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December 11, 2012

FINANCE & MANAGEMENT COMMITTEE
Oakland, California

Subject: Rules Committee's Scheduling of the Following Item for December 11, 2012 Finance Committee - "An Informational Report and Possible Action on How the City Attorney's Office Awarded in Excess of Eight Million Dollars in Outside Counsel Contracts without Council Approval and/or a Competitive Bid Process in Violation of the City Charter and the City of Oakland Purchasing Ordinance; Whether the Lack of Competitive Bid Process Created a Pay to Play Scheme in the Award of Outside Counsel Contracts; and Establishing Processes and Procedures to Ensure the City Attorney's Office Complies with the Requirements of the City Charter and the Purchasing Ordinance"

Chairperson De La Fuente and Members of the Finance Committee:

This item asks "how the City Attorney's Office awarded in excess of eight million dollars in outside counsel contracts without Council approval and/or a competitive bid process in violation of the City Charter and the City of Oakland Purchasing Ordinance". This item prejudices that the City Attorney's Office has violated the Charter and makes allegations of official misconduct and criminal violations. As scheduled, this item is akin to asking: "When did you stop beating your spouse?"

In fact, the City Attorney's Office has not violated the City Charter. Our retention of outside counsel is fully consistent with the Charter and Council's procedures that have been in place for many decades. For the Fiscal Year 2011-2012, the only full fiscal year that the current City Attorney has been in Office, the City paid \$3.86 million to outside counsel, a reduction of 40% from the previous fiscal year.

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This request was submitted on the dais at the November 1, 2012 Rules Committee by Councilmember Brooks. As scheduled the item repeats and is a continuation of the mudslinging by one side in the recent City Attorney campaign. This item is inappropriate, inaccurate and transparently political.

However, if the committee would like an informational report on the City Attorney's charter authority to hire outside counsel, this office would be happy to provide one. Given our current work load and time commitments in the City Attorney's Office, such a report could be scheduled as early as February 2013.

Respectfully submitted,

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

BARBARA J. PARKER
City Attorney

cc: City Clerk