BParker@oaklandcityattorney.org>
Sent: Thu, Jun 16, 2011 01:23:24 GMT+00:00
Subject: Committee Matrix - Draft Agendas for June 28th

Attached is the Matrix of the committees actions from the meetings of June 14, 2011 which require Rule 28 approval.

As I understand it, Barbara Parker has spoken to you about deferring Item 4 to the July 5, 2011 City Council agenda from the June 14 Finance and Management Committee. The City Administrator also needs to approve this change according to Rule 28.

Additional Rule 28 Items are forthcoming from Marjo Keller.

<<6-14-11.doc>>

From: Parker, Barbara
Sent: Wednesday, June 15, 2011 5:52 PM
To: Reid, Larry; De La Fuente, Ignacio; Ewell, Lamont; Simmons, LaTonda; Keller, Marjo R.
Cc: Sanchez, Rosemarie; Hall, Randolph; Morodomi, Mark
Subject: confirmation of Rule 28 approval to defer item 4 - Discussion/Action on Contracting Process and Timelines to July 5 council meeting

Dear All:

I am confirming in writing that pursuant Rule 28, President Reid and Finance Chair De La Fuente have approved our Office's request to defer item 4 to the July 5 council meeting. At this point, all we need is the City Administrator's concurrence which I presume will be forthcoming.
Thank you all!

The item will not be placed on the June 21st supplemental agenda. It will appear on the July 5 agenda.

Our Office needs more time to prepare its responses to the questions that Committee members posed.

Barbara J. Parker
Acting City Attorney
Oakland City Attorney's Office
One Frank Ogawa Plaza, Sixth Floor
Oakland, CA 94612
(510) 238-3815

"For all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives and the dream shall never die." - Senator Edward M. Kennedy



City of Oakland Meeting Minutes

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LaTonda Simmons, City Clerk

*Rules & Legislation Committee

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, July 07, 2011

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Present: Member Brooks, Member Schaaf, Member Reid and President Pro Tempore De La Fuente

The Oakland City Council Rules and Legislation Committee convened at 10:47 am, with Council President Reid presiding as Chairperson.

1 Closed Session

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve as Submitted setting a regular closed session for 3:30 p.m. for Tuesday, July 19, 2011 The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

2 Approval of the Draft Minutes from the Committee meeting of June 23, 2011

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

3 Determination of Schedule of Outstanding Committee Items

A motion was made by Member Schaaf, seconded by Member Brooks, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

4 Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings July 12, 2011 (SUPPLEMENTAL)

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

- S-4.1 Subject: State Homeland Security Program Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into A State Homeland Security Program (SHSP) Grant Agreement Or Memorandum Of Understanding (MOU) With The Alameda County Sheriff's Office (ACSO) For Distribution Of Fiscal Year 2010 State Homeland Security Program (SHSP) Grant Funds To The City Of Oakland In An Amount Up To Two Hundred And Fifty Thousand Dollars (\$250,000), 2) Accept, Appropriate And Administer The Fiscal Year 2010 SHSP Grant Allocations, And 3) Approve The Preliminary Spending Plan And Waive City Of Oakland Central Services Overhead (CSO) Fees Of Ten Thousand And Seven Hundred Forty Dollars (\$10,740), And 4) Expend Funds In Accord With The Preliminary Spending Plan Without Further Council Authorization, Including Purchases In Excess Of The City Administrator's Purchasing Authority For Equipment On The Federally Authorized Equipment List And Services Required By The Grant, Provided The City's And The County's Bidding Requirements And Purchasing Programs And Policies Are Followed; On The July 26, 2011 Public Safety Committee Agenda (10-0796)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/26/2011
- S-4.2 Subject: Charter Amendment Returning City Attorney To Appointed Position
From: Councilmembers Nadel And Kernighan
Recommendation: Adopt A Resolution Submitting, On The Council's Own Motion, To The Electors At The Next Special Or General Municipal Election, A Proposed Charter Amendment, Entitled, "Remrning The Elected City Attorney Position To An Appointed Position" And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication hi Accordance With The Next Election Date (10-0778)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/19/2011
President Pro Tempore De La Fuente was noted as voting No.
There was one speaker on this item.
- S-4.3 Subject: PFRS Ballot Measure
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Allowing the Police and Fire Retirement System Board and City Council to Set an Acmarially Sound Deadline For Fully Funding Its Retirement Plan", To Be Submitted To The Electors At The Next Special or General Municipal Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Next Election Date (10-0786)
Scheduled to Meeting of the Oakland City Council on 7/19/2011
There was one speaker on this item.

S-4.4 Subject: Rainy Day Fund Ballot Measure
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion, A Proposed Charter Amendment, Entitled, 'Measure Establishing A 'Rainy Day' Fund For Money Collected When There Is An Unusually Large Surplus, Which May Be Used In Years When There Is A Revenue Shortfall', To Be Submitted To The Electors At The Next Special Or General Municipal Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Next Election Date (10-0787)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/19/2011

Vice Mayor Brooks was noted as voting No.

S-4.5 Subject: Mayor's Summer Jobs Program
From: Councilmember Nadel
Recommendation: Receive An Informational Report On The Mayor's Summer Jobs Program (10-0791)

Scheduled to *Commnnity & Economic Development Committee on 9/13/2011

S-4.6 Subject: Salary Schedule Amendment - City Administrator
From: Department Of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 (The Salary Ordinance) To Increase The Salary For The Classification Of City Administrator (10-0798)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/19/2011

This item was bifurcated as the Committee did not wish to amend the salary for the Assistant City Administrator.

President Pro Tempore was noted as voting No.

There was one speaker on this item.

S-4.7 Subject: Assistant City Administrator Salary
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Authorizing the City Administrator to Approve an Initial Salary for the Position of Assistant City Administrator That Exceeds the Mid-Point of the Salary Range, As Required By Ordinance No. 12918 (10-0799)

Denied

A motion was made by and seconded by to deny scheduling this item. The motion passed with a vote of 3 Ayes, President Pro Tempore was noted as voting No.

There was one speaker on this item.

S-4.8 Subject: Top Grade Construction Inc - Building 6 Contract Award
From: Community And Economic Development Agency
Recommendation: A Request To Re-Title And Reschedule An Item Previously Withdrawn From The July 12, 2011 Community And Economic Committee Agenda

NEW TITLE: Adopt An Agency Resolution Authorizing The Agency Administrator To Award A Construction Contract To The Lowest Responsible, Responsive Bidder For The Building 6 Environmental Remediation Project At The Former Oakland Army Base In Accord With The Project's Plans And Specifications In An Amount Not-To-Exceed Two Million Two Hundred Seventy-One Thousand Dollars (\$2,271,000), Without Return To The Agency Board Provided Contractor Is Selected Through A Formal Advertising And Bidding Process

OLD TITLE: Agency Resolution Waiving The City's Advertising, Bidding And Award To The Lowest Responsible Bidder Process And Authorizing The City Administrator To Negotiate And Award A Construction Contract To Top Grade Construction, Inc. For The Building 6 Environmental Remediation Project Work At The Oakland Army Base In Accord With The Plans And Specifications And Contractor's Bid, Therefore, In Up To Or Less Than The Total Project Budget Of Two Million Six Hundred Seventy-Six Thousand Seven Hundred Fifty Dollars (\$2,676,750) (10-0699)

***Withdrawn with No New Date**

S-4.9 Subject: Planning Code Amendments
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance, Recommended By The Planning Commission, To: 1) Update References, Reducing Redundancy, And Clarifying Language In Various Chapters Of The Planning Code; 2) Conditionally Permit Mini- And Micro- Telecommunications Facilities In Residential Areas Of The Central Business District; 3) Amend Chapter 17.112 Of The Planning Code To Allow Crop Growing As A Home Occupation; 4) Adjust The Sign Regulations In The Ru-4 And Ru-5 Zones To Be Consistent With Other Zones On The City's Major Transportation Corridors; 5) Create An Interim Combining Zone For The Core Of The Chinatown Commercial Area That Would Broaden The Range Of Allowed Ground Floor Uses; And 6) Improve Consistency Among Chapters And The Maps, Including Making The Zoning Ordinance Text Consistent With The Adopted Height Map For The Area Near Valdez, Harrison And 27th Streets. (10-0794)

Scheduled to ***Community & Economic Development Committee** on
9/13/2011

S-4.10 Subject: Rent Adjustment Annual Report
From: Community And Economic Development Agency
Recommendation: Receive An Annual Report Of The Rent Adjustment Program For Fiscal Year 2010-2011 (10-0795)

