

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

*Arnold S. Seltzer*  
City Attorney

2013 FEB 27 PM 4:40  
RESOLUTION No. 84253 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE CONTRACT WITH RENNE SLOAN HOLTZMAN SAKAI, LLP TO COMPLETE ADDITIONAL INVESTIGATION-RELATED WORK ON POLICE MISCONDUCT CLAIMS RESULTING FROM OCCUPY OAKLAND PROTEST INCIDENTS, INCREASING THE BUDGET BY TWENTY FIVE THOUSAND DOLLARS (\$25,000) FOR A TOTAL CONTRACT AMOUNT OF ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$145,000)**

**WHEREAS**, the City has received numerous police misconduct complaints related to Occupy Oakland protest incidents which the City must complete within the timeline provided in California Government Code Section 3304 (Government Code 3304); and

**WHEREAS**, the Court in *Allen v. City of Oakland, et al.*, issued an order on June 18, 2012 which mandates that all outstanding internal investigations stemming from Occupy Oakland activities prior to December 31, 2011 be completed 60 days in advance of the Government Code 3304 deadline or within 120 days of the date of the order for cases in which the Government Code 3304 period is tolling; and

**WHEREAS**, the City lacks sufficient qualified personnel to perform the work and needs additional capacity to conduct the investigations and ensure they are completed thoroughly and within required timelines; and

**WHEREAS**, the City Council finds and determines that the services authorized hereunder are professional, scientific or technical in nature, are temporary, and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

**WHEREAS**, under the contract authority of the City Administrator pursuant to Oakland Municipal Code Section 2.04.020, and following an RFP competitive process, the City entered into a contract with Renne Sloan Holtzman Sakai, LLP, for \$100,000 in June 2012 to complete administrative investigations related to Occupy Oakland police misconduct complaints in order to meet the legal and court order requirements related to these investigations; and

**WHEREAS**, on August 16, 2012, during the Council/Mayor Summer Recess Agenda, a contract amendment was approved to increase the original contract by \$20,000 for a not to exceed amount of \$120,000 (Resolution No. 84022 C.M.S., dated August 28, 2012) for additional investigative work necessary to complete a thorough investigation; and

**WHEREAS**, under the existing contract Renne Sloan Holtzman Sakai, LLP is required to conduct the administrative investigation of two complex and high profile cases, one of which resulted in an officer being sustained for misconduct leading to a Skelly Hearing, and additional work is needed resulting from issues raised during the Skelly Hearing, and preparation for arbitration, should the cases go to arbitration; and

**WHEREAS**, the cost of the additional work is \$25,000

**WHEREAS**, it is in the best interests of the City to amend this contract in order for City to achieve the most thorough and object investigation; and

**WHEREAS**, sufficient funds have been budgeted for this contract by the Oakland Police Department, Fund 1010, Organization 101120, Account 54919, Project 0000000, Program PS02; now therefore be it

**RESOLVED:** That the City Administrator is authorized to increase the budget for Renne Sloan Holtzman Sakai, LLP in the amount of \$25,000 for a total contract amount of \$145,000, to review, prepare and respond to the Skelly report, and prepare for arbitration, should the cases go to arbitration; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is authorized to take all actions and carry out any financial actions necessary to fulfill the intent of this Resolution and accompanying Report, including completing all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this contract for services, except for any increase in the contract amount, without returning to the City Council; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee will provide regular updates to the City Council concerning changes or modifications to the contract with Renne Sloan Holtzman Sakai, LLP; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee shall ensure that copies of fully executed contracts and amendments are placed on file with the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve, for form and legality, any and all contract amendments and modifications.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 19 2013, 20    

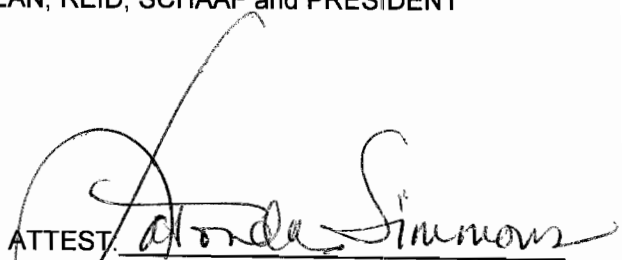
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NCES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST.   
LaTonda Simmons  
City Clerk and Clerk of the  
Council of the City of Oakland, California