Scheduled to ***Community & Economic Development Committee** on
9/27/2011

- S-4.11 Subject: Building Services Division - Grand Jury Recommendations
From: Councilmember Brunner
Recommendation: Discussion And Action On How City Staff Are Implementing Recommendations Of The Alameda County Grand Jury Final Report On The City Of Oakland's Building Services Division. (10-0792)
Scheduled to *Community & Economic Development Committee on 9/13/2011
- S-4.12 Subject: Scheduling A Special City Council Meeting July 26, 2011
From: Council President Larry Reid
Recommendation: A Request To Cancel The Committee Meetings Of July 26, 2011 And Schedule A Special City Council Meeting On July 26, 2011 At A Time Yet To Be Determined (10-0797)
*Received and Filed
At this time a Special City Council Meeting was scheduled for July 26, 2011 at 5:30 P.M.
- S-4.13 Subject: Five - Year Temporary Fiscal Emergency Parcel Tax
From: Office Of The Mayor
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 15, 2011 Special Election A Proposed Ordinance Creating A Five-Year Temporary Fiscal Emergency Special Parcel Tax; Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Special Election (10-0779)
Scheduled to Meeting of the Oakland City Council on 7/19/2011
There was one speaker on this item.
- S-4.14 Subject: City Attorney Election
From: Office Of The Mayor
Recommendation: Adopt A Resolution On The City Council's Own Motion Waiving The Council's Authority To Fill The Vacancy In The Office Of City Attorney And Submitting To The Voters At The November 15, 2011 Special Election The Filling Of The Vacancy In The Office Of City Attorney; Directing The City Clerk And City Administrator To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Special Election; On The July 19, 2011 City Council Agenda (10-0793)
Denied
Council President Reid and Vice Mayor Brooks were noted as voting No.
There was one speaker on this item.

Items Submitted On The Dias:

#1 Subject: Salary Ordinance Amendment - IAF Local 55
From: Department Of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule No. 12187 (The Salary Ordinance) To Reduce The Salaries Of Employees Represented By The International Association Of Firefighters Union Local 55 By 8.85% From July 1, 2011 To June 30, 2014 (10-0803)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/19/2011

#2 Subject: Salary Schedule Amendment - Commander Of Police
From: Oakland Police Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Recommending To The Civil Service Board That The Classifications Of: Commander Of Police Be Exempted From The Operation Of The Civil Service; And (10-0804)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/19/2011

2) Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 (The Salary Ordinance) To: Add The Permanent Full Time Equivalent Classifications Of: Commander Of Police (10-0804-1)

Scheduled to Meeting of the Oakland City Council on 7/19/2011

At this time a motion was made by Vice Mayor Brooks, Seconded by President Pro Tempore De La Fuente to reconsider item 4.14 as amended. The motion passed with a vote of 4 Ayes.

#3 Subject: City Attorney Election
From: President Pro Tempore Ignacio De La Fuente
Recommendation: Adopt A Resolution On The City Council's Own Motion Waiving The Council's Authority To Fill The Vacancy In The Office Of City Attorney And Submitting To The Voters At The November 15, 2011 Special Election The Filling Of The Vacancy In The Office Of City Attorney; Directing The City Clerk And City Administrator To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Special Election (10-0793-1)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/19/2011

Council President Reid was noted as voting No.

(rules070711item4)

Items Removed from the July 12, 2011 Community and Economic Development Committee

Agenda:

#15 Subject: Small Local Business Enterprise Program
From: Department Of Contracting And Purchasing
Recommendation: Discussion And Action On A Report To:

(1) Adopt Changes To The City Of Oakland's Local And Small Local Business Enterprise (L/SLBE) Program, As Recommended By The Fairness In Purchasing and Contracting Disparity Smdy (09-1651-1)

*Withdrawn and Rescheduled to *Community & Economic Development Committee on 9/13/2011

Items Rescheduled from the Finance and Management Pending List:

July 26, 2011

#4 Subject: Annual Compliance Plan - Equal Access
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On Annual Compliance Plan Of The Equal Access To Services Ordinance (10-0752)

*Withdrawn and Rescheduled to *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 7/26/2011

Items Rescheduled to the July 19, 2011 City Council Agenda:

Subject: Contracting Process And Timeline - Various Departments
From: Vice Mayor Brooks
Recommendation: Discussion And Possible Action On The City's Contracting Process And Timeline For Various Agencies [TITLE CHANGE] (10-0334-1)

*Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/19/2011

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council of July 19, 2011 and the Rules and Legislation Committee Meeting of July 21, 2011

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

At this time all July 26, 2011 Council Committee Meetings were cancelled.

There was one speaker on this item.

(rules070711item5)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

There were two speakers during Open Forum.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:50 A.M.

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* In the event a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City Council action can be taken.

City Clerk and Clerk of the Council

Simmons, LaTonda

From: Simmons, LaTonda
Sent: Friday, July 08, 2011 10:26 AM
To: Gourdine, Andrea; Parker, Barbara; Reid, Larry
Cc: Keller, Marjo R.
Subject: RE: Rule 28 approvals

Thank you. We have it.

From: Gourdine, Andrea
Sent: Friday, July 08, 2011 9:41 AM
To: Parker, Barbara; Reid, Larry; Simmons, LaTonda
Cc: Keller, Marjo R.
Subject: RE: Rule 28 approvals

I concur.

From: Parker, Barbara
Sent: Thursday, July 07, 2011 6:31 PM
To: Reid, Larry; Gourdine, Andrea; Simmons, LaTonda
Cc: Keller, Marjo R.
Subject: Rule 28 approvals
Importance: High

Dear President Reid and Acting City Administrator Gourdine:

I write to request two Rule 28 approvals:

1. Resolution Calling the November 15, 2011 Special Election - The ordinance that Council introduced on July 5th will give the Council authority to call the election once it takes effect; it does not call the election.
2. Contracting Process and Timeline Report - This item was removed from the July 5 agenda pursuant to Rule 28 approval. We ask to defer the item to the first meeting in September. I left a voice mail on President Reid's cell phone explaining the reason for this request.

Thanks so much!

Barbara J. Parker
Acting City Attorney
Oakland City Attorney's Office
One Frank Ogawa Plaza, Sixth Floor
Oakland, CA 94612
(510) 238-3815

"For all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives and the dream shall never die." - Senator Edward M. Kennedy



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

OAKLAND Concurrent Meeting of the Oakland Redevelopment Agency / City Council

Tuesday, July 05, 2011

5:30 PM

Oakland City Hall, 3rd Floor

1 Pledge of Allegiance

The Concurrent Meeting of the Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened a 5:36 pm.

2 Roll Call / ORA & Council

COUNCIL MEMBERS: Desley Brooks, Dist. 6; Jane Brunner, Dist. 1, Ignacio De La Fuente, Dist. 5; Rebecca Kaplan, At-Large; Pat Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Libby Schaaf, Dist. 4; Council President Larry Reid, Dist. 7

ORA\Councilmember Present: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

There were 3 speakers during Open Forum

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):

Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Don Deamer.

Agency/Councilmember Brooks took a point of personal privilege and requested that the meeting be adjourned in memory of Tom Williams. Council President Reid and Pro Tempore De La Fuente requested association with this Tribute

5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT MEETING OF
June 21, 2011

A motion was made by Councilmember Kernighan, seconded by Councilmember Schaaf, to *Approve with the following amendments correcting the vote for item 9.6 for the meeting of June 21, 2011 and showing Councilmembers Kernighan and Nadel as Abstained. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda, Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull Items held in Committee):

Item 14 regarding the Port of Oakland's Conflict of Interest Disclosure will be pulled from the agenda with no new date.

7. CONSENT CALENDAR (CC) ITEMS:

7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The AIDS Epidemic (10-0744)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

7.2-CC Subject: Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland (10-0745)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

7.3-CC Subject: City Attorney's Salary
From: Office Of The City Auditor
Recommendation: Adopt A Resolution Setting The Salary For The Newly Elected City Attorney Of The City Of Oakland Pursuant To The Oakland City Charter, Article IV, Section 401(1) Effective 2013 (10-0666)

This Matter was Adopted as Amended to establish a salary of \$165,000 for the City Attorney and revise dates in the resolution to January 7, 2013 on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

7.4-CC Subject: Commission On Aging Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Saturn N. Ned As A Member Of The Commission On Aging (10-0765)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There was 1 speaker on the item.

7.5-CC Subject: CPAB Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Vertis Whitaker As A Member Of The Community Policing Advisory Board (10-0767)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There was 1 speaker on the item.

7.6-CC Subject: BAC Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Michael J. Kilian And Edward R. Gerber To The Budget Advisory Committee (10-0768)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brummer, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There was 1 speaker on the item.

7.7-CC Subject: Amending Conflict Of Interest Code
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) Enacting A Conflict Of Interest Code For City Of Oakland Employees, Members Of Boards And Commissions, And Consultant Positions To Update The Designation Of Positions Covered By The Code (10-0606)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brummer, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There was 1 speaker on the item.

7.8-CC Subject: Temporary Vehicle Permits - Taxi
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance, Pursuant To Municipal Code Section 5.64.080 (I), Authorizing The City Administrator To Issue Temporary Vehicle Permits Finding There Is An Urgent Public Need To Ensure The Maintenance Of Safe And Reliable Taxi Service In Oakland (10-0732)

A motion was made that this matter be Approved for Final Passage. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Kernighan
ORA\Councilmember Ayes: 7 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brummer, Councilmember Kaplan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There were 2 speakers on the item.

7.9-CC Subject: Lawrence Berkeley National Laboratory - Second Campus
From: Council President Reid And Councilmember Kernighan
Recommendation: Adopt A Resolution In Support Of Locating Lawrence Berkeley National
Laboratory's Second Campus In The Brooklyn Basin Site In Oakland (10-0737)
This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember
Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the
Council Reid

7.10-CC Subject: Settlement Agreement - Lewis
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Lewis V. City Of Oakland, Alameda County Superior
Court Case No. RG10535198 In The Amount Of \$23,500.00 (Public Works Agency - Trip And
Fall) (10-0740)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
La Fuente, Councilmember Brumer, Councilmember Kaplan, Councilmember
Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the
Council Reid

7.11-CC Subject: Settlement Agreement - Monica Ivon
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Monica Ivon Orduno V. City Of Oakland. Et Al.
Alameda County Superior Court Case No. Rg08-407042 In The Amount Of \$750,000.00 As A
Result Of Being Struck By A Car At The Intersection Of MacArthur Blvd And Martin Luther
King Jr. Way. (OPW) (10-0769)

A motion was made that this matter be Adopted. The motion carried by
the following vote:

Votes: ORA\Councilmember Noes: 2 - President Pro Tempore De La Fuente and
Councilmember Nadel
ORA\Councilmember Ayes: 6 - Vice Mayor Brooks, Councilmember Brunner,
Councilmember Kaplan, Councilmember Kernighan, Councilmember Schaaf
and President of the Council Reid

7.12-CC Subject: Settlement Agreement - Hardy And Sherertz
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Rosemary Hardy And David Sherertz V. City Of Oakland, Alameda County Superior Court Case No, Rg10531620, Citty Attorney's File No.27714, In The Amount Of Thirty Thousand Dollars (\$30,000.00). (PWA) (10-0723)
This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

7.13-CC Subject: Settlement Agreement - Shanks
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Shanks V. City Of Oakland, Alameda County Superior Court Case No. RG10525839 In The Amount Of \$80,000.00 (Public Works Agency - Trip And Fall) (10-0724)
This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

7.14-CC Subject: Safe Routes To School Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To AJW Construction For The Construction Of The Safe Routes To Schools (SRTS), Cycle 1 Project (City Project No. G340910) In Accordance With The Project Plans And Specifications In The Amount Of Four Hundred Twenty-Four Thousand, Six Hundred Seventy-Nine Dollars And Fifty Cents (\$424,679.50) (10-0680)
This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

7.15-CC Subject: Highway Safety Improvement Program Grant
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate One Million Eight Hundred Thousand Nine Hundred Dollars (\$1,800,900.00) In Highway Safety Improvement Program (HSIP) Grant Funds To Upgrade Existing Traffic Signals, Install A New Traffic Signal, Modify Intersection Geometry, Install ADA compliant Curb Ramps, And Install Speed Message Signs At Various Intersections In The City Of Oakland (10-0652)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

7.16-CC Subject: Permanent Access To Housing Matching Funds
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Grant Agreements With Agencies Selected Under The City Of Oakland's 2011/12 Application Process For The Permanent Access To Housing (PATH) Strategy To Provide Housing And Wrap Around Services To The Homeless (Not Less Than \$1,400,196); To Allocate General Purpose Funds (Not Less Than \$179,310) To The City's Homeless Mobile Outreach Program Under PATH; To Allocate General Purpose Fund Match (Up To \$133,146) To East Oakland Community Project For The City's Families In Transition Program, Funded (\$245,420) By The U.S. Department Of Housing & Urban Development (HUD); To Allocate General Purpose Match Funding (Up To \$52,750) To East Oakland Community Project For The City's Matilda Cleveland Transitional Housing Program, Funded By HUD (\$259,824); To Allocated Funding Awarded To The City By Alameda County (Up To \$250,000) To Anka Behavioral Health, Inc. As Match Funding To The City's Homeless Families Support Network Support Housing Program Funded By HUD (\$1,829,618); To Allocate Funds To Cover Lease Costs At The Matilda Cleveland Transitional Housing Facility For The 2011/12 Fiscal Year (Up To \$27,000); To Allocate Funds To Fulfill The City's Annual Obligation To The Alameda County Everyone Home Strategy And Alameda County Homeless Management Information System (Up To \$51,000); To Allocate Match Funds (\$34,206) To Abode Services, Inc For A New Supportive Housing Program Grant (\$827,904) To Increase Rapid Rehousing Opportunities In Oakland Through The Oakland Path Rehousing Initiative; To Allocate And Authorize An Agreement With Alameda County Community Food Bank (Up To \$100,000) For The City's Food Distribution Program; And To Allocate Funds To The City's Hunger Program (Up To \$36,000) For Food Distribution Costs Not Covered Under The Alameda County Community Food Bank Agreement (10-0676)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

7.17-CC Subject: Early Head Start - Grant Funds
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate Early Head Start Expansion Basic, Training, And Technical Assistance Grant Funds (Formerly ARRA - American Recovery And Reinvestment Act Funding) For Program Year 2011-2012 From The U.S. Department Of Health And Human Services, Administration For Children And Families (DHHS/ACF) In The Estimated Amount Of \$2,767,500 And Authorizing Grant Agreements With The Salvation Army (\$148,200), Brighter Beginnings (\$478,800), And Children's Hospital (\$45,000) For The Program Year 2011-2012 For An Aggregated Amount Not To Exceed \$672,000 To Fund Child Development Services For Children, Birth - Three-Years-Old, And Their Families, With Said Grants (10-0645)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

S-7.20-CC Subject: Pay By Phone Pilot Program
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Contract Between The City Of Oakland And Parkmobile USA, Inc. To Provide A Pay By Phone Pilot Program For Parking Meter Fees For A 12-Month Period (10-0675)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

S-7.21-CC Subject: City-Port MOA
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A City Resolution Authorizing The City Administrator To Execute An Amendment To The Oakland Army Base Amended And Restated Memorandum Of Agreement Among The City Of Oakland, The Redevelopment Agency, And The Port Of Oakland To: A) Extend The August 7, 2010 Deadline By Up To Four Years To Fund The West Oakland Community Trust Fund B) Revise The City-Port MOA To Indicate That The Port's Contribution To The West Oakland Community Trust Fund Can Be Provided By The Port's Developer Rather Than Directly By The Port; And (10-0672)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

2) An Agency Resolution Authorizing The Agency Administrator To Execute An Amendment To The Oakland Army Base Amended And Restated Memorandum Of Agreement Among The City Of Oakland, The Redevelopment Agency, And The Port Of Oakland (The "City-Port MOA") To: A) Extend The August 7, 2010 Deadline By Up To Four Years To Fund The West Oakland Community Trust Fund B) Revise The City-Port MOA To Indicate That The Port's Contribution To The West Oakland Community Trust Fund Can Be Provided By The Port's Developer Rather Than Directly By The Port (10-0672-1)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

S-7.22-CC Subject: BE Fitzpatrick Development Inc. Incentive Agreement
From: Community And Economic Development Agency
Recommendation: Adopt A City Resolution Authorizing The City Administrator To Execute A Certificate Of Completion And Other Release Of Obligations By B. E. Fitzpatrick Development Inc., Owner Of The Coliseum Lexus Dealership Project ("Project"), And Its Dealer, Oakland Motor Cars, Inc., Under A Business Incentive Agreement Regarding The Project (10-0591)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

S-7.23-CC Subject: Foreclosure And Acquisition Of Properties - West Oakland Project Area
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Commencement Of Foreclosure Proceedings And The Acquisition Of Properties Located At 7th Street And Campbell Street In The West Oakland Redevelopment Project Area, And Allocating Agency Funds In An Amount Not To Exceed \$500,000 For Costs Related To The Acquisition (10-0671)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Cotncilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilhmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Cotncil Reid

S-7.24-CC Subject: International Blvd and 95th Avenue - Real Property Purchase
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 9409, 9415, 9423, 9431, And 9437 International Boulevard, 1361 95th Avenue And An Unknown Address On 95th Avenue (Assessor's Parcel Number: 044-4967-009) In The Coliseum Redevelopment Project Area For Blight Removal And Land Assembly, From Ehnhurst Plaza Developer, LLC, Charles Hill And Cherry Hill, And Charles Hill, Surviving Joint Tenant, In An Amount Not To Exceed \$1,221,000, And Authorizing Up To \$650,000 For Abatement, Demolition Relocation And Real Estate Closing Costs (10-0541)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilhmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Cotncilhmember Brunner, Councilmember Kaplan, Councilhmember Kernighan, Councilhmember Nadel, Councilhmember Schaaf and President of the Cotuncil Reid

Passed The Consent Agenda

A motion was made by President Pro Tempore De La Fuente, seconded by Vice Mayor Brooks, including all the prcceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilhmember Brunner, Councilmember Kaplan, Councilhmember Kernighan, Councilhmember Nadel, Councilhmember Schaaf and President of the Council Reid

Agency/Councilmember De La Fuente made a motion seconded by Agency/Councilmember Brooks to approve the urgency finding on items S-7.18 and S-7.19 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

S-7.18 Subject: City Administrator Employment Agreement - Deanna Santana
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Authorizing The Mayor To Execute An Employment Agreement On Behalf Of The City With Deanna Santana, City Administrator, Effective August 1, 2011 (10-0781)

A motion was made by President Pro Tempore De La Fuente, seconded by Vice Mayor Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There was 1 speaker on the item.

S-7.19 Subject: Stop 1-9 Audits At Various Companies
 From: President Pro Tempore De La Fuente
 Recommendation: Adopt A Resolution Urging The US Department Of Homeland Security To Stop The Audit Of 1-9 Forms At The Pacific Steel Foundry Berkeley And Other Companies Until We Have Comprehensive Immigration Reform (10-0783)

A motion was made by President Pro Tempore De La Fuente, seconded by Vice Mayor Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brumer, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

8 Oral Report of Final Decisions Made During Closed Session & Disclosure of
Non-Confidential closed session discussions

A motion was made by President Pro Tempore De La Fuente, seconded by Vice Mayor Brooks, to *Approve as Submitted the report of the City Attorney of no final decisions made during closed session and no non-confidential discussion. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There was 1 speaker on the item.

The time was noted to be 6:00pm. At that time, Council went into recess.

The time was noted to be 6:30pm. At that time, Council reconvened.

COMMENCING AT 6:30 P.M.. OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:

9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 6:31p.m.

There were 4 speakers on the item.

Agency/Councilmember Kaplan made a motion, seconded by Agency/Councilmember Brooks, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, De La Fuente, Kaplan, Kernighan, Nadel, Schaaf, and President Reid

-8

- 9.1 Subject: Central City East Five-Year Plan
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Authorizing A One-Year Extension Of The Project Area Committee For The Central City East Redevelopment Project To July 29, 2012 (10-0673-1)

A motion was made by Councilmember Kaplan, seconded by Councilmember Brunner, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 10 This number was intentionally left blank

- 11 Subject: Community Emergency Response Team Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to Apply for, Accept and Appropriate Federal Fiscal Year 2010 Community Emergency Response Team (CERT) Grant Funds From the State of California Homeland Security Grant Program in the Amount of Fifty Thousand Dollars (\$50,000) For the City of Oakland, Office of Emergency Services, Communities of Oakland Respond to Emergencies (CORE) Program (10-0674)

A motion was made by Councilmember Kaplan, seconded by Councilmember Schaaf, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There was 1 speaker on the item.

- 12 Subject: Urban Area Security Initiative Grant Funds
 From: Oakland Fire Department
 Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into An Urban Area Security Initiative (UASI) Grant Administration Agreement With The City and County Of San Francisco For Receipt Of Fiscal Year 2010 Urban Area Security Initiative (UASI) Grant Funds In An Amount Up To One Million, Two Hundred and Twenty-Five Thousand Dollars (\$1,225,000), And 2) Accept, Appropriate And Administer Said UASI Grant Funds, And 3) Approve The 2010 UASI Preliminary Spending Plan And Waive City Of Oakland Central Services Overhead (CSO) Fees Of Twenty- Seven Thousand Dollars (\$27,000), And 4) Expend Funds In Accordance With Said Preliminary Spending Plan Without Further Council Authorization, Including Purchases In Excess Of The City Administrator's Purchasing Authority Of Equipment And Services Required By The Grant, Provided Federal And City Bidding Requirements And Request For Proposal/Qualification Requirements And Purchasing Programs And Policies Are Followed (10-0677)

A motion was made by Councilmember Kaplan, seconded by President Pro Tempore De La Fuente, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There was 1 speaker on the item.

- ~~13 Subject: Contracting Process And Timeline—Various Departments
 From: Vice Mayor Brooks
 Recommendation: Discussion And Possible Action On The City's Contracting Process And Timeline For Various Agencies {TITLE CHANGE} (10-0334-1)
 *Withdrawn with No New Date~~

- 14 Subject: Amending Conflict Of Interest Code - Port Of Oakland
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Approving A Conflict Of Interest Code For Designated Employees And Consultants Of The Port Of Oakland (10-0606-1)

**Withdrawn with No New Date*

There was 1 speaker on the item.

- 15 Subject: OPD Reorganization
 From: Oakland Police Department
 Recommendation: Receive An Informational Report From the Office of Chief of Police
 Detailing the Department's Plan to Reorganize the Oakland Police Department, Effective July
 2011, to Address Police Staffing Shortfalls and Deliver Police Services Under a Strengthened
 Model of Field Supervision (10-0746)
 A motion was made by Councilmember Kaplan, seconded by President Pro
 Tempore De La Fuente, that this matter be *Received and Filed. The
 motion carried by the following vote:
 Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De
 La Fuente, Councilmember Brumer, Councilmember Kaplan, Councilmember
 Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the
 Council Reid
 There was 1 speaker on the item.
- 16 Subject: East Bay Regional Private Sewer Lateral Program
 From: Public Works Agency
 Recommendation: Adopt The Following Pieces Of Legislation:

 1) An Ordinance Revision Amending Oakland Municipal Code Title 13, Chapter 13.08 To Add
 New Regulations Requiring Oakland Property Owners To Inspect And Certify Lower Sewer
 Laterals In The Public Right-Of-Way At The Time Of Property Transfer, Major Remodeling
 And Change In Water Service [TITLE CHANGE] (10-0648)
 A motion was made by Councilmember Schaaf, seconded by
 Councilmember Kernighan, that this matter be Approved On Introduction
 and Scheduled for Final Passage to the Concurrent Meeting of the Oakland
 Redevelopment Agency / City Council, to be heard at the July 19, 2011
 meeting. The motion carried by the following vote:
 Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
 ORA\Councilmember Ayes: 7 - Vice Mayor Brooks, President Pro Tempore De
 La Fuenle, Councilmember Kaplan, Councilmember Kernighan,
 Councilmember Nadel, Councilmember Schaaf and President of the Council
 Reid
 There was 1 speaker on the item.

2) A Resolution Authorizing The City Administrator Or His Designee To Sign A Statement Of Roles And Responsibilities With The East Bay Municipal Utility District For implementation Of The East Bay Regional Private Sewer Lateral Program (10-0648-1)

A motion was made by Councilmember Schaaf, seconded by Councilmember Kernighan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 7 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

17 Subject: Call For 2011 Special Election
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Adding Section 3.08.015 To Chapter 3.08 Of The Oakland Municipal Code, Entitled "Elections," To Authorize The City Council To Call A Special Municipal Election On November 15, 2011 (10-0555-1)

A motion was made by Councilmember Kernighan, seconded by Councilmember Nadel, to Approved As Amended On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the July 19, 2011 meeting to set the date for a Special Election for November 15, 2011. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Schaaf
ORA\Councilmember Ayes: 7 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel and President of the Council Reid
There were 6 speaker on the item.

S-18 Subject: Port Of Oakland - Cost Sharing Agreement
 From: Community And Economic Development Agency
 Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Execute A Cost Sharing Agreement Among The Redevelopment Agency, The City And The Port Of Oakland For The Development Of Infrastructure Including Public Utilities And Public Streets On The Former Oakland Army Base; And (10-0703)

A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Kaplan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

There was 1 speaker on the item.

2) A Resolution Authorizing The City Administrator To Execute A Cost Sharing Agreement Among The City, The Redevelopment Agency And The Port Of Oakland For The Development Of Infrastructure Including Public Utilities And Public Streets On The Former Oakland Army Base (10-0703-1)

A motion was made by President Pro Tempore De La Fuente, seconded by Councilmember Kaplan, that this matter be Adopted accepting the revisions to Attachment B, Page 6, Part D Section 202 that presents a new formula with adjustments on a prorated basis. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Vice Mayor Brooks, President Pro Tempore De La Fuente, Councilmember Brunner, Councilmember Kaplan, Councilmember Kernighan, Councilmember Nadel, Councilmember Schaaf and President of the Council Reid

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 12:00 a.m., unless extended by Majority Vote of the Council)

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Don Deamer and Tom Williams at 8:12 p.m.

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SUPPLEMENTAL

City of Oakland

Meeting Agenda

Concurrent Meeting of the Oakland Redevelopment
Agency / City Council

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Tuesday, July 19, 2011

5:30 PM

Oakland City Hall, 3rd Floor

- 1 Pledge of Allegiance
 - 2 Roll Call / ORA & Council
COUNCIL MEMBERS: Desley Brooks, Dist. 6; Jane Brunner, Dist. 1, Ignacio De La Fuente; Dist. 5; Rebecca Kaplan, At-Large; Pat Kernighan, Dist. 2; Nancy NadeL; Dist. 3; Libby Schaaf, Dist. 4; Council President Larry Reid, Dist. 7
 - 3 Open Forum / Citizens Comments
(Time Available: 15 minutes)
 - 4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations from the Mayor, Council Acknowledgements/Announcements):
 - 4.1 Subject: Earlene Williams Retirement
From: Finance And Management Agency
Recommendation: Adopt A Resolution Commending Earlene Williams For More Than 31 Years Of Devoted And Dedicated Service And Congratulating Her On Retirement (10-0760)
 - 5 APPROVAL OF THE DRAFT MINUTES FROM THE CONCURRENT SPECIAL AND REGULAR MEETINGS OF June 28, June 30, July 5, 2011
 - 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests to: Reschedule items from consent to Non-Consent to the next Council Agenda, Speak on Consent Calendar, Register Votes, Change order of Items, Reconsiderations, Pull Items held in Committee):
- 7. CONSENT CALENDAR (CC) ITEMS:**
- 7.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human hnmimodeficiency Vnus ("HIV")/Acquired hnnuuodeficiency Syndrome ("AIDS") Epidemic (10-0788)

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency / City Council

Tuesday, July 19, 2011

- 7.2-CC Subject: Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland (10-0789)
- 7.3 Subject: MacArthur Transit Village Phase I
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Conditionally Approving A Final Map (Phase 1) For Tract No. 8047, The Vacation (Abandonment) Of Apgar Street, The Dedications Of Public Easements And Right Of Way, And A Subdivision Improvement Agreement With Macarthur Transit Community Partners For Deferred Construction Of Public Infrastructure Improvements, All Associated With Development Of The Macarthur Transit Village Project To Construct A Parking Garage For The San Francisco Bay Area Rapid Transit District (BART) And An Affordable Housing Multiple Family Building (10-0782)

This item was placed on this agenda by the June 30, 2011 Rules and Legislation Committee.

- 7.4-CC Subject: Revisions To Organizational Structure
From: Office Of Budget
Recommendation: Adopt An Ordinance Amending Chapter 2.29 Of The Oakland Municipal Code, Entitled, "City Agencies, Departments And Offices", To Revise The Organizational Structure Of The City Under The City Administrator's Jurisdiction In Accordance With The Requirements Of City Charter Section 600, By Eliminating The Department Of Contracting And Purchasing And Transferring The Function To The Finance And Management Agency And The City Administrator's Office, Eliminating The Museum Department, And Eliminating The Parking Division And Transferring The Function To The Revenue Division To More Closely Coordinate Its Activities (10-0696)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE

Introduction (First Reading) was passed as amended on June 30, 2011 to reject the proposed restructuring of the Tax and Revenue Office and restore the .5 Revenue Assistant and 4.80 FTE Tax Enforcement Officer II; 5 Ayes, 4 Noes - Kaplan, Kernighan, Schaaf, Nadel

- 7.5-CC Subject: Amending Ordinance No. 13024 C.M.S (Master Fee Schedule)
From: Office Of Budget
Recommendation: Adopt An Ordinance Amending Ordinance Number 13024 C.M.S. (Master Fee Schedule), As Amended, To Establish, Modify And Delete Fees Assessed By The Office Of The City Administrator, Office Of The City Clerk, Finance And Management Agency, Oakland Police Department, Oakland Fire Department, Oakland Public Library, Office Of Parks And Recreation, Department Of Human Services Public Works Agency, And The Community And Economic Development Agency (10-0663)

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency / City Council

Tuesday, July 19, 2011

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE

Introduction (First Reading) was passed on June 28, 2011; 6 Ayes, 2 Noes - Brooks, De La Fuente

7.6-CC Subject: Oakland Museum Agreement.
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute A New Lease With The Oakland Museum Of California Foundation For Buildings And Improvements On City Property Located At 1000 Oak Street And 450 Lancaster Street For One Dollar Per Year In Rent As Authorized By Ordinance No. 11722 C.M.S. And Ordinance No. 11603 C.M.S. For A Term Of Thirty Years (10-0741-1)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE

Introduction was passed as amended on June 28, 2011; 8 Ayes

7.7-CC Subject: East Bay Regional Private Sewer Lateral Program
From: Public Works Agency
Recommendation: Adopt An Ordinance Revision Amending Oakland Municipal Code Title 13, Chapter 13.08 To Add New Regulations Requiring Oakland Property Owners To Inspect And Certify Lower Sewer Laterals In The Public Right-Of-Way At The Time Of Property Transfer, Major Remodeling And Change In Water Service [TITLE CHANGE] (10-0648)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE

Introduction (First Reading) was passed July 5, 2011; 7 Ayes, 1 Abstain - Brunner

7.8-CC Subject: Settlement Agreement - Philip Magro
From: Office Of City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of 21st Century Insurance A/S/O Philip Magro, In The Amount Of \$7,204.14, As A Result Of Property Damage Sustained In An Automobile Accident (Oakland Fire Dept). (10-0800)

This matter was not discussed in Closed Session.

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency / City Council

Tuesday, July 19, 2011

7.9-CC Subject: Settlement Agreement - Jane Ng
From: Office Of City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of CSAA As Subrogee For Jane Ng, In The Amount Of \$11,344.50 As A Result Of Property Damage Sustained In An Automobile Accident With A City Vehicle (Public Works Agency) (10-0801)

This matter was not discussed in Closed Session.

7.10-CC Subject: Measure Y Appointments
From: Office Of Mayor
Recommendation: Adopt A Resolution Appointing Ryan G. Hunter And Jose A. Dorado And As Members Of The Violence Prevention And Pubhc Safety Oversight Committee (10-0802)

7.11-CC Subject: Salary Ordinance Amendment - IAF Local 55
From: Department Of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule No. 12187 (The Salary Ordinance) To Reduce The Salaries Of Employees Represented By The International Association Of Firefighters Union Local 55 By 8.85% From July 1, 2011 To June 30, 2014 (10-0803)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE

Final Passage (Second Reading) is scheduled for July 26, 2011

7.12-CC Subject: Settlement Agreement - Ollie Walker
From: Office Of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Ollie Walker V. City Of Oakland, Alameda County Superior Court Case No. RG09487084, City Attorney's File No. 27031; In The Amount Of Twenty-Five Thousand Dollars (\$25,000.00). (PWA) (10-0805)

This matter was not discussed in Closed Session.

S-7.13-CC Subject: Revocable And Conditional Permit - 14010 Broadway Terrace
From: Connunity And Economic Development Agency
Recommendation: Adopt A Resolution Granting Derek S. Kubota A Revocable And Conditional Permit To Allow Portions Of An Existing Garage, Stairs, Retaining Walls, and Courtyard For A Residence At 14010 Broadway Terrace To Encroach Into The Public Right-Of-Way (10-0738)

The July 12, 2011 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency / City Council

Tuesday, July 19, 2011

S-7.14-CC Subject: Implementation Of The Bay Trail Project - High Street Bridge
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Cooperative Agreement With The County Of Alameda For The Implementation Of The Bay Trail Project At The High Street Bridge (10-0756)

The July 12, 2011 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

S-7.15-CC Subject: Seismic Retrofit Of Campus Drive Bridge
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Bugler Construction, The Lowest, Responsive, Responsible Bidder, For The Seismic Retrofit Of Campus Drive Bridge (Project No. C346710), In The Amount Of Eight Hundred Eighty-Seven Thousand Six Hundred Fifty-Three Dollars (\$887,653.00) (10-0757)

The July 12, 2011 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

S-7.16-CC Subject: Leveling The Playing Field Phase II Project
From: Public Works Agency
Recommendation: ~~Adopt A Resolution: 1) Rejecting All Bids, Waiving Any Further Advertising And Bidding And Authorizing The City Administrator To Negotiate And Award A Construction Contract On The Open Market For The Leveling The Playing Field Phase II Project In An Amount Not To Exceed Two Million One Hundred Fifty One Thousand Dollars (\$2,151,000.00) Without Return To Council, And 2) Appropriate Up To Two Hundred Thousand Dollars (\$200,000.00) Of The Remaining Measure WW Funds From Poplar Field (No. C376810), Central Reservoir Field (No. C377010), And Owen Jones Field (No. C376710) To The Brookdale Park Field (No. C290810) For The Project (10-0754)~~

The July 12, 2011 Public Works Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

S-7.17-CC Subject: SeeClickFix License Agreement
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving Advertising And Bidding Requirements Of The Oakland Municipal Code For The Integration, Subscription And Licensing For SeeClickFix, An On-Line And Mobile Application Improving Customer Service And Enabling The Public To Report And Track Infrastructure Maintenance Issues In The City Of Oakland, So That The City Administrator May Enter Into A Three Year Agreement With SeeClickFix, In An Amount Of \$10,000 In The First Year And \$8,000 For The Following Two Years, With The Option To Extend Annually For A Maximum Five Percent Increase Each Year Thereafter, For A Total Five Year Period And A Total Contract Amount Not To Exceed \$43,220 (10-0761)

The July 12, 2011 Finance and Management Committee approved recommendations; 4 Ayes

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency / City Council

Tuesday, July 19, 2011

S-7.18-CC Subject: Land Purchase Agreement - Park Blvd And Monterey Blvd
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Acquire Parcel 029A-1330-027-03 And Parcel 029A-1330-009-01 For Use As A Part Of The Montclair Golf Course From The California Department Of Transportation For \$25,000 (10-0700)

The July 12, 2011 Finance and Management Committee approved recommendations; 3 Ayes, 1 Abstain - Brunner

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE

Final Passage (Second Reading) is scheduled for July 26, 2011

S-7.19-CC Subject: Closed Captioning Professional Service Contract
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Two (2) Year Professional Service Contract Between The City Of Oakland And Aegis Rapid Text, Inc. To Provide Stenography Services For Real-Time Off-Site Closed Captioning Of All Regularly Scheduled And Special Concurrent Oakland Redevelopment Agency / Oakland City Council, And City Council Conunittee Meetings In A Total Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000) Per Year For The Period From September 1, 2011 Through August 31, 2013 And Authorizing The Extension Of The Contract For Up To Two (2) Years For An Additional Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000) Per Year (10-0780)

The July 12, 2011 Finance and Management Committee approved recommendations; 4 Ayes

S-7.20-CC Subject: Notice Of New Structures - Municipal Code Amendment
From: Councilmember Libby Schaaf
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Add Title 15, Chapter 15.10, Public Notice Of City Of Oakland's Intent To Construct Or Install New Public Safety-Related Telecommunications Facilities On City-Owned Property, To Establish Requirements For The City Of Oakland To Provide 30 Days Mailed And Posted Notice To Property Owners And Tenants (Both Residential And Commercial) Within 300 Feet Of A City Of Oakland-Owned Property Of The City's Intent To Construct Or hstall New Public Safety-Related Teleconununications Facilities, Including But Not Limited To Towers, Poles Or Antennas, That Are Not Otherwise Subject To A Public Notice Requirements (10-0682)

The July 12, 2011 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE

SUPPLEMENTAL

Concurrent Meeting of the Oakland
Redevelopment Agency / City Council

Tuesday, July 19, 2011

Final Passage (Second Reading) is scheduled for July 26, 2011

S-7.21-CC Subject: Business Improvement Districts Annual Reports And Payments
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving The Annual Reports Of The Lakeshore/Lake Park Business Improvement Management District, The Temescal/Telegraph Avenue Property Business Improvement District Of 2005, The Laurel Property Business Improvement District Of 2005, The Fruitvale Property Business Improvement District Of 2006, The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, And The Lake Merritt/Uptown Community Benefit District Of 2008 Advisory Boards And Confirming The Continuing Annual Assessment For Each Applicable District For Fiscal Year 2010-2011 And Fiscal Year 2011-2012; And (10-0702)

2) Resolution Authorizing Payment Of The Redevelopment Agency's Cumulative Fiscal Year 2011/12 Fan Share Assessment In An Amount Not To Exceed \$33,860.56 For Agency-Owned Properties In The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, And The Lake Merritt/Uptown Community Benefit District Of 2008. (10-0702-1)

The July 12, 2011 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

S-7.22-CC Subject: Temescal/Telegraph Avenue - Security Lighting Project
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Consent To Execution Of An Assignment Of Payments Agreement Between The Temescal Telegraph Avenue Community Association Of Oakland ("Borrower") And A Still To Be Determined Lender ("Lender") To Make Payments To Lender From Temescal / Telegraph Avenue Property Business Improvement District Of 2005 ("PBID") Special Assessment Funds Held On Behalf Of The PBID In Support Of The Telegraph Avenue Pedestrian Lighting Project (10-0747)

The July 12, 2011 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

S-7.23-CC Subject: Grant Award - 16th Street Train Improvements
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing An Owner Participation Agreement With Build West Oakland, LLC/Bridge Economic Development Corporation To Grant Up To \$1,300,000 In Matching Oakland Army Base Redevelopment Funds For Phased Improvements To The Historic 16th Street Train Station, Including Improvements To The Baggage Wing (10-0701)

The July 12, 2011 Community and Economic Development Committee

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approved recommendations; 3 Ayes, 1 Excused - Nadel

S-7.24-CC Subject: WIA Youth Services Contract Extensions
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

- 1) A Resolution Amending Resolution No. 83121 C.M.S. To Extend Youth Training And Employment Service Contracts To June 30,2012 (10-0749)
- 2) A Resolution Amending Resolution No. 83121 C.M.S. To Increase Youth Training And Employment Contracts To Fund The 2011 Mayor's Summer Jobs Program In The Following Amounts: \$30,000 To Alameda County Youth Development Inc. (Scotland Youth And Family Center); \$27,000 To East Bay Spanish Speaking Citizens' Foundation; \$30,000 To LAO Family Community Development inc.; \$30,000 To Pivotal Point Youth Services Inc.; \$27,000 To Youth Employment Partnership Inc.-In School; \$27,000 To Youth Employment Partnership inc.-Out Of School; And \$27,000 To Youth Uprising (10-0749-1)

The July 12, 2011 Community and Economic Development Committee approved recommendations as amended to the resolution to add language that provides the ability to defund organizations that do not meet their minimum established goals and reallocate the funds to the remaining performing programs; 3 Ayes, 1 Excused - Nadel

ALTERNATIVE RECOMMENDATIONS

The following alternative resolutions eliminates Scotland from the extension of Youth Training and Employment Service Contracts to June 30, 2012 and eliminates allocated funding of \$30,000.

This item was placed on the agenda Pursuant to Rule 28a of Council's Rules of Procedures Resolution 82580 C.M.S.

This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to hearing the item.

- 3) Resolution Amending Resolution No. 83121 C.M.S. To Extend Youth Training And Employment Service Contracts To June 30, 2012 (10-0749-2)
- 4) Resolution Amending Resolution No. 83121 C.M.S. To Increase Youth Training And Employment Contracts To Fund The 2011 Mayor's Summer Jobs Program In The Following Amounts: \$27,000 To East Bay Spanish Speaking Citizens' Foundation; \$30,000 To Lao Family Community Development Inc.; \$30,000 To Pivotal Point Youth Services Inc.; \$27,000 To Youth Employment Partnership Inc.-In School; \$27,000 To Youth Employment Partnership inc.-Out Of School; \$27,000 To Youth Uprising; And \$30,000 To Serve Youth Residing In West Oakland By A Youth Service Provider To Be Determined By The City Administrator Without Returning To Council (10-0749-3)

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S-7.25-CC Subject: Workforce Investment Grant Disbursement
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate \$600,000 In Workforce Investment Act (WIA) Federal Grant From The U.S. Department Of Labor Employment Training Agency For The East Bay Green Jobs Project; And Enter Into Contracts With Cypress Mandela Training Center In The Amount Of \$120,000, Laney Community College In The Amount Of \$78,000, Solar Richmond In The Amount Of \$200,000, Rising Sun Energy Center In The Amount Of \$66,500, And RichmondBUILD In The Amount Of \$45,500 To Collaboratively Provide Employment Training And Job Placement Services For A Minimum Of 80 Low-Income Adults For The Term Beginning July 19, 2011 And Ending March 2013; To Procure A Contract Not To Exceed \$26,500 For Program Performance Evaluation Without Returning To Council; And To Allocate \$64,200 For City Administration Of The Grant. (10-0739)

The July 12, 2011 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

S-7.26-CC Subject: Broadway/MacArthur/San Pablo Redevelopment Project Committee
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing A One-Year Extension Of The Project Area Committee For The Broadway/ MacArthur/ San Pablo Redevelopment Project To July 25, 2012 (10-0758)

The July 12, 2011 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

S-7.27-CC Subject: Fruitvale Transit Village Project ENA
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing An Exclusive Negotiating Agreement With The Spanish Speaking Unity Council For Phase II Of The Fruitvale Transit Village At The Fruitvale Bart Station Parking Lot (10-0717)

The July 12, 2011 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

S-7.28-CC Subject: Oakland Economic Development Corporation - ENA
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing An Exclusive Negotiating Agreement With The Oakland Economic Development Corporation For Development Of Phase I Of The Transit Village At The Coliseum Bart Station, And Authorizing A Redevelopment Loan For The Project In An Amount Not To Exceed \$400,000 (10-0776)

The July 12, 2011 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

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S-7.29-CC Subject: Oakland Zoo Master Agreement Amendment
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend Master Agreement Between City Of Oakland And The East Bay Zoological Society / Oakland Zoo Pursuant To Grant Requirements From Proposition 84 Funds From The California Department Of Parks And Recreation, Which Require 1) Extension Of The Agreement To 30 Years; And 2) Elimination Of The "At-Wih" Termination Clause (10-0748)

**The July 12, 2011 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-7.30-CC Subject: COPS Grant Award
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate A State Of California "Citizens Options For Public Safety" (State Cops) Grant In An Amount Not To Exceed Five Hundred Seventeen Thousand (\$517,000) For Front Line Policing (10-0712)

**The July 12, 2011 Public Safety Committee approved recommendations; 4
Ayes**

S-7.31-CC Subject: Oakland Youth Court - Grant Award
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Accept And Appropriate Funds From The State Of California, Corrections Standards Authority, Juvenile Accountability Block Grant To The Oakland Police Department In An Amount Not To Exceed Sixty Thousand Dollars (\$60,000), 2) Waive The Competitive Request For Proposals /Qualifications (RFP/Q) Process, And 3) Enter into A Professional Services Agreement With McCullum Youth Court For The Period July 1,2011 Through June 30, 2012, Plus Two One-Year Extension Options, In An Amount Not To Exceed Sixty Thousand Dollars (\$60,000) Annually For Continued Program Implementation Of The Oakland Youth Court For The Oakland Police Department (10-0713).

**The July 12, 2011 Public Safety Committee approved recommendations; 4
Ayes**

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S-7.32-CC Subject: BayRICS JPA Membership
From: Department Of Information Technology
Recommendation: Adopt A Resolution Requesting Authority To: (1) Join The Bay Area Regional Interoperable Communications System Joint Powers Authority ("Bayrics JPA"; Or "JPA") By Executing The Proposed JPA Agreement ("Agreement"), Including An Annual Membership Fee In An Amount Not-To-Exceed Twenty Four Thousand Five Hundred Dollars (\$24,500.00), And (2) Sublease, Assign Or Transfer To The Jpa Part Or All Of Oakland's Spectrum Waiver And/Or Lease Rights As May Be Granted By The Federal Communications Commission (The "FCC") Pursuant To The Petition Filed By Oakland, San Francisco And San Jose With The FCC, And (3) To Take Such Steps Necessary To Effectuate These Agreements On Behalf Of The City Of Oakland, Without Return To Council (10-0715)

The July 12, 2011 Public Safety Committee approved recommendations; 4
Ayes

S-7.33-CC Subject: Evaluation Services Of The Measure Y Funded Programs
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Extend The Contract Between The City Of Oakland And Resource Development Associates From July 1, 2011 To December 31, 2012 For Evaluation Services Of The Measure Y Funded Programs, In The Amount Of Up To Three Hundred And Fifty Thousand Dollars (10-0759)

The July 12, 2011 Public Safety Committee approved recommendations; 4
Ayes

S-7.34-CC Subject: UASI Regional Training Program Grant
From: Oakland Fire Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into A Memorandum Of Understanding (MOU) With The Alameda County Sheriff's Office To Provide Personnel Services In Connection With The Bay Area Urban Area Security Initiative (UASI) Regional Training Program In Exchange For The Fiscal Year 2009 UASI Grant Allocation 2) Accept, Appropriate And Administer Up To \$120,000 From The Federal Fiscal Year 2009 UASI Grant Allocation For Reimbursement Of Salaries And Benefits Paid To An Oakland Fire Department, Office Of Emergency Services Staff Member Assigned As A Bay Area UASI Region Training Officer, As Per The MOU Agreement; And (10-0766)

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2) A Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into A Memorandum Of Understanding (MOU) With The Alameda Comty Sheriff's Office To Provide Personnel Services In Connection With The Bay Area Urban Area Security Initiative (UASI) Regional Training Program In Exchange For The Fiscal Year 2010 UASI Grant Allocation And 2) Accept, Appropriate And Administer Up To \$225,000 From The Federal Fiscal Year 2010 UASI Grant Allocation For Reimbursement Of Salaries And Benefits Paid To An Oakland Fire Department, Office Of Emergency Services Staff Member Assigned As A Bay Area UASI Region Training Officer, As Per The MOU Agreement (10-0766-1)

The July 12, 2011 Public Safety Committee approved recommendations; 4 Ayes

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S-7.35-CC Subject: Summer Recess Grant And Contract Awards
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Make Grant Awards, Accept Grant Funds And Award Contracts For The Purchase Of Construction Labor And Materials Exceeding \$500,000.00, To Be Executed During The City Council Annual Recess Of 2011, As Follows:

1. A Resolution To Award A Construction Contract To The Lowest, Responsive, Responsible Bidder, For The Construction Of MacArthur Boulevard Improvement Project (Project No. C167640), Or To Reject All Bids If All Bids Are Deemed Non-Responsive Or Non-Responsible, And Award A Contract On The Open Market In Accord With The Project Plans And Specifications Up To The Amount Of \$5,075,351.00;
2. A Resolution Authorizing The Acceptance And Appropriation Of Up To \$827,900.00 Of Federal Funds From The Transportation, Housing And Urban Development And Related Agencies Appropriation Act Of 2010 For The Lake Merritt Improvement Project;
3. A Resolution Awarding A Construction Contract To The Lowest, Responsive, Responsible Bidder, For The Installation Of New And Modified Traffic Signals At Various Locations (Project Nos. C313710, C318210, C316210) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Project Plans And Specifications In An Amount Not To Exceed Eight-Hundred Thousand Dollars (\$800,000.00) Without Return To Council;
4. A Resolution Awarding A Construction Contract To The Lowest, Responsive, Responsible Bidder, For The Safe Routes To Schools, Cycle 7 Project (Project No. C357010) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Project Plans And Specifications In An Amount Not To Exceed Six-Hundred Thousand Dollars (\$600,000.00) Without Return To Council; And
5. A Resolution Awarding A Construction Contract To The Lowest, Responsive, Responsible Bidder, For The Broadway Intelligent Transportation Systems (ITS) (Project No. C270210) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Project Plans And Specifications In An Amount Not To Exceed Eight-Hundred Thousand Dollars (\$800,000.00) Without Return To Council (10-0773)

The July 12, 2011 Finance and Management Committee approved recommendations as amended to the resolution to delete the four proposed contracting actions from the resolution and allow the acceptance of the grant funds for the Lake Merritt Improvement Project. Staff was directed to proceed with a regular RFP processes for the identified projects and

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return to Council in September 2011 with recommendations for contract awards for Council's approval; 4 Ayes

- 8 Oral Report of Final Decisions Made During Closed Session & Disclosure of Non-Confidential closed session discussions

COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:

9. CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:

- 9.1 Subject: Jack London Square Site C Transfer
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion, Adopt A Resolution Consenting To A Non-Affiliate Transfer Of Site C (Located At 10 Clay Street) Relating To The Development Agreement Between The City Of Oakland, Jack London Square Partners LLC, And CEP-JLS I LLC, Dated July 6, 2004 (DA) To 10 Clay Street LLC Pursuant To The Development Agreement And Planning Code Section 17.138.080 (Development Agreement Procedure) (10-0755)

The July 12, 2011 Community and Economic Development Committee approved recommendations; 3 Ayes, 1 Excused - Nadel

- 9.2 Subject: Community Development Block Grant Program
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Amending Resolution 83344 C.M.S 1) Authorizing The City Administrator To Submit To The U.S. Department Of Housing And Urban Development The Revised Annual Action Plan For Fiscal Year 2011-2012; 2) Accepting And Appropriating Funds Totaling \$14,658,157 For The Home, Emergency Shelter Grant (ESG), Housing Opportunities For Persons With Aids (HOPWA), And The Community Development Block Grant Programs; And 3) Authorizing The City Administrator To Negotiate And Execute Agreements With Subgrantees For Fiscal Year 2011-2012 For The Community Development Block Grant Program. (10-0775)

The July 12, 2011 Community and Economic Development Committee approved recommendations; 4 Ayes

- 9.3 Subject: Fruitvale Property Business Improvement District
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Establishing The Fruitvale Property Business Improvement District Of 2011, Approving The Management Plan, Directing Filing Of The Proposed Assessment District Boundary Description, Making A Determination With Regard To The Majority Protest Procedure For Approval Of The Proposed Assessments; And Approving The Assessments For The District (10-0790)

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The July 12, 2011 Community and Economic Development Committee approved recommendations; 4 Ayes

9.4. Subject: Amending Cannabis Ordinances
From: Office Of The City Administrator
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Chapter 5.80 Of The Oakland Municipal Code Pertaining To Medical Cannabis Dispensary Permits (10-0751)

The July 12, 2011 Public Safety Committee approved recommendations as amended to include language in the ordinance stating:

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE

Final Passage (Second Reading) is scheduled for July 26, 2011

~~2) An Ordinance Amending Chapter 5.81 Of The Oakland Municipal Code Pertaining To Cultivation Of Medical Cannabis; And (10-0751-1)~~

The July 12, 2011 Public Safety Committee held this item in committee.

3) An Ordinance Amending The Master Fee Schedule (Ordinance Number 13024 C.M.S., As Amended) To Establish A Medical Cannabis Dispensary Permit Application Fee And An Annual Regulatory Fee For Permitted Medical Dispensaries & To Establish A Cultivation Of Medical Cannabis Permit Application Fee And An Annual Regulatory Fee For Permitted Medical Cannabis Cultivation (10-0751-2)

The July 12, 2011 Public Safety Committee approved recommendations as amended to remove the proposed fees for Cannabis Cultivation. Staff was directed to proceed with the RFP process for the Cultivation Permits; 3 Ayes, 1 Excused - Nadel

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE

Final Passage (Second Reading) is scheduled for July 26, 2011

ALTERNATIVE STAFF RECOMMENDATION

This item was placed on the agenda Pursuant to Rule 28a of Council's Rules of Procedures Resolution 82580 C.M.S.

The following Alternative Master Fee Amendment Establishes Fees To Provide For Cost Covered Oversight Operations As Proposed By Staff

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This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to hearing the item.

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE

Final Passage (Second Reading) is scheduled for July 26, 2011

4) An Ordinance Amending The Master Fee Schedule (Ordinance Number 13024 C.M.S., As Amended) To Modify And Estabsh Medical Cannabis Dispensary Permit Application Fee(s) And An Annual Regulatory Fee For A Medical Cannabis Dispensary Permit (10-0751-3)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 NUMBER INTENTIONALLY NOT USED

11 Subject: Call For 2011 Special Election
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Adding Section 3.08.015 To Chapter 3.08 Of The Oakland Municipal Code, Entitled "Elections," To Authorize The City Council To Call A Special Municipal Election On November 15, 2011 (10-0555-1)

ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE

First Reading was passed on July 5, 2011; 7 Ayes, 1 No - Schaaf

12 Subject: City Attorney Appointment
From: Council President Larry Reid
Recommendation: Adopt A Resolution Appointing _____ To Fill The Vacancy In The Office Of The City Attorney For The Balance Of The Unexpired Term, Which Runs Until 11 A.M. On Monday, January 7, 2013 (10-0785)

13 Subject: City Attorney Election
From: President Pro Tempore Ignacio De La Fuente
Recommendation: Adopt A Resolution On The City Council's Own Motion Waiving The Council's Authority To Fill The Vacancy In The Office Of City Attorney And Submitting To The Voters At The November 15, 2011 Special Election The Filling Of The Vacancy In The Office Of City Attorney; Directing The City Clerk And City Administrator To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Special Election (10-0793-1)

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14 Subject: Charter Amendment Returning City Attorney To Appointed Position
From: Councilmembers Nadel And Kernighan
Recommendation: Adopt A Resolution Submitting, On The Council's Own Motion, To The Electors At The Next Special Or General Municipal Election, A Proposed Charter Amendment, Entitled, "Returning The Elected City Attorney Position To An Appointed Position" And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Next Election Date (10-0778)

15 Subject: PFRS Ballot Measure
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Allowing the Police and Fire Retirement System Board and City Council to Set an Actuaially Sound Deadline For Fully Funding Its Retirement Plan", To Be Submitted To Tire Electors At The Next Special or General Municipal Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Next Election Date (10-0786)

The July 12, 2011 Finance and Management Committee approved recommendations; 3 Ayes, 1 No - De La Fuente

16 Subject: Rainy Day Fund Ballot Measure
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Establishing A 'Rainy Day' Fund For Money Collected When There Is An Unusually Large Surplus, Which May Be Used In Years When There Is A Revenue Shortfall", To Be Submitted To The Electors At The Next Special Or General Municipal Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Next Election Date (10-0787)

The July 12, 2011 Finance and Management Committee deliberately took no action on this item.

17 Subject: Five - Year Temporaty Fiscal Emergency Parcel Tax
From: Office Of The Mayor
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 15, 2011 Special Election A Proposed Ordinance Creating A Five-Year Temporaty Fiscal Emergency Special Parcel Tax; Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Special Election (10-0779)

SUPPLEMENTAL

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- 18 Subject: Salary Schedule Amendment - City Administrator
From: Department Of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 (The Salary Ordinance) To Increase The Salary For The Classification Of City Administrator (10-0798)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE

Final Passage(Second Reading) is scheduled for July 26, 2011

- 19 Subject: Resolution Calling Special Election
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Of The City Council Of The City Of Oakland, California, Calling And Giving Notice For The Holding Of A Special Municipal Election On Tuesday, November 15, 2011 For The Purpose Of Submitting To The Electors Of The City Of Oakland Various Proposed Measures And Authorizing And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Pubhcation In Accordance With Apphcable Legal Requirements (10-0807)

Pursuant to Rule 28a of Resolution 82580 C.M.S., this item was added to this agenda.

- S-20 Subject: Hemy J. Kaiser - Lease Revenue Bonds
From: Finance And Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Authorizing the Substitution of City Hall for the Hemy J. Kaiser Convention Center Securing the Existing Obligations for the Oakland Joint Powers Financing Authority Lease Revenue Refunding Bonds (Oakland Convention Centers), Series 2001; Approving the Execution and Delivery of Amendments to Leases to Substitute such Property and Authorizing the Taking of ah Necessary Actions Relating Thereto; And (10-0684)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE

Final Passage (Second Reading) is scheduled for July 26, 2011

2) A Resolution of the Oakland Joint Powers Financing Authority Authorizing the Substitution of City Hall for the Hemy J. Kaiser Convention Center Securing the Existing Obligations for the Oakland Joint Powers Financing Authority Lease Revenue Refunding Bonds (Oakland Convention Centers), Series 2001; Approving the Execution and Delivery of Amendments to Leases to Substitute such Property and Authorizing the Taking of all Necessary Actions Relating Thereto (10-0684-1)

The July 12, 2011 Finance and Management Committee approved recommendations; 3 Ayes, 1 No - Brooks

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S-21 Subject: Redevelopment Agency Continuance And Payment Obligations
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Continuing The Existence Of The
Redevelopment Agency Of The City Of Oakland And Declaring Compliance With
Payment Obligations Of Part 1.9, Division 24, Of The California Health And Safety
Code (10-0831)

This item was placed on the agenda by the July 14, 2011 Rules and
Legislation Committee

This item requires an Urgency Finding (2/3 majority vote) pursuant to
Section 2.20.080 E(2) of the Sunshine Ordinance, prior to hearing the item.

**ACTION ON THE ITEM WILL RESULT IN INTRODUCTION (First
Reading) OF THIS ORDINANCE**

Final Passage (Second Reading) is scheduled for July 26, 2011

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 12:00 a.m., unless extended by Majority Vote of the
Council)

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TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA
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1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA**