

From: [Douglas Cole](#)
To: [Lake, Betsy](#)
Cc: [Patel, Bijal](#); [Landreth, Sabrina](#); [Pat Cashman](#)
Subject: Concerns
Date: Friday, August 24, 2018 2:56:27 PM

I wanted to follow-up on the brief one way exchange that took place this past Monday (8/20) during the 1:00 p.m. meeting requested by the Audit Team from the State of California, Department of Finance (DOF) with the City's Department of Transportation, Public Works Agency, Contract Compliance and I, and later attended by both you and Pat Cashman fifteen minutes after the start of the meeting for the purpose of clarifying the intent of my presence at this meeting during my FMLA.

As background, prior to going on medical leave to undergo spine surgery, I received an email request from DOF that DOF under the terms of the TCIF Grant Agreement would be scheduling an interim audit on two Oakland Projects that have received State funding, one of which would be the State TCIF Funded Segment 3 OHIT Project (OAB Public Improvement Project). At the time, I explained to the DOF representative that I would be undergoing surgery followed by a projected two-month recovery period and as a result, could not make a commitment to participate in the requested initial audit meeting which was scheduled for August 20th, approximately 18-days following my scheduled surgery...but that depending on how I was feeling....might be able to participate in person or by phone for a limited amount of time for the sole purpose of helping to advance the Audit given the over all Project schedule and State compliance milestones committed to by the City in the Grant Agreement.

Following my surgery on August 2nd and at home recovery period, I was encouraged by my Doctor to continue and increase non-strenuous physical therapy by walking or wheel chair exercise in order to increase my circulation for the purpose of reducing inflammation and healing. By the time of the scheduled meeting, I had gotten to the point where I could walk or exercise in a wheel chair for a limited amount of distance and time generally not more than a city block or an hour or hour and a half a day. As a result of my progress, by the date and time of the meeting, I decided, to the additional benefit of the City and Project timeline, that I could attend the meeting for not more than an hour to see if I could help in advance this critical step in the process towards successfully meeting the State's initial mandated milestone of delivering the Final Completion Report back to and receiving back from the State, their Cost/Compliance Certification prior to April 16, 2018.

While this milestone date is a little less than eight months away, there are many steps, interim time and funding constraint already committed to to make this happen if everything goes well and there is still potential fiscal risk to the City's General Fund. As called out in the Grant Agreement, Any obligation by State for payment of moneys contained herein is subject to and contingent upon Public Agency establishing to the satisfaction of State that all sums expended by Public Agency for the Funded Segment, for which Public Agency requests partial payment from State, are reasonable and are a necessary part of the Funded Segment...as a result, it is imperative that the Audit proceed as expeditiously as possible to enable the City, if required, to adequately follow-up by the required milestone date. After April 16, 2019, otherwise un-disbursed balances shall revert to the State. As you know, in June, the City submitted it's final request for an un-disbursed balance of approximately \$2.7M. What you may or may not know, and what I found out from the DOF Audit Team during my brief discussion prior to you

coming into the meeting was that the State will not release the final reimbursement request until the DOF audit has been completed.

It was unfortunate that when you interrupted this initial discussion by coming through the doorway shouting out “What are you doing here....You are not suppose to be here....I am concerned about your health and you need to leave, now”...and then essentially escorted out of the room to the elevator lobby. I must say, that was one of the most humiliating, demoralizing, shaming moments in my professional life at the City of Oakland as I was being rolled out of the room, I found myself speechless, in shock and emotionally upset...especially when all I came to do was to help the City...you were arrogant, demeaning, self-righteously patronizing in a way that was shameful! The other clarification I want to get out on the table, was that I came to that meeting with no intention of adjusting my timesheet or claiming the hour!

I also want to circle back with you to let you know, that a day and a half after that incident, I received a call from HR, letting me know that a I was being put on notice that attending that meeting while on FMLA was risking both my FMLA status and claim for Short Term Disability - Really! I was not aware being on Continuous FMLA meant I could not respond to inquiries from the City. While you positioned yourself as never contacting me either by phone or by email, during my FMLA, you had to have had full knowledge that I was being contacted either by email or by phone on a somewhat regular basis for the purposes of assisting in various matters during my absence which yes, I tried to be responsive as possible in order to assist in order to help keep things moving. Please also remember you authorized VPN access and assignment of a City laptop in order to facilitate assisting. I believe the record shows that you were copied on some of these emails and never intervened? Since your cease and desist directive?...I want to let you know that the order it went into effect immediately! With the exception of the City Administrator’s Weekly Report, I have been excommunicated, and have not received one project related email or phone call since Monday...that’s impressive!

However...at the risk of being told that I am again in violation of my FMLA by writing and sending this email, which I am not, is to inform you, again, for what it’s worth...you need to not only read the Grant Agreement but also connect all of the dots, because literally, everything action, non-action has a consequence.

1. When the City accepted the TCIF Grant Agreement and all of the conditions that came with it, including rights by the State to audit the Project and any time, the audit should be seen as a good thing!...one to demonstrate to the State and Taxpayers that the City is in compliance and if <100%, knowing the findings sooner than later only benefit the City. Also the outcome of the Audit helps to inform delivery of the Final Report which does not have an endless milestone date...it is also an error to think that every thing can be kicked down the road or deferred, unless you have some certainty about this, consequences or impacts.
2. As you know, the Grant Agreement comes with two major performance milestones. While the second in the total scheme of things is critically time sensitive, the first is only referenced here because it is the most immediate important: 1) “On or before the earlier to occur of (a) the that is six (6) months after the funded segment becomes operable or (b) April 16, 2019, Public Agency will provide a report of the final Funded Segment costs to the State’s program manager.” Well...as you know, completion of the

Project now has an outside date of August-September 2018 (at least before I left). In order for the Public Improvements to become operable, the Public Improvements have to be accepted by the City Council and was (is it still?) scheduled for the CED or PWC no later than the first meeting in October (Ideally in September when Council reconvenes) and then to Council in the latter half of October or early November to be followed by a 30-day noticing period with the County prior to final retentions being released to the JV in December, January at the absolute latest!....Again, if we are thinking comprehensively, wouldn't it be great if we could have completed the DOF Audit in August or September prior to going to Council so that the City would know how we stand, even if we have a punch list of clarifications to follow-up on?...Ideally before acceptance (becoming operable) or the release of the final retention?

3. Also...mentioning again....if we know now that the State will not release the final reimbursement request of \$2.7M which would make the City General Fund (Pooled Cash) whole until the DOF Audit is complete, would we want to take advantage of every opportunity to facilitate completion of the audit especially prior to going to Council for acceptance of the improvements in order to adequately certify the fiscal impact section of that report?
4. On a somewhat related topic...as you are aware the City finally received the fully executed ACTC Project Funding Agreement just prior to my departure....during my absence the City still needs to request reimbursement for actual construction expenditures incurred and paid from City Pooled Cash from ACTC. City staff should review the ACTC PFA and request assistance from ACTC on how to request reimbursements. They are willing to and can assist....basically each JV construction invoice includes an itemized AMS expenditure sheet. Each JV invoice binder will need to be submitted to ACTC along with verification of payment by the City through Oracle Payment Overviews...along with the required ACTC front end reimbursement request cover sheets. The total outlay of City Pooled Cash for construction of the AMS truck parking lot is \$5M and should definitely not be deferred until I return. If for example the project completes in Augusts, and Payment are verify-able in September, the complete \$5M reimbursement based on actual expenditures could be submitted in September with reimbursement by October.
5. You should also know that the State has yet to determine whether or not the City's request to shift the \$25.9M Private Spend out of Segment 3 and into Segment 5 as previously requested via the Quarterly Report and Project Change Request back in April 2018. You are aware of this request because we have discussed it..the purpose of which was to one, bring into alignment the provisions approved by the City in the 3rd Amendment to the LDDA and to also enable compliance with the completion of the funded segment prior to April 16, 2018 given the lawsuit by and between the City and OBOT, defunding of ACTC wharf improvements, and lack of progress on closing the Rail Access Agreement by both the City and Port, etc. You need to seek direction from the Caltrans Program Staff if this will request will require California Transportation Commission (CTC) approval and require a public hearing?
6. Again, as we have also discussed the City and Port Funded Segments were justified as rail served projects and it is for that reason that the state awarded tax payer dollars to both the City and Port totaling \$242M with the expectations that it would be a rail served....but fundamentally, to date, neither the City nor the Port have an executed the Rail Access Agreement (RAA) based on the term sheet that was approved by Council

and the Commission back in October-November 2014? Without having a RAA in place, nothing rail or rail served can become operational and also impacts developers ability to secure rail served tenants. If we have to go back to the CTC to request the shift, because everything is linked, the City or Port may find some difficulty here in terms of the shift request and or inability to meet the programmatic requirements, the primary basis for which the grant was made?

Hopefully, I will not be at risk of impacting my FMLA or Short Term Disability by informing you of both my concerns and what I believe should be considered critically important to the City. These are things that cannot nor should not wait until I return and there is still sufficient time for forward movement. Yes...it is going to take considerable time and engagement, but you will need to consider the priorities. Perhaps we could have discussed more before you left on your two-week vacation but as circumstances beyond my control we did not have any overlapping time.

Thank you,

Doug Cole

From: [Lake, Betsy](#)
To: [Monetta, John](#)
Cc: [Patel, Bijal](#)
Subject: FW: Port mtg
Date: Monday, June 04, 2018 11:34:56 AM

I have not received any comments on the agenda below, so John, please forward to the Port meeting recipients today.

Elizabeth A. Lake
Deputy City Administrator for Real Estate and Major Projects | City of Oakland | City Administrator's Office | One Frank H. Ogawa Plaza, 11th Floor | Oakland, CA 94612 | Phone: (510) 238-6654 | Email: elake@oaklandnet.com

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

From: Lake, Betsy
Sent: Wednesday, May 30, 2018 5:05 PM
To: Patel, Bijal <BPatel@oaklandcityattorney.org>; Monetta, John <JMonetta@oaklandnet.com>
Subject: Re: Port mtg

I will leave the next Tuesday meeting as is, but will move the RAA discussion to June 20.

Here is my current agenda with the port, please add as necessary

Agenda for next Tuesday is
Utility agreement - water
Utility easements / parcel map
PGE vaults
WGW litigation update
Howard Terminal confidentiality agreement and A's update.

The 6/20 meeting we will focus on the rail access agreement.

Sent from my iPhone

> On May 30, 2018, at 4:31 PM, Lake, Betsy <ELake@oaklandnet.com> wrote:

>

> Ok. Let's leave it as is.

>

>

>

> Sent from my iPhone

>

>> On May 30, 2018, at 3:00 PM, Woo, Winnie <WWoo@oaklandnet.com> wrote:

>>

>> The port folks were ok with next Tuesday. But I can check in and see if they can meet the following week. But what about the one for the 18th? Did you want to keep that one as scheduled? It'll be just a week later.

>>

>>

>> -----Original Message-----

>> From: Lake, Betsy

>> Sent: Wednesday, May 30, 2018 2:24 PM

>> To: Woo, Winnie <WWoo@oaklandnet.com>

>> Subject: Re: Port mtg

>>

>> Shoot. Sorry for a moving target, but can we move it to the following Wednesday?

>>

>> Sent from my iPhone

>>

>>> On May 30, 2018, at 9:05 AM, Lake, Betsy <ELake@oaklandnet.com> wrote:

>>>

>>> Can we try to move next wed port meeting forward one day to next Tuesday? I will be out next week We'd-Fri

>>>

>>> Sent from my iPhone

From: [Monetta, John](#)
To: [Lake, Betsy](#); [Patel, Bijal](#)
Subject: Fwd: Agenda for 6/20/18 City Developer Meeting
Date: Wednesday, June 27, 2018 5:19:23 PM

Betsy:

How would you like me to respond to Skyler?

John

Begin forwarded message:

From: Skyler Sanders <ssanders@californiagroup.com>
Date: June 27, 2018 at 4:11:57 PM PDT
To: "Monetta, John" <JMonetta@oaklandnet.com>, "Patel, Bijal" <BPatel@oaklandcityattorney.org>
Cc: Megan Morodomi <mmorodomi@californiagroup.com>, "Lake, Betsy" <ELake@oaklandnet.com>, 'Frank Kennedy' <fjk@kennedyandassociates.org>, 'Pat Cashman' <ptrckcshmn@gmail.com>, "Woo, Winnie" <WWoo@oaklandnet.com>, "Duong, Maxine" <MDuong@oaklandcityattorney.org>, "Jeff Major - Prologis (jeffmajor@yahoo.com)" <jeffmajor@yahoo.com>, "qalshihabi@prologis.com" <qalshihabi@prologis.com>, 'Marc Stice' <mstice@sticeblock.com>, Mark McClure <mmcclure@californiagroup.com>, "Phil Tagami" <tagami@californiagroup.com>, "Cole, Doug" <DCole@oaklandnet.com>
Subject: RE: Agenda for 6/20/18 City Developer Meeting

John,

Wanted to follow up with you on the below request.

Thanks,

Skyler Sanders
General Counsel
California Capital & Investment Group, Inc.

From: Skyler Sanders
Sent: Wednesday, June 20, 2018 4:59 PM
To: Monetta, John <JMonetta@oaklandnet.com>; Cole, Doug <DCole@oaklandnet.com>
Cc: Megan Morodomi <mmorodomi@californiagroup.com>; Lake, Betsy <ELake@oaklandnet.com>; Patel, Bijal <BPatel@oaklandcityattorney.org>; Frank Kennedy <fjk@kennedyandassociates.org>; Pat Cashman <ptrckcshmn@gmail.com>; Woo, Winnie <WWoo@oaklandnet.com>; Duong, Maxine <MDuong@oaklandcityattorney.org>; Jeff Major - Prologis (jeffmajor@yahoo.com)

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John,

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Hopefully if we work now, we can get something on the calendar. Please let us know if you need anything from our team to schedule the meeting.

Thanks,

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From: Monetta, John [<mailto:JMonetta@oaklandnet.com>]
Sent: Wednesday, June 20, 2018 9:30 AM
To: Cole, Doug <DCole@oaklandnet.com>
Cc: Megan Morodomi <mmorodomi@californiagroup.com>; Lake, Betsy <ELake@oaklandnet.com>; Patel, Bijal <BPatel@oaklandcityattorney.org>; Frank Kennedy <fjk@kennedyandassociates.org>; Pat Cashman <ptrckcshmn@gmail.com>; Woo, Winnie <WWoo@oaklandnet.com>; Duong, Maxine <MDuong@oaklandcityattorney.org>; Jeff Major - Prologis (jeffmajor@yahoo.com) <jeffmajor@yahoo.com>; qalshihabi@prologis.com; Marc Stice <mstice@sticeblock.com>; Skyler Sanders <ssanders@californiagroup.com>; Mark McClure <mmcclure@californiagroup.com>; Phil Tagami <tagami@californiagroup.com>
Subject: Re: Agenda for 6/20/18 City Developer Meeting

Megan:

As discussed, please call me around 1:30. I will be at site for a meeting with Caltrans.

John

On Jun 20, 2018, at 9:27 AM, Cole, Doug <DCole@oaklandnet.com> wrote:

I will be absent for today's meeting [REDACTED].

Thanks,

Doug

Douglas H. Cole

Project Manager III, Oakland Army Base Implementation

City of Oakland | City Administrator's Office | One Frank H. Ogawa Plaza,
11th Floor

Oakland, CA 94612

Phone: [\(510\) 238-7661](tel:5102387661)

Email: dcole@oaklandnet.com

From: Megan Morodomi [<mailto:mmorodomi@californiagroup.com>]

Sent: Tuesday, June 19, 2018 4:34 PM

To: Lake, Betsy <ELake@oaklandnet.com>; Patel, Bijal
<BPatel@oaklandcityattorney.org>; Monetta, John
<JMonetta@oaklandnet.com>; Cole, Doug <DCole@oaklandnet.com>;
'Frank Kennedy' <fjk@kennedyandassociates.org>; 'Pat Cashman'
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<mmcclure@californiagroup.com>; Phil Tagami
<tagami@californiagroup.com>

Subject: Agenda for 6/20/18 City Developer Meeting

All,

Attached is the proposed agenda for tomorrow's City-Developer meeting.

Best,

Megan

<image001.gif>

Megan Morodomi

Project Manager

mmorodomi@californiagroup.com

CALIFORNIA CAPITAL & INVESTMENT GROUP

The Rotunda Building

300 Frank Ogawa Plaza, Suite 340 | Oakland, CA 94612

Office 510.463.6336 | Facsimile 510.834.5380

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From: WWoo@oaklandca.gov on behalf of [Lake, Betsy](#)
To: [Monetta, John](#); [Cole, Doug](#); [Patel, Bijal](#)
Cc: [Royal, Lenora](#)
Subject: Meet re: Rail Access Agreement

From: WWoo@oaklandca.gov on behalf of [Lake, Betsy](#)
To: [Monetta, John](#); [Cole, Doug](#); [Patel, Bijal](#)
Cc: [Royal, Lenora](#)
Subject: Meet re: Rail Access Agreement

From: [Skyler Sanders](#)
To: [Monetta, John](#); [Cole, Doug](#)
Cc: [Megan Morodomi](#); [Lake, Betsy](#); [Patel, Bijal](#); [Frank Kennedy](#); [Pat Cashman](#); [Woo, Winnie](#); [Duong, Maxine](#); [Jeff Major - Prologis \(jeffmajor@yahoo.com\)](#); [qalshihabi@prologis.com](#); [Marc Stice](#); [Mark McClure](#); [Phil Tagami](#)
Subject: RE: Agenda for 6/20/18 City Developer Meeting
Date: Wednesday, June 20, 2018 4:58:34 PM

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Cc: Megan Morodomi <mmorodomi@californiagroup.com>; Lake, Betsy <ELake@oaklandnet.com>; Patel, Bijal <BPatel@oaklandcityattorney.org>; Frank Kennedy <fjk@kennedyandassociates.org>; Pat Cashman <ptrckcshmn@gmail.com>; Woo, Winnie <WWoo@oaklandnet.com>; Duong, Maxine <MDuong@oaklandcityattorney.org>; Jeff Major - Prologis (jeffmajor@yahoo.com) <jeffmajor@yahoo.com>; qalshihabi@prologis.com; Marc Stice <mstice@sticeblock.com>; Skyler Sanders <ssanders@californiagroup.com>; Mark McClure <mmclure@californiagroup.com>; Phil Tagami <tagami@californiagroup.com>
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Thanks,

Doug

Douglas H. Cole

Project Manager III, Oakland Army Base Implementation

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Phone: [\(510\) 238-7661](tel:5102387661)

Email: dcole@oaklandnet.com

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Sent: Tuesday, June 19, 2018 4:34 PM

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Project Manager
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From: [Cole, Doug](#)
To: [Pat Cashman](#); [Lake, Betsy](#); [Patel, Bijal](#)
Subject: RE: Oakland Army Base Grant Agreements
Date: Thursday, August 16, 2018 11:38:06 AM

The Third Amendment to the LDDA has been shared with Caltrans Staff related to the discussion around the request to shift the \$25.9M private funding obligation for Wharf (Wharf/Rail Improvements as allowed under the 3rd Amendment).

This amendment and PMA and Lawsuit are part of the story that has been conveyed to the State in relation to this shift and delay in advancing Segment 5 (Wharf, Marine Terminal)

On that note...at some point real soon the City and Port are probably going to have to answer to why the RAA has not advanced and how this has impacted the fundamental basis for the grants to both the City and Port,...I think you get this but not sure?

I am almost certain that Contract Compliance was involved and has the sealed bids.

Also obtain a copy of the approved accounting protocols Memorandum (binder) from CCIG which I believe was signed by both the City and CCIG?

Regarding expenditure tracking, Laura and I developed with the JV which Katie now tracks...is a complete actual and projected expenditure cash flow spreadsheet tied to the exact funding sources now all in place the totals of which have previously been reported to both ACTC and the State. This is an important tracking document that should be shared with DOF as a WIP.

Doug

From: Pat Cashman [mailto:ptrckcshmn@gmail.com]
Sent: Thursday, August 16, 2018 11:11 AM
To: Cole, Doug <DCole@oaklandca.gov>; Lake, Betsy <ELake@oaklandca.gov>; Patel, Bijal <BPatel@oaklandcityattorney.org>
Subject: Re: Oakland Army Base Grant Agreements

Betsy,

Below is my assessment of the situation. I have spoken to CCIG and they can have much of the following documentation in a drop box link sometime tomorrow.

I would like to get in sync with CCIG and forward this list to CCIG. I am meeting with CCIG tomorrow at 11:30.

The list below is also [attached.as](#) a word doc.

Pat

I want to send the State the basic Agreements **today or tomorrow.**

The 2012 Baseline Agreement with CTC. **(I have it)**

The TCIF Funding Agreement with Caltrans. **(I have it)**

The LDDA, which includes the PMA. **(I have it but I don't have the Amendments,** are they necessary? I don't recall them impacting TCIF)

The GMP Design Build Contract, both the original with CCIG/TGTGFI and as assigned to City. (I don't have executed copies of original or the assignment) **(CCIG to provide)**

The GMP Change Order Logs (My logs are a year old) **(CCIG to provide)**

The Consultant Contracts (I don't have executed copies) **(CCIG to provide)**

Consultants Change Order Logs **(CCIG to provide)**

Monthly Invoices for entire project **(CCIG to provide)**

I want to send **tomorrow or provide next week**

The procurement history showing that the prime contractors and consultants were an identified part of the Response to the RFP, the ENA, and the LDDA

2008 City RFP **(CCIG to provide?)**

2008 CCIG/AMB response to RFP **(CCIG to provide)**

2010 ENA and the three Amendments 9 and enabling City Resolutions and staff Reports (I don't have all of it) **(City or CCIG to provide?)**

2013 Subcontractor Competitive Bidding Process **(CCIG has it, including still sealed bids. Contract Compliance should have similar records and signed off on the process)**

TCIF Quarterly Progress Reports **(Only Doug has access to these)**

Organization Chart (For the City Internal controls or for the project??) **(Does the City Finance/Controller have the City standards?)**

Written Internal Policies policies for the financial mgmnt of the project, including

- Reimbursement Preparation (**Both contractors/consultants and TCIF requests for reimbursement?**)
- project expenditure tracking (**Doug has great records but they are more focused on the current funding sources and not on the entire project...CCIG has this for entire project**)
- Procurement process for contractors and consultants' progress payments (**CCIG generates invoice requests for payment and has digital copies...but the City's processing is paper only with all records in Doug' office**)
- Change Orders (**CCIG has digital for the entire project**)

Audits (**CCIG has the Williams Addley which we can provide next week**)

On Thu, Aug 16, 2018 at 10:14 AM, Pat Cashman <ptrckcshmn@gmail.com> wrote:

Doug,

Do we have copies of all construction and consultant contracts?

Does Goldfarb?

Pat

----- Forwarded message -----

From: **Pat Cashman** <ptrckcshmn@gmail.com>

Date: Thu, Aug 16, 2018 at 10:10 AM

Subject: Re: Oakland Army Base Grant Agreements

To: "Cole, Doug" <DCole@oaklandca.gov>

Doug,

Can you send me the Quarterly Progress Reports for the past almost 5 years.

Pat

On Thu, Aug 16, 2018 at 8:50 AM, Pat Cashman <ptrckcshmn@gmail.com> wrote:

These are good for the City's internal authority.

On Wed, Aug 15, 2018, 10:27 PM Cole, Doug <DCole@oaklandca.gov> wrote:

Came across this email regarding TCIF grant agreement and associated authorizations. Thought it might be helpful.

Doug

Sent from my iPhone

Begin forwarded message:

From: "Cole, Doug" <DCole@oaklandnet.com>
To: "Woo, Theresa" <TWoo@oaklandnet.com>
Cc: "Howell, Donna" <DHowell@oaklandnet.com>, "Mak, Ken" <KMak@oaklandnet.com>
Subject: Oakland Army Base Grant Agreements

Hi Theresa,

Pursuant to your request for your audit, please find attached the following two OAB Grant Agreements:

1) State of California, Department of Transportation, Trade Corridor Improvement Fund (TCIF) Grant Agreement No. 75A0389, Dated October 9, 2013 in the amount of \$176,341,000.00; and

a. Resolution No. 83864 C.M.S., Authorizing The City Administrator To Negotiate And Execute An Amendment To The California Transportation Commission (CTC) Trade Corridor Improvement Fund (TCIF) Baseline Agreement Between The Port Of Oakland (Port) And CTC Regarding The Oakland Army Base Project, To Add The City As A Party And As A Grant Recipient, To Combine The Two TCIF Grant Allocations Into One \$242.1 Million Allocation, To Change The Scope And Areas Of The Former Oakland Army Base Where TCIF Funds Will Be Used, And To Identify Funding Sources To Match The TCIF Grant; And...

b. Resolution No. 83865 C.M.S., Authorizing The City Administrator To Negotiate And Execute An Amendment To The Cost Sharing Agreement Between The Oakland Redevelopment Agency (Agency) And The Port Of Oakland Pertaining To Infrastructure Improvements At The Former Oakland Army Base, To Reflect The Transfer Of The Property From The Agency To The City Of Oakland, To Acknowledge An Amendment To The Trade Corridor Improvement Funds (TCIF) Baseline Agreement, To Establish Respective Roles And Responsibilities Between The Port And City As To Grant Funding; To Identify The Funding Sources To Match The TCIF Grant; And To Commit An Additional \$22.5 Million In City Funds To Match The TCIF Grant

c. Resolution No. 83932 C.M.S, Authorizing The City Administrator To Negotiate And Execute An Amended And Restated Cost Sharing Agreement Between The Redevelopment Agency Of The City Of Oakland (Agency) And The Port Of Oakland Pertaining To Infrastructure Improvements At The Former Oakland Army Base, To Reflect The Transfer Of The Property From The Agency To The City Of Oakland, To Acknowledge An Amendment To The Trade Corridor Improvement Funds (TCIF) Baseline Agreement, To Establish Respective Roles And Responsibilities Between The Port And City As To Grant Funding; To Identify The Funding Sources To Match The TCIF Grant; And To Commit An Additional \$22.5 Million In City Funds To Match The TCIF Grant, In A Form And Content Substantially In Conformance With The Attached Agreement, Without Returning To The City Council

2) Alameda County Transportation Commission, Measure BB Grant Agreement No. A17-0043, Dated November 4, 2016 (Effective July 28, 2016 / Retroactive Reimbursement back to April 1, 2015) in the amount of \$41,000,000.00.

a. Resolution No. 86275 C.M.S. Authorizing The City Administrator To Accept And Appropriate An Alameda County Transportation Commission ("ACTC") Measure BB Grant In An Amount Not To Exceed \$46 Million For Roadway Infrastructure Improvements And Truck Parking At The Former Oakland Army Base; And...

Please let me know if any additional information is required – Thank you,

Douglas Cole
Project Manager III, Oakland Army Base
Office of the City Administrator

250 Frank H. Ogawa Plaza, Suite 5313
Oakland, CA 94612
t: 510.238.7661
f: 510.238.3691

From: [Phil Tagami](#)
To: [Lake, Betsy](#); ptrckcshmn@gmail.com; [Monetta, John](#); fjk@fjkennedy.com
Cc: [Skyler Sanders](#); [Clifford A. Kunkel - Turner Construction Company \(ckunkel@ttgfjv.com\)](#); [James Heilbronner](#); [Megan Morodomi](#); [Mark McClure](#); [Patel, Bijal](#)
Subject: RE: W Burma Road safety and security
Date: Friday, August 17, 2018 2:20:49 PM

Betsy

Thank you for your prompt reply.

We have the BCDC permit for the fence in process, but need the City permit as soon as possible. We are mindful of the rules, but need this on a clear path forward to promptly ensure site safety as soon as possible. As an aside, it was Bijal during one of our Monday meetings that stated the City was no longer issuing encroachment permits and to not bother seeking one; has this changed?

As you know BCDC is having a challenging time finding a nexus between the \$500K fence work application and a \$2m+ parking lot scope, adopted as a mitigation for the City infrastructure project (as approved and signed off by the City), and which BCDC is still actively seeking. As of today, Brad, on behalf of BCDC, is warning of an impending enforcement hearing and penalties associated with the delay of delivery of the subject parking lot.

We are pondering, but have not committed to, submitting a permit to construct the parking lot mitigation "under protest" to avoid a costly process with BCDC, but will certainly be seeking a true up with the City. We have long held that BCDC views the terminal as a new and different project with separate mitigations. Consequently, OBOT may begin to submit the marine terminal project elements to BCDC to further clarify the separate and distinct group of mitigations for the four or five sub projects under the terminal delivery that BCDC is expecting.

We will be concurrently looking to submit a separate permit for the roughly \$200k of rail improvements in the BCDC jurisdiction, hopeful that the City will at long last cooperate with the fundamental nature of "rail" as critical to our lease, OGRE sub lease, proposed operations, and TCIF compliance. Resolving the years old RAA, and SNDA, among other issues is long overdue.



Phil Tagami
CEO & President
CALIFORNIA CAPITAL & INVESTMENT GROUP
Office 510.463.6343
tagami@californiagroup.com

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From: Lake, Betsy [mailto:ELake@oaklandca.gov]

Sent: Friday, August 17, 2018 10:59 AM

To: Phil Tagami <tagami@californiagroup.com>; ptrckcshmn@gmail.com; Monetta, John <JMonetta@oaklandca.gov>; fjk@fjkennedy.com

Cc: Skyler Sanders <ssanders@californiagroup.com>; Clifford A. Kunkel - Turner Construction Company (ckunkel@ttgfjv.com) <ckunkel@ttgfjv.com>; James Heilbronner <jamesh@archdim.com>; Megan Morodomi <mmorodomi@californiagroup.com>; Mark McClure <mmclure@californiagroup.com>; Patel, Bijal <BPatel@oaklandcityattorney.org>

Subject: RE: W Burma Road safety and security

Thank you, Phil. My understanding is that Burma road is not complete, that there was temporary access provided to allow Caltrans access to its facilities; however, it should not be open to the public at this time. I believe the project team has conveyed this message to the contractor.

With respect to any safety condition along Burma road, OBOT has known for a long time that the fence is a private improvement. As such, OBOT is responsible for obtaining the necessary approvals. Please note that the City never prohibited encroachment on City property, and merely advised that an encroachment permit would be needed if the fence were to overhang onto City property. The City as Landlord has reviewed and approved the fence design, coordinated quickly on the BCDC permit application OBOT submitted, and will process your city permits concurrently, so please go ahead and submit the city application if you haven't already. However, please note that pursuant to the Ground Lease you are required to follow the law and obtain all required regulatory permits, including the BCDC permit.

Thanks, Betsy

Elizabeth A. Lake

Deputy City Administrator for Real Estate and Major Projects | City of Oakland | City Administrator's Office | One Frank H. Ogawa Plaza, 11th Floor | Oakland, CA 94612 | Phone: [510\) 238-6654](tel:5102386654) | Email: elake@oaklandnet.com

From: Phil Tagami [<mailto:tagami@californiagroup.com>]

Sent: Thursday, August 16, 2018 2:01 PM

To: ptrckcshmn@gmail.com; Monetta, John <JMonetta@oaklandca.gov>; fjk@fjkennedy.com; Lake, Betsy <ELake@oaklandca.gov>

Cc: Skyler Sanders <ssanders@californiagroup.com>; Clifford A. Kunkel - Turner Construction Company (ckunkel@ttgfjv.com) <ckunkel@ttgfjv.com>; James Heilbronner <jamesh@archdim.com>; Megan Morodomi <mmorodomi@californiagroup.com>; Mark McClure <mmclure@californiagroup.com>

Subject: W Burma Road safety and security

Pat, John, and Betsy

Over the past several months we have raised concerns regarding the status of the grade differential of west Burma Road and the OBOT lease area and the OGRE Sublease area.

The GMP included a fence that was designed and approved by the City and BCDC.

The fence was deducted from the scope of the GMP due to funding limitations with MPBR.

The fence is a necessary public safety and security improvement that OBOT, OGRE, and Oakland Global agreed to undertake on after the scope was deducted from the project to the tune of \$500,000+ of additional expense to OBOT et al.

The City attorney's office has forbidden the fence to be located on city property as originally designed and has objected to the approved fence hook point to encroach on city air space.

At significant cost the fence drawings have been re-engineered/surveyed and resubmitted as a private improvement.

WE know the building department is under immense pressure due to the current building boom.

We were promised that W Burma Road would not be opened until the fence was constructed along the property line.

The road is now open! This is a genuine problem. Safety and security issue....

Your cooperation with getting the permit issues is appreciated this matter is urgent and public safety and security are legitimate concerns.

We would like to proceed immediately with construction of the fence and ask that you keep the road closed to the public until the fence is complete.

Please advise ASAP

Tagami

Dictated but not read



CALIFORNIA
CAPITAL & INVESTMENT
GROUP

Phil Tagami
CEO & President
tagami@californiagroup.com
510.463.6343

CALIFORNIA CAPITAL & INVESTMENT GROUP
The Rotunda Building
300 Frank Ogawa Plaza, Suite 340 | Oakland, CA 94612
Office 510.268.8500 | Facsimile 510.225.3954

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From: [Amanda Price](#)
To: [Patel, Bijal](#); [Landreth, Sabrina](#)
Cc: [Mark McClure](#); [Chris Stotka](#); [Marc Stice](#); [Skyler Sanders](#); [Lake, Betsy](#); [Phil Tagami](#)
Subject: Request for Performance - Rail Access Agreement
Date: Friday, July 20, 2018 3:28:48 PM
Attachments: [OAB Demand Letters - Rail Access Agreement \(7_20_18\).pdf](#)

Ms. Landreth and Ms. Patel,

Please see the attached letter that was delivered to your offices this afternoon.

Best,

Amanda Price
Legal and Compliance Analyst
510-463-6357
aprice@californiagroup.com



[CALIFORNIA CAPITAL & INVESTMENT GROUP](#)
300 Frank Ogawa Plaza, Suite 340 | Oakland, CA 94612
Office 510.268.8500 | Facsimile 510.225.3954

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Forte, Mark

From: Royal, Lenora on behalf of Patel, Bijal
Sent: Wednesday, November 07, 2018 3:30 PM
To: Lake, Betsy
Subject: Accepted: Meet re: Rail Access Agreement

From: [Royal, Lenora](#) on behalf of [Patel, Bijal](#)
To: [Lake, Betsy](#)
Subject: Accepted: Meet re: Rail Access Agreement

Forte, Mark

From: Royal, Lenora on behalf of Patel, Bijal
Sent: Wednesday, November 07, 2018 3:30 PM
To: Lake, Betsy
Subject: Accepted: Meet re: Rail Access Agreement

Forte, Mark

From: Duong, Maxine
Sent: Thursday, August 16, 2018 3:47 PM
To: ConfRoom - City Hall 11th Floor Main Conference Room
Subject: Accepted: Port/City/OBOT Rail Access Agreement

Forte, Mark

From: Duong, Maxine
Sent: Thursday, August 16, 2018 3:47 PM
To: ConfRoom - City Hall 11th Floor Main Conference Room
Subject: Accepted: Port/City/OBOT Rail Access Agreement

From: [Duong, Maxine](#)
To: [ConfRoom - City Hall 11th Floor Main Conference Room](#)
Subject: Accepted: Port/City/OBOT Rail Access Agreement

Forte, Mark

From: Duong, Maxine
Sent: Thursday, August 16, 2018 3:47 PM
To: ConfRoom - City Hall 11th Floor Main Conference Room
Subject: Accepted: Port/City/OBOT Rail Access Agreement

From: ECF-CAND@cand.uscourts.gov
To: efiling@cand.uscourts.gov
Subject: Activity in Case 3:16-cv-07014-VC Oakland Bulk & Oversized Terminal, LLC v. City of Oakland Declaration in Support
Date: Monday, November 20, 2017 11:58:45 PM

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered by Myre, David on 11/20/2017 at 11:57 PM PST and filed on 11/20/2017

Case Name: Oakland Bulk & Oversized Terminal, LLC v. City of Oakland
Case Number: [3:16-cv-07014-VC](#)
Filer: Oakland Bulk & Oversized Terminal, LLC
Document Number: [141](#)

Docket Text:

Declaration of David E. Myre in Support of [135] MOTION for Summary Judgment filed by Oakland Bulk & Oversized Terminal, LLC. (Attachments: # (1) Exhibit to Myre Declaration, # (2) Exhibit to Myre Declaration, # (3) Exhibit to Myre Declaration, # (4) Exhibit to Myre Declaration, # (5) Exhibit to Myre Declaration, # (6) Exhibit to Myre Declaration, # (7) Exhibit to Myre Declaration, # (8) Exhibit to Myre Declaration, # (9) Exhibit to Myre Declaration, # (10) Exhibit to Myre Declaration, # (11) Exhibit to Myre Declaration, # (12) Exhibit to Myre Declaration, # (13) Exhibit to Myre Declaration, # (14) Exhibit to Myre Declaration, # (15) Exhibit to Myre Declaration, # (16) Exhibit to Myre Declaration, # (17) Exhibit to Myre Declaration, # (18) Exhibit to Myre Declaration, # (19) Exhibit to Myre Declaration, # (20) Exhibit to Myre Declaration, # (21) Exhibit to Myre Declaration, # (22) Exhibit to Myre Declaration, # (23) Exhibit to Myre Declaration, # (24) Exhibit to Myre Declaration, # (25) Exhibit to Myre Declaration, # (26) Exhibit to Myre Declaration, # (27) Exhibit to Myre Declaration, # (28) Exhibit to Myre Declaration, # (29) Exhibit to Myre Declaration, # (30) Exhibit to Myre Declaration, # (31) Exhibit to Myre Declaration, # (32) Exhibit to Myre Declaration, # (33) Exhibit to Myre Declaration, # (34) Exhibit to Myre Declaration, # (35) Exhibit to Myre Declaration, # (36) Exhibit to Myre Declaration, # (37) Exhibit to Myre Declaration, # (38) Exhibit to Myre

Declaration, # (39) Exhibit to Myre Declaration, # (40) Exhibit to Myre Declaration, # (41) Exhibit to Myre Declaration, # (42) Exhibit to Myre Declaration, # (43) Exhibit to Myre Declaration, # (44) Exhibit to Myre Declaration, # (45) Exhibit to Myre Declaration, # (46) Exhibit to Myre Declaration, # (47) Exhibit to Myre Declaration, # (48) Exhibit to Myre Declaration, # (49) Exhibit to Myre Declaration, # (50) Exhibit to Myre Declaration, # (51) Exhibit to Myre Declaration, # (52) Exhibit to Myre Declaration, # (53) Exhibit to Myre Declaration, # (54) Exhibit to Myre Declaration, # (55) Exhibit to Myre Declaration, # (56) Exhibit to Myre Declaration, # (57) Exhibit to Myre Declaration, # (58) Exhibit to Myre Declaration, # (59) Exhibit to Myre Declaration, # (60) Exhibit to Myre Declaration, # (61) Exhibit to Myre Declaration, # (62) Exhibit to Myre Declaration, # (63) Exhibit to Myre Declaration, # (64) Exhibit to Myre Declaration, # (65) Exhibit to Myre Declaration, # (66) Exhibit to Myre Declaration)(Related document(s)[135]) (Myre, David) (Filed on 11/20/2017)

3:16-cv-07014-VC Notice has been electronically mailed to:

Adrienne L. Bloch abloch@earthjustice.org, jwall@earthjustice.org,
rweber@earthjustice.org

Andrew A. Bassak abassak@manatt.com, emaestro@manatt.com

Christopher Michael Long clong@bwslaw.com, shagle@bwslaw.com

Colin Casey O'Brien cobrien@earthjustice.org, jwall@earthjustice.org,
rweber@earthjustice.org

Colin Troy Bowen cbowen@oaklandcityattorney.org, eferrel@oaklandcityattorney.org

Collin Spencer McCarthy CMcCarthy@ggu.edu

Daniel Patrick Selmi dselmi@aol.com

David Edward Myre , III davidmyre@quinnemanuel.com, calendar@quinnemanuel.com

Deborah Ann Sivas dsivas@stanford.edu, anamv@stanford.edu,
athesing@law.stanford.edu, icc224@stanford.edu

Eliyahu Ness eliness@quinnemanuel.com, calendar@quinnemanuel.com,
cherylmorones@quinnemanuel.com, robinramirez@quinnemanuel.com

Gail Elizabeth Kavanagh gkavanagh@bwslaw.com, rmendoza@bwslaw.com

Gregory Aker gaker@bwslaw.com, mcohran@bwslaw.com, tcolvig@bwslaw.com

Heather Mudford Lewis hlewis@earthjustice.org, jwall@earthjustice.org,
rweber@earthjustice.org

Helen Kang hkang@ggu.edu

Jessica Lynn Yarnall Loarie jessica.yarnall@sierraclub.org, david.abell@sierraclub.org

Joanne Marie Spalding joanne.spalding@sierraclub.org, harry.libarle@sierraclub.org

John M. Neukom johnneukom@quinnemanuel.com, christinamunoz@quinnemanuel.com,
ecf-ffe64b85f282@ecf.pacerpro.com, jessicaperlman@quinnemanuel.com,
rickymorgin@quinnemanuel.com, rosepantley@quinnemanuel.com

John Steven Gordon johngordon@quinnemanuel.com

Kevin Drake Siegel ksiegel@bwsllaw.com, cseals@bwsllaw.com

Marie Elizabeth Logan mlogan@earthjustice.org, jwall@earthjustice.org,
rweber@earthjustice.org

Meredith McChesney Shaw meredithshaw@quinnemanuel.com

Robert P. Feldman bobjfeldman@quinnemanuel.com, calendar@quinnemanuel.com,
davidmyre@quinnemanuel.com, eliness@quinnemanuel.com,
meredithshaw@quinnemanuel.com, rachelarteaga@quinnemanuel.com

Timothy Alan Colvig tcolvig@bwsllaw.com

3:16-cv-07014-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\2017.11.20 Declaration of David E. Myre.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-0]
] [4e0e368743b7ba7795aaccbaa584aa6bb7cc8eb2d5bc6a618540d6d7b07e495b575
ab6c2a8e3d0c3e408dd5c06e6e4d22c5ee99df901f5f4fd10be6af5a17606]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\01 2016.06.27 Ordinance OAK 0039568_OCR.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-1]
] [46fa225482eec9e4780f042550a32299bed02a2462ef6a1bfc46a6ff0b11d907c3b
4fe4190a3d81015301c1ecfae29ba6aa5f53f6b593a7bd33d29b013badea7]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\02 2017.10.06 & 10.20 Tagami Dep Excerpts.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-2]
] [7bb114876aa5f31bb0c37fa07c22ccd1507b970882720046893b3049c2133c4085f
67acca382d57149ccbab74b7cf424da4f42b023e988e38411a1f9ac77cfe0]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\03 LDDA OB019936.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-3]
] [2bae1fa0b069e18e06d7e174e5e0241ea3e3fed6adf29a68a8007cae37b8a6754f3
55a4fbbae5a8b2f7d2ed0452752800f1e5ef9eec70b0f9f8ca71de34870b7]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\04 2013.07.16 Development Agreement OAK 0054146.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-4]
] [b3328f7cca040e26d04a50b9ab8960f17d3b8ddb2a8cf4cb66ef88299873ab0fb38
159e64164704dd79b103926833e69f8f28239b2516213b56a937c25a5a74a]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\05 2014.04.17 OBOT TLS_ENA OB119605.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-5]
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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\06 2017.10.10 Wolff Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\07 2017.10.31 Bridges Dep Excerpts.pdf

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\08 2017.10.12 McClure Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\09 2017.11.14 Sullivan Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\10 2017.10.16 McClure Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\11 2013.07.09 Executed Operating Agreement of Oakland
Global Rail Enterprise OB026410.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\12 2012.06.01 Executed Swtiching Services Agreement OB265160.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-12] [4d60b5ecda549d25cdb281ac53e57f850008e37596766bf268e2d197ebb1002ccb99cfa4b656821b03a96517331bf673865e964643ba6e7f9fff02a35d28b125]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\13 2012.09.01 1st Amendment to Switching Services Agreement btw BNSF, UP & IRC OB265177.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\14 2012.09.01 1st Amendment to Switching Services Agreement btw BNSF & IRC OB265181.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-14] [0b09c35af6fc6ab14716b0b56352982af479650ad3bb0a97a24954a36d2f08ad8c38ecdb4a05c6b77216691d7193d0d00496150d34bc29fedf00bef52143bb19]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\15 2015.11.03 OGRE Rail Operating Agreement (OB007365).pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\16 2016.03.01 OGRE Safety Program (OB008960).pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\17 2016.12.15 OBOT-OGRE Sublease OBOT_B_059722.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\18 2017.11.16 Buccolo ROUGH Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\19 2013.04.08 Email to Councilmember Kalb.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-19] [6738f3ae90f4a38deb2eb5b9fcbada48cefccc180f5274dd3cc6f0d58b0aa3cd387149bd46359d5e9d0adf3345006489775f5ed670f91d05491ceaeac79eaaaf]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\20 2017.08.28 Cashman Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\21 2012.10.23 Email to City Representatives.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\22 2017.10.20 Intervenor RFA Response.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-22] [09a3d7f17c20dcf402d2ada8cd8f3752b4583ba53a8cb16b2dc8fa41a0c5493106829674460d704985ad242252ad244a96d1043ad5ed57ba736672f3929b8416]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\23 2015.10.21 ESA Internal Email.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\24 2017.10.03 Ranelletti Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\25 2017.06.26 Cappio 30(b)(6) Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\26 2017.10.11 Landreth Dep Excerpts.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-26] [a5a81aabd85f5f5346cc00711eceb803a8baca0e3f3bb3bccbb07e4d3db749a2991dcc0257e12900122581123d16046b13405624a9a04c012d3ecf14b1d91b17]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\27 2017.10.11 Cappio Dep Excerpts.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-27] [182b92a0987f4fb8f6cd200549ab126f4d41e07c82a2bd57857151e73f8d889204decd563efd66f7c345fc1716d853cc217bb6b4ae7896edf430ca566ade7494]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\28X 2016.06.23 Staff Agenda Report.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\29 2015.09.21 Council Hearing Transcript.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\30 2015.10.05 Email from BAAQMD to City.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-30] [51d155feb07ad1ad55116581cdde7b6276574c00e00ddbefade38eb305e59e16eb90ec73515f50e67c6b7a136c6f5de71fed679517dcbe110e54ce9d38f20cd5]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\31 2016.04.21 City Agenda Report OAK 0036500.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\32 2016.01.08 ESA Email with SOW.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\33 2017.10.31 Evans Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\34 2016.02.03 City Agenda Report

BAYKEEPER00001651.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\35 2017.08.22 Brown Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\36 2016.02.18 Internal ESA Email.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\37 2016.05.04 Internal ESA Email.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\38 2016.02.13 Email from Cappio.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-38] [5866e2ac8a1df05c4e880f4a60cf9cb928520cb4f5f101d15bb359da663c3436b8d451e09745b804d44312f0650cce53afa061cd891d943811edafcc7d9b8648]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\39 2016.05.04 City-ESA Service Agreement.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-39] [95878adeb5b26c1ac5c2315df7d703de6cf43a526376548ac9acb345098ed0594215a895dd1bda1b1745b659271cdc63634dbd17cb99792e51a4b81c689fbd24]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\40 City Council Social Media Posts.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-40] [a5c0889acdda2513595ae04231e39b891b3b9bd7ff43f48d4551ed62e99b15acef9683fd23cc394231ee40b7e6a0bcfd076dd87fc309ca319b7f1fc917b5954e]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\41 2015.05.24 Internal ESA Email.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-41] [6bb4d7b596dcc5d136b10b4ff1b078ef7b7f0196d7bb97cb18034979638d3a0686a3de0b4a652add6cbfb8094cc21b07b41444ffbc211b1dcc1bb0a4ef941b2]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\42 2016.05.10 Weekly Check in Appointment.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-42] [43f7221f06e17d591c1359eaccf66fb176a31e3fb20bd8eafc795ad2ff8bfd59df519eb6cc38f70ce0134c3ce3aacf98c002648c37a085db81a8aebc77d392b8]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\43 2016.05.26 Internal ESA Email.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-43] [45d37145bb1bd4fcfdf3ff5b4802f497d29cf94210212caae5acfa00873f401d4839d448d3379d14e67678158dcae6eb88f040daad2608a3950044ff2f1688b9]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\44 2016.06.18 Internal ESA Email.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-4 4] [6ba5aab23f5b1b8b3830d6e66860724c07a9130ca2bca5176afbf87cfc07215bae 6a13521e72101bf1cf523a79dda25885f884790504f0a07acf76a30012e30d]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\45 2016.06.23 ESA Report OAK 0230290.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-4 5] [62ae9fb395c7df92a0001adc1810b00eee28ee7ce0c3e8df16aedeaf2e437802e 96fad78f7cfa533df730e5164752a17319347269fa43e421607e02f9ca7691]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\46 2016.05.11 Email from City to OBOT.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-4 6] [a0a316375af0cad11cd17307ef357ca04ff6bbc752ce089e6af7791af6120c0a92 41a7c78b39c3aded5d4823868c0c15d45c6cf5b4f6e6ca17651f97f5b787ae]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\47 2015.09.15 HDR Report OB018547.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-4 7] [4de22649055024a175f274179e7ee0a3cf17717563d80690f626c01888c888a3cf 7b533f6d485c68c99bcb7d53012f7f9d97b5b1b52df3bc4d87f06d980dd61b]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\48 2015.10.06 OBOT-TLS Response to City Questions OAK 0007461.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-4 8] [167d020d45bbd50ca93f4fb3a87b4fdec19283f3d9231d1f074069fef3ab577ed3 07c68be87e477c2dfa9ed4adf877232cfa75729cb2f6ec4af510768d172b81]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\49 2015.07.21 Basis of Design OB004318.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-4 9] [33fe3bf96a613a9926553f4a095c167d6f271db2842d999a667b6336802ac3077a f5d494adb667122d4452aa2e44af75b3e6ccc0cb5c3b4e46b58d02124f5e68]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\50 2016.06.27 Resolution OAK 0039559.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-5 0] [af7cb97f764fbd7396735208efca4412883fa4c1f9e7c0454fe20db3badd21a8f4 f3d6e2a703d657555cc3dace44192dce0e6739b262f54d942503b9d1f0b803]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\51 Redline.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-5 1] [348692e030a405207d72f88eaab7fce6e239cb524038ba7f9319c8c58c7385856c bd04da4107c4c273dbf48c1be420bc7d913af57c937eb4962e50ff085dce9c]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\52 Atchment 7 to LDDA OB026394.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-52] [aa4e498fba5f160ffe9642fdfa65452562d83ca22c31a34fd2ec058a7876aeecd0cfa281a3b38d6380ef66f45d2efcd86f4b40f0453f31118d7255ef5b4cffb5]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\53 2017.11.07 Moore Dep Excerpts.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-53] [78019339aab68ac1066a37d97dcaaf1e774d3edab245d7cd2058092bedd65702d0fa9dcb99ad9bab35122c2f1ab059a673b339e76d301f574bf9de6ccf0d9def]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\54 2017.11.10 Gray Dep Excerpts.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-54] [0972f91bc73c39c56d1bb5193ae683684e8bebd34fd67f3eee1b440b726c31c0c7b4f81d5f44d687a422137ad7f4ac481255eb08a7633948b14ca248cd79eec9]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\55 2017.11.15 Sahu Dep Excerpts.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-55] [71289fe3e0b801def93ce08da4908f73d2e93ccf0a508926126cb3661ca2420c7b9fc9ce8144b875b04ffe7420aacdb7e889a5b4bea911b90eda5e839fbdd6b4]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\56 2017.10.10 Sahu Report Attachment F Emission Calculations.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-56] [8c30ac27bab67e67dfbce3ce3b2728e7793253bdb7fe0a3b0f773dd418a513736ae30755d5fd996631c024ae1c9d8cdabd04ac9f9a0bd5daf3dc4be2e0d1cbe]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\57 ESA_033434_OBOT - Emission Calculations - Coal - FORMATTED.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\58 ESA_036556 - FORMATTED.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-58] [2c8b33f0cd62ddb096da7db0386e094d844e13f10e59a2620403d6153fd346a816a8763ef18cbcbd10dff2257aea992e4892f115f93cc7a22b45c131aa8119]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\59 2015.09.10 Staff Report.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-59] [71c9d84d5ad878b6c87cdd79ff77aabad647ffea054b821c970d56eced49db13117e43b894387921cf898d40ee499541c506d565d06f908428e0632b988b01ed]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\60 2016.06.15 Email from S. Radis.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-60] [26fdae089488b78cbc26d1ab2e8dad91f986750ada3287cd137b2ee320ab49d232316dbc5257b09fcc71e5526b7e391afc890724cada9aa6559ece14964f51d4]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\61 2016.01.06 Internal ESA Draft SOW.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\62 2014.05.29 Resolution No. 85054.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\63 Standard Conditions of Aproval and Mitigation Monitoring.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\64 AP-42 13.2.5 OB322900.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\65 2017.06.17 Internal ESA memo re stustainability.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\66 Internal ESA Memo re Sustainable.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-66] [27fba7979788e15c7dab9bb146eed38d9f1fd10821f0303e1ee63128b9db76c50115facd5bb0ed7d97152aae2f815460a8c253754d133e6e6162ea725721c4b8]]

From: ECF-CAND@cand.uscourts.gov
To: efiling@cand.uscourts.gov
Subject: Activity in Case 3:16-cv-07014-VC Oakland Bulk & Oversized Terminal, LLC v. City of Oakland Declaration in Support
Date: Monday, November 20, 2017 11:58:47 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered by Myre, David on 11/20/2017 at 11:57 PM PST and filed on 11/20/2017

Case Name: Oakland Bulk & Oversized Terminal, LLC v. City of Oakland
Case Number: [3:16-cv-07014-VC](#)
Filer: Oakland Bulk & Oversized Terminal, LLC
Document Number: [141](#)

Docket Text:

Declaration of David E. Myre in Support of [135] MOTION for Summary Judgment filed by Oakland Bulk & Oversized Terminal, LLC. (Attachments: # (1) Exhibit to Myre Declaration, # (2) Exhibit to Myre Declaration, # (3) Exhibit to Myre Declaration, # (4) Exhibit to Myre Declaration, # (5) Exhibit to Myre Declaration, # (6) Exhibit to Myre Declaration, # (7) Exhibit to Myre Declaration, # (8) Exhibit to Myre Declaration, # (9) Exhibit to Myre Declaration, # (10) Exhibit to Myre Declaration, # (11) Exhibit to Myre Declaration, # (12) Exhibit to Myre Declaration, # (13) Exhibit to Myre Declaration, # (14) Exhibit to Myre Declaration, # (15) Exhibit to Myre Declaration, # (16) Exhibit to Myre Declaration, # (17) Exhibit to Myre Declaration, # (18) Exhibit to Myre Declaration, # (19) Exhibit to Myre Declaration, # (20) Exhibit to Myre Declaration, # (21) Exhibit to Myre Declaration, # (22) Exhibit to Myre Declaration, # (23) Exhibit to Myre Declaration, # (24) Exhibit to Myre Declaration, # (25) Exhibit to Myre Declaration, # (26) Exhibit to Myre Declaration, # (27) Exhibit to Myre Declaration, # (28) Exhibit to Myre Declaration, # (29) Exhibit to Myre Declaration, # (30) Exhibit to Myre Declaration, # (31) Exhibit to Myre Declaration, # (32) Exhibit to Myre Declaration, # (33) Exhibit to Myre Declaration, # (34) Exhibit to Myre Declaration, # (35) Exhibit to Myre Declaration, # (36) Exhibit to Myre Declaration, # (37) Exhibit to Myre Declaration, # (38) Exhibit to Myre

Declaration, # (39) Exhibit to Myre Declaration, # (40) Exhibit to Myre Declaration, # (41) Exhibit to Myre Declaration, # (42) Exhibit to Myre Declaration, # (43) Exhibit to Myre Declaration, # (44) Exhibit to Myre Declaration, # (45) Exhibit to Myre Declaration, # (46) Exhibit to Myre Declaration, # (47) Exhibit to Myre Declaration, # (48) Exhibit to Myre Declaration, # (49) Exhibit to Myre Declaration, # (50) Exhibit to Myre Declaration, # (51) Exhibit to Myre Declaration, # (52) Exhibit to Myre Declaration, # (53) Exhibit to Myre Declaration, # (54) Exhibit to Myre Declaration, # (55) Exhibit to Myre Declaration, # (56) Exhibit to Myre Declaration, # (57) Exhibit to Myre Declaration, # (58) Exhibit to Myre Declaration, # (59) Exhibit to Myre Declaration, # (60) Exhibit to Myre Declaration, # (61) Exhibit to Myre Declaration, # (62) Exhibit to Myre Declaration, # (63) Exhibit to Myre Declaration, # (64) Exhibit to Myre Declaration, # (65) Exhibit to Myre Declaration, # (66) Exhibit to Myre Declaration)(Related document(s)[135]) (Myre, David) (Filed on 11/20/2017)

3:16-cv-07014-VC Notice has been electronically mailed to:

Adrienne L. Bloch abloch@earthjustice.org, jwall@earthjustice.org,
rweber@earthjustice.org

Andrew A. Bassak abassak@manatt.com, emaestro@manatt.com

Christopher Michael Long clong@bwslaw.com, shagle@bwslaw.com

Colin Casey O'Brien cobrien@earthjustice.org, jwall@earthjustice.org,
rweber@earthjustice.org

Colin Troy Bowen cbowen@oaklandcityattorney.org, eferrel@oaklandcityattorney.org

Collin Spencer McCarthy CMcCarthy@ggu.edu

Daniel Patrick Selmi dselmi@aol.com

David Edward Myre , III davidmyre@quinnemanuel.com, calendar@quinnemanuel.com

Deborah Ann Sivas dsivas@stanford.edu, anamv@stanford.edu,
athesing@law.stanford.edu, icc224@stanford.edu

Eliyahu Ness eliness@quinnemanuel.com, calendar@quinnemanuel.com,
cherylmorones@quinnemanuel.com, robinramirez@quinnemanuel.com

Gail Elizabeth Kavanagh gkavanagh@bwslaw.com, rmendoza@bwslaw.com

Gregory Aker gaker@bwslaw.com, mcohran@bwslaw.com, tcolvig@bwslaw.com

Heather Mudford Lewis hlewis@earthjustice.org, jwall@earthjustice.org,
rweber@earthjustice.org

Helen Kang hkang@ggu.edu

Jessica Lynn Yarnall Loarie jessica.yarnall@sierraclub.org, david.abell@sierraclub.org

Joanne Marie Spalding joanne.spalding@sierraclub.org, harry.libarle@sierraclub.org

John M. Neukom johnneukom@quinnemanuel.com, christinamunoz@quinnemanuel.com,
ecf-ffe64b85f282@ecf.pacerpro.com, jessicaperlman@quinnemanuel.com,
rickymorgin@quinnemanuel.com, rosepantley@quinnemanuel.com

John Steven Gordon johngordon@quinnemanuel.com

Kevin Drake Siegel ksiegel@bwsllaw.com, cseals@bwsllaw.com

Marie Elizabeth Logan mlogan@earthjustice.org, jwall@earthjustice.org,
rweber@earthjustice.org

Meredith McChesney Shaw meredithshaw@quinnemanuel.com

Robert P. Feldman bobjfeldman@quinnemanuel.com, calendar@quinnemanuel.com,
davidmyre@quinnemanuel.com, eliness@quinnemanuel.com,
meredithshaw@quinnemanuel.com, rachelarteaga@quinnemanuel.com

Timothy Alan Colvig tcolvig@bwsllaw.com

3:16-cv-07014-VC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\2017.11.20 Declaration of David E. Myre.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-0]
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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\01 2016.06.27 Ordinance OAK 0039568_OCR.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-1]
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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\02 2017.10.06 & 10.20 Tagami Dep Excerpts.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-2]
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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\03 LDDA OB019936.pdf

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\04 2013.07.16 Development Agreement OAK 0054146.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-4]
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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\05 2014.04.17 OBOT TLS_ENA OB119605.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\06 2017.10.10 Wolff Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\07 2017.10.31 Bridges Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\08 2017.10.12 McClure Dep Excerpts.pdf

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\09 2017.11.14 Sullivan Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\10 2017.10.16 McClure Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\11 2013.07.09 Executed Operating Agreement of Oakland
Global Rail Enterprise OB026410.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-11] [79c631a73328543d3ec41cb9e281f3d2932d12a075761d845aaddec1e3f6a6e385cc8544c6bc5f1d6dcf7a1b145af13ddf80aa38299ed2c9f12c7cdcc03bc9e9]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\12 2012.06.01 Executed Swtiching Services Agreement OB265160.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\13 2012.09.01 1st Amendment to Switching Services Agreement btw BNSF, UP & IRC OB265177.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\14 2012.09.01 1st Amendment to Switching Services Agreement btw BNSF & IRC OB265181.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\15 2015.11.03 OGRE Rail Operating Agreement (OB007365).pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\16 2016.03.01 OGRE Safety Program (OB008960).pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\17 2016.12.15 OBOT-OGRE Sublease OBOT_B_059722.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\18 2017.11.16 Buccolo ROUGH Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\19 2013.04.08 Email to Councilmember Kalb.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\20 2017.08.28 Cashman Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\21 2012.10.23 Email to City Representatives.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/20/2017] [FileNumber=14287273-21] [7bbd6ee069ab58c4be99458f2c9a575e30ceb489a2f6add3ddf4fb981f65ab6df8423d17aef36059ca9166c0d588030aac7e1b649bfc628e98c49efba42d75ae]]

Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\22 2017.10.20 Intervenor RFA Response.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\23 2015.10.21 ESA Internal Email.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\24 2017.10.03 Ranelletti Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\25 2017.06.26 Cappio 30(b)(6) Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\26 2017.10.11 Landreth Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\27 2017.10.11 Cappio Dep Excerpts.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\28X 2016.06.23 Staff Agenda Report.pdf

Electronic document Stamp:

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\29 2015.09.21 Council Hearing Transcript.pdf

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Document description:Exhibit to Myre Declaration

Original filename:C:\fakepath\65 2017.06.17 Internal ESA memo re stustainability.pdf

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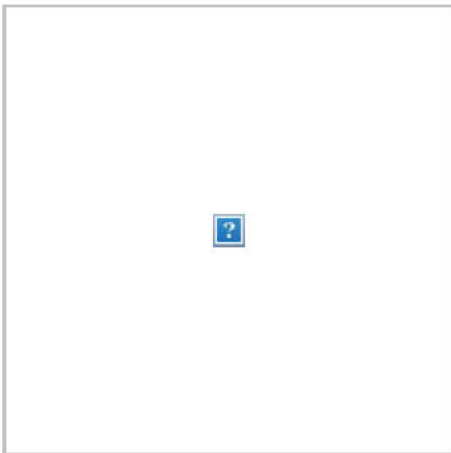
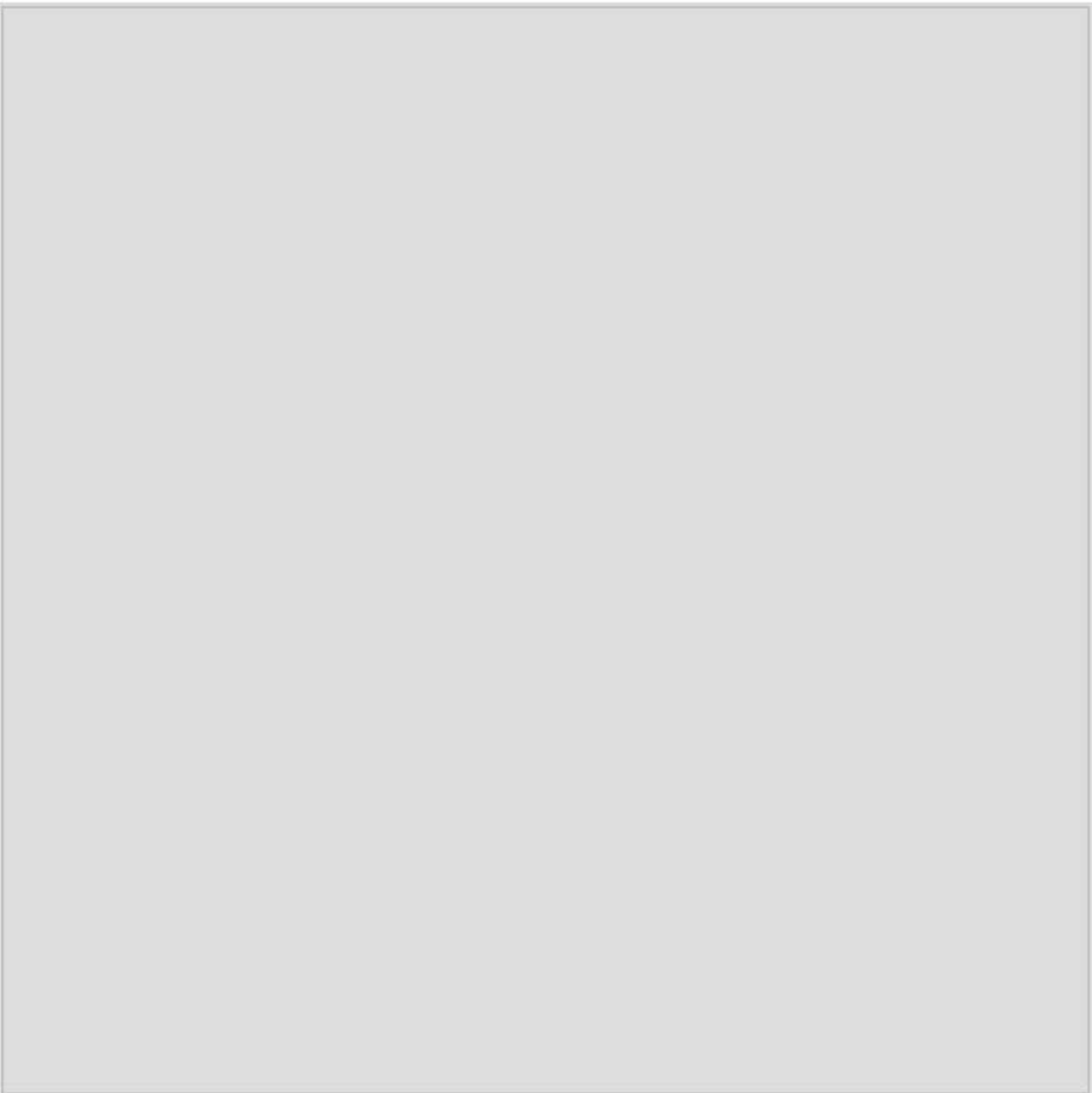
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Lynette Gibson McElhaney

City of Oakland Council Member

District 3

Lmcelhaney@oaklandca.gov



Volume 2 Edition 1

Friends,

Shanah Tovah! (Blessed Rosh Hashana) to our Jewish friends and family. Although I am Christian, I love the honoring the season of the Judaic High Holy days. It always feels more natural to me to think of this as the New Year, as Summer gives way to Fall, children return to school and City Council starts it's Fall legislative semester.

This week Council returned from recess. So much has happened in the world and in my personal world since our last issue in July. I turned 50, two of my elders transitioned, the Queen of Soul took her final bow (and wasn't that something!) and our youth are back in school.

Days before the passing of the Queen of Soul, my friend and mentor Carl B. Metoyer took his final bow. The very next morning my father-by-love, Clarence McElhaney Sr. completed his journey. Dad McElhaney was a deeply devoted, loving man who served 42 years in the U.S Navy and retired from the City of Oakland after 33 years in public works. He was a faithful member of Mingleton Temple Church of God in Christ for 63 years, serving in key leadership roles until health challenges forced him to retire. Deep appreciation is extended to Bishop Michael Johnson and the entire MT family for extending so much love and support to Mom McElhaney and our family.

As I reflect on the lives of these amazing humans I am profoundly grateful. Carl helped me discover and refine my passion for housing as a key component in the Civil Rights struggle that we yet wage. Dad McElhaney taught me the value of home grown foods, faithfulness and diligence. His early guidance as I took on this critical work at Council grounds me so that I walk in love – no matter the criticism or attacks that come. And, Aretha Franklin provided the soundtrack for my life – teaching me to love myself, to demand R-E-S-P-E-C-T, to return to the old landmarks and to appreciate Amazing Grace.

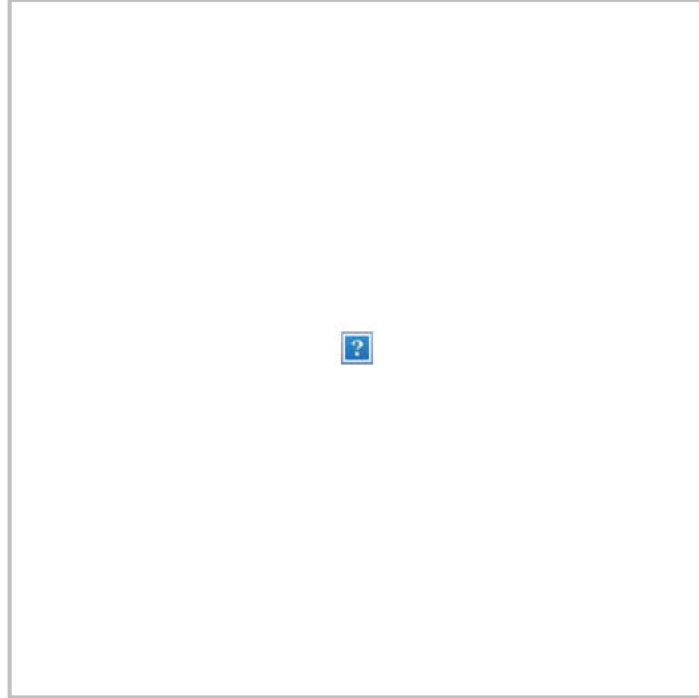
Every day I rise in gratitude for the opportunity to serve and in the hope that together we will advance the cause of justice. The whole world is waiting on us.

LoveLife,



D3 Spotlight:

Coalition of Black Excellence



Join the Coalition of Black Excellence on October 6 for the much anticipated **"Black Food & Wine Experience"** at Oakstop where D3 Fav Chefs Mimi competes against Chefs lamont, and Chefs leilani and Chauncey for the attention of your taste buds and the chance to decide which chef will design the menu for the CBE Gala in 2019. Enjoy catered food tasting, music, and wine tasing with delicious signature cocktails!

The Coalition of Black Excellence is a collaboration of Black professionals, employee resource groups, non profits, and business owners unified by the common desire to host events that recognize the inspiring accomplishments of members of the Black Community. You may know of CBE for helping organize the wildly successful Black Joy Parade in Downtown Oakland last February.

Keep your eye out for "CBEWeek 2019" coming next February!

[Buy Tickets](#)

In This Edition:

Coming to Council

Beyond Policy

D3 In the News

Get Connected

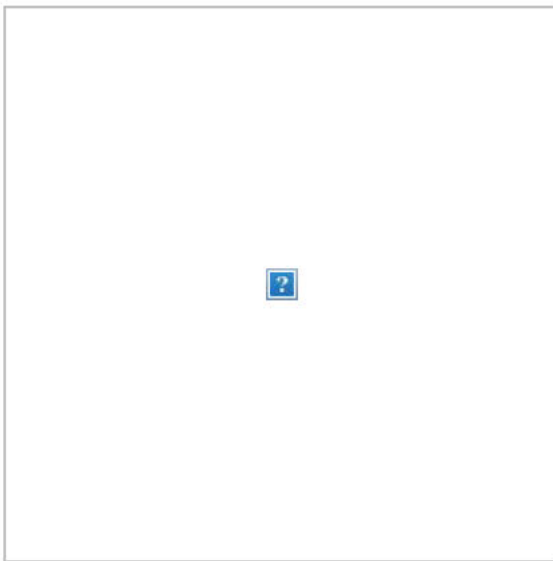
Announcements, Resources, and Opportunities

About Town

How Do I File a Complaint & Get Help?

Coming to Council:

Preview Items to be Discussed at a Special City Council Meeting



**Special Meeting of the Council will take place at City Hall,
1 Frank H Ogawa Plaza**

Agendas for this meeting can be found [HERE](#)

**Meetings are streamed live by the City of Oakland Channel KTOP
online [HERE](#) or on Comcast Cable Channel 10.**

Here are some items that may interest you along with some additional information.

Please note that these descriptions are brief introductions to these items and are not

intended to be a definitive explanation. Be sure to click the button under the images to view the full report and legislation and/or relevant information.



[Learn More](#)

Transportation and Public Safety

Item 7.4: Shared Mobility Update and Dockless Bike and Scooter Policy

Proposed by CM Kaplan and co-sponsored by CM McElhaney and Gallo, this second reading of this ordinance enables the creation of a permitting system for shared scooters as well as mandates scooter companies to educate the public about the proper use of their services.

Additional suggestions for implementation have been proposed including:

- Speed Limits for Scooters (12-15MPH)
- Requiring identification including a Oakland Municipal ID
- Interventions to prevent the riding of scooters on sidewalks



[Learn More](#)

Preventing Displacement

Item S12 and S15: Substantial Rehabilitation Exemption

Proposed by CMs Kalb and Kaplan, the ordinance from Item S12 extends for 180 days the moratorium on Substantial Rehabilitation. Substantial Rehabilitation allows for a property to become exempt from rent adjustment regulation if the owner spends more than 50% of the average basic costs for new construction in each of the units in the building.

Item S12 proposes three strategies moving forward:

1. Extend the moratorium for 3 years to study the its impact
2. Amend the exemption to apply to units that are vacant and or uninhabitable
3. Eliminate the exemption all together

Homelessness and Public Health

S16: Creation of New Community Cabin Site



for Lake Merritt

Proposed by the Oakland Department of Health and Human Services, this resolution enables the establishment an additional Community Cabin site in the parking lot of the Henry J. Kaiser Convention Center to service the Lake Merritt unsheltered population.

[Learn More](#)

The resolution allows the city to allocate funding for this next site as well as enter into an agreement with the Housing Consortium of the East Bay to provide Site Management of the Cabins.

Readers are recommended to view the "9-13-18 Supplemental Report" at the "Learn More" button for specifics about the services at the site as well as how to participate in the program.

Beyond Policy

Updates on Projects & Activities Impacting District 3

Here are some of the things the D3 Team has been up to during the August Recess!

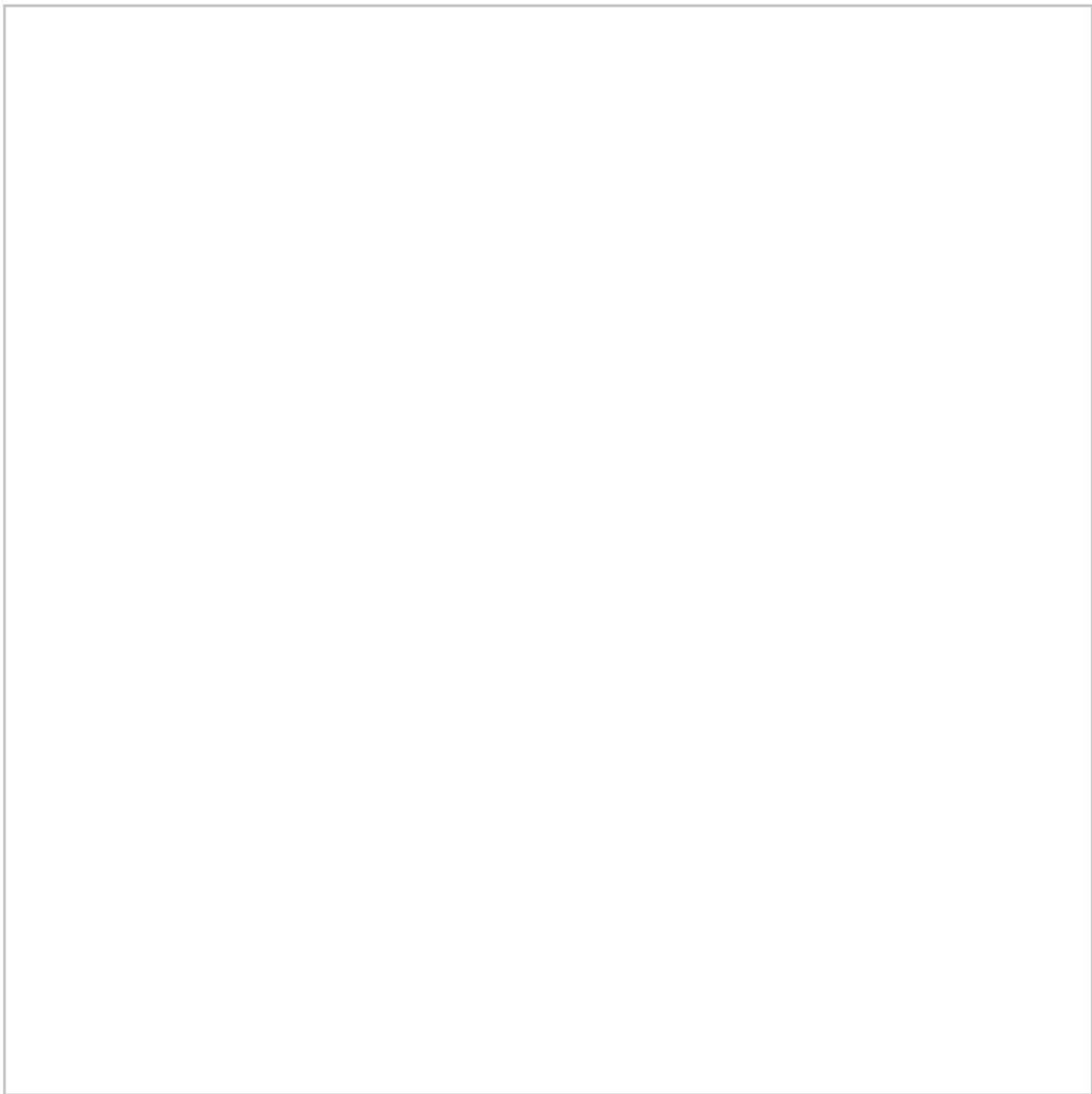




Back To School at MLK Elementary!

On August 13, The **Lend a Hand Foundation** (LAHF) and Wells Fargo teamed up to make Back to School special for students at MLK Elementary. In addition to receiving a backpack, students had a chance to take a ride in the Wells Fargo Stagecoach.

Special shout out and appreciation to Principal Roma Groves and Founder of LAHF Dee Johnson for this great event!



Rotary Nature Center Update

The D3 Team and members of the community were recently given a sneak peek into the Rotary Nature Center and are happy to report that the reopening of this beloved institution is near! The majority of the taxidermy have been put in storage for safe keeping and refurbishment of the center is set to begin soon.

Special thanks to our friends at Oakland Parks Rcreation and Youth Development (OPRYD) Director Nicholas Williams and Karis Griffin for their hard work!



Adams Point Neighborhood Forum

On August 7th, the D3 Team partnered with Captain Bolton of OPD, Battalion Chief Diaz of OFD, the Adams Point Neighborhood Group, and Nino Parker of the Homeless Green Team to host a forum with residents living near Lake Merritt. More than 50 residents attended the 2 hour discussion that addressed issues ranging from homelessness in parks to fire concerns.

Participants discussed the Administration's proposed Tuff Shed Community at the Henry J Kaiser Lot as well as actions that can be taken in the short term to alleviate resident's concerns. The forum's commitment to problem solving resulted in a variety of practical actions for the city and emergency services to act upon such as:

- Increased patrols
- Citations of abandoned vehicles
- Availability of Restrooms for Park Goers and Homeless Folks
- Personalized Outreach to specific Homeless Folks most in need

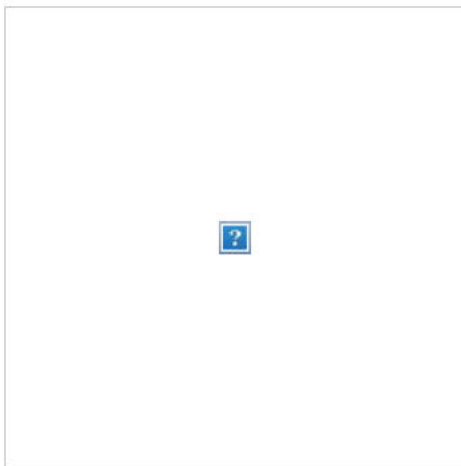
- Clearance of dry vegetation to prevent large fires
- Installing Permitted Parking

The D3 Team is committed to working with residents every step of the way.

If you are a resident near Lakeside Park or Snow Park and would like an update on the D3 Team's efforts in the area email the Lake Merritt Constituent Liason Justin Lee at Jlee5@oaklandca.gov.

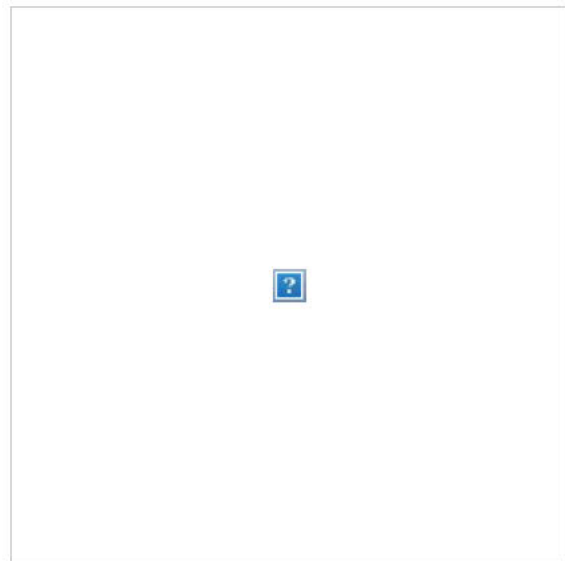
D3 In the News

Click the Images Below to Read the Full Article



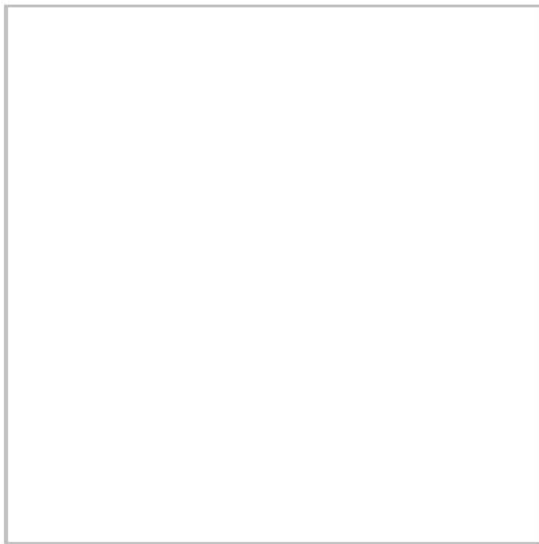
**Oakland Coal Terminal
Opponents Protest at
'Responsible Investment'
Meeting in San Francisco**

East Bay Express



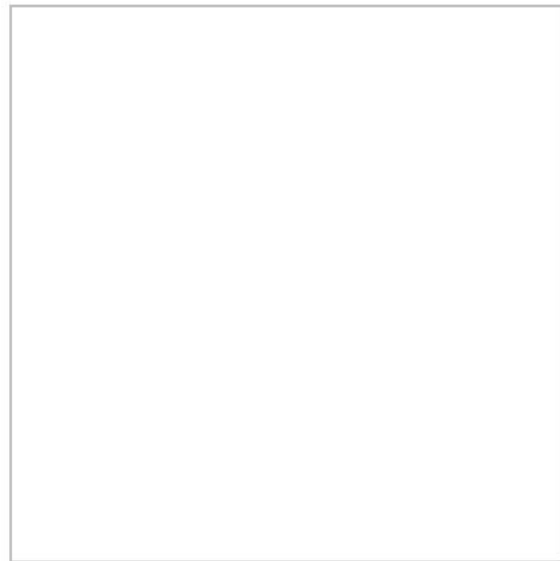
**Oakland Police Won Acclaim for
Reducing Force But Monitor
Says Some Cases Went
Unreported**

San Francisco Chronicle



**Locol's Legacy Will Be
Determined By the Success of
Its Employees**

San Francisco Chronicle



**Searching for the True Price of
Public Paintings in Oakland**

Pacific Standard Magazine

Get Connected!

Community and City Meetings



[Register Here](#)

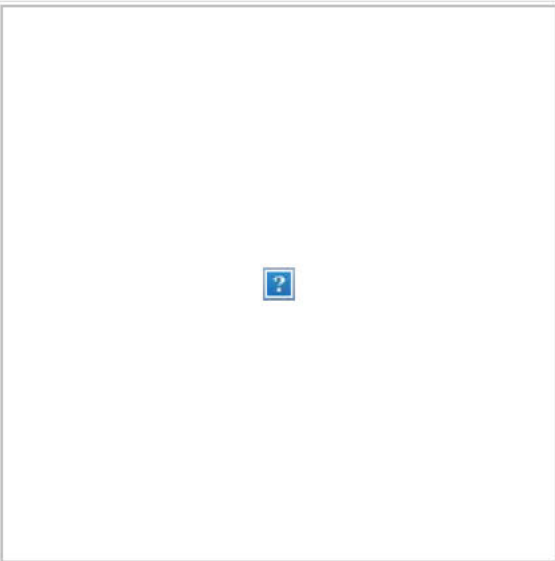
Oakland Creek to Bay Day

September 15

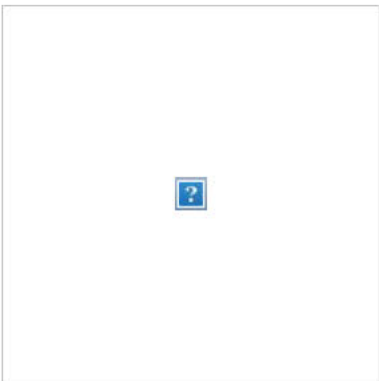
The 23rd annual Oakland Creek to Bay Day is part of California and International Coastal Cleanup Day, the largest volunteer day in California and the world! Be a part of it!

Volunteers of all ages and abilities are invited to join Oakland Creek to Bay Day projects to clean and green Oakland's creeks, shorelines, parks and neighborhoods. Projects include trash removal, habitat restoration, tree planting, and beautification.

Oakland Arts Education



Register Here



Buy Tickets

Resource Fair

September 21 4M-6PM

1000 Oak St.

Oakland Museum of California

This first ever arts education resource fair in the East Bay brings representatives from dozens of arts organizations to tell you all about the services they can offer for your school and kids. Also featured is the unveiling of OUSD's next round of Arts Incentive Grants!

- Discover Arts Education Programs
- Plan Field Trips and Create Partnerships
- Bring the rich artistic diversity of the Bay area to your classroom!

Celebrating Dorothy King

September 29 2M-7PM

126 Broadway

Everett and Jones BBQ

You are cordially invited to a special celebration of Oakland's arts, entertainment, business and culture in honor of the phenomenal "Dorothy King.

Join Supervisor Nate Miley, our very own Brigitte Cook, and other community leaders for a night of live music and a buffet style dinner.

Announcements, Resources, and Opportunities



[Learn More](#)

Oaktown Roots: Affordable Home Ownership Opportunity

Hello Housing is pleased to be managing Oaktown Roots, 24 new affordable home ownership opportunities, in the City of Oakland. These houses are the result of a partnership between the City and County Tax Collector to transform abandoned tax-defaulted lots into affordable housing.

The pre-application period is open through September 14, 2018 for households at or below 120% Area Median Income.



[Learn More](#)



[Learn More](#)

Bulky Block Party: Free Large-Item Disposal

The City of Oakland is hosting a series of Bulky Block Party events across Oakland to invite residents to drop off unwanted bulky household items for free! Music and food trucks will also be on hand!

The one in West Oakland is on **September 29 9AM-1PM** on the intersection of Wake Ave and Engineer Roa

This service is open to Oakland Residents Only- proof of Oakland residency such as a household bill will be required (no businesses). Click the link above to see the limits on items that can be dropped off.

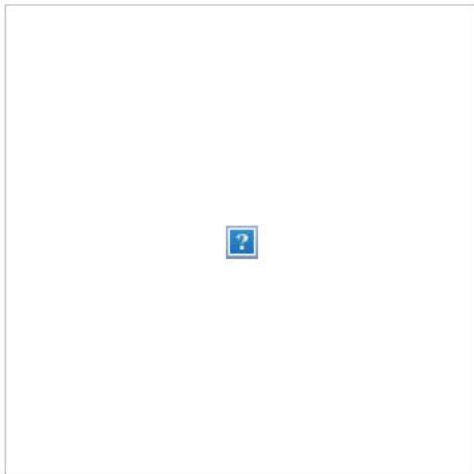


Retail Space for Lease in Frank H Ogawa Plaza

Retail spaces are now available for lease at \$200 a month for middle units and \$225 a month for end units.

- Located in the heart of downtown Oakland at 14th and Broadway, between City Hall and The Rotunda Buildings,
- Steps away from BART's 12th Street City Center and AC Transit,
- Nearly 3,700 housing units under construction within one mile of the site

To schedule a tour or for more information contact Anthony J. Reese at areese@oaklandca.gov or (510) 238-6357



[Learn More](#)

City of Oakland is Hiring!

The City of Oakland is hiring for a variety of positions including:

- Van Driver
- Water Safety Instructor
- Pool Manager
- Tree Supervisor

[Learn More](#)

PG&E Pipeline Oak Street Work Update

PG&E informed our office that construction crews will run 1.5 hours late through the remainder of the week in order to complete all works on Oak Street between 2nd and 3rd St.

Crews will work to about 7PM with traffic control in place and flaggers on-site during work hours to help safely detour traffic and work areas

Should you have any questions or need more information, contact PG&E representative Roxanne Cruz at rect@pge.com



[Learn More](#)

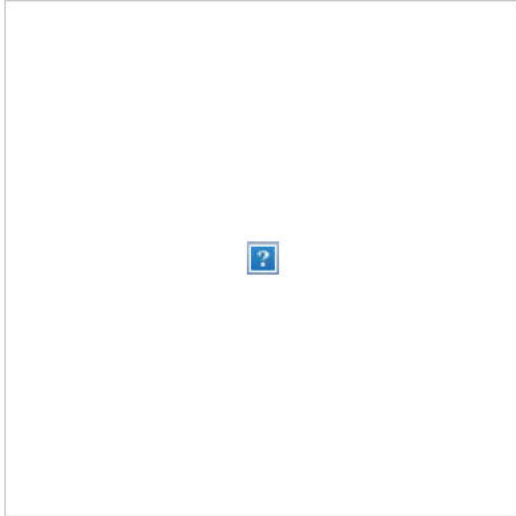
Need Help Finding Work?

The West Oakland Neighborhood Career Center is a one stop shop for helping you find work. Work with a counselor, receive training (including mock interviews, resume support, and career guidance) and view job listings such as:

- Making Candy with Ocho Chocolate
- Front of House Hospitality/Catering

Drop ins are always welcome!

- Early Head Start Instructor
- Recreation General Supervisor
- Deputy City Attorney
- Fire Protection Engineer
- Transportation Project Manager



[Learn More](#)

CIVICORPS Internships and Job Training

Civicorps next orientation begins October 16 to train the next batch of young adults!

Civicorps provides conservation based internships and job training to youth ages 18-26 to provide them professional skills as well as full time counselors and wrap around services to ensure their success through the program. No High School Diploma necessary!

For more information contact bethany Rivard, Student Outreach Associate at (510) 915-5459



[Learn More](#)

Public Benefits & Justice Clinic

East Bay Community Law Center (EBCLC) runs a weekly self-help Public Benefits & Justice clinic to assist with public benefits issues such as wrongful denials, terminations, reductions and overpayments. Services include self-help assistance with CalFresh, Medi-Cal, CalWORKs, General Assistance, In-Home Supportive Services, State Disability Insurance, and Social Security disability programs (SSI and SSDI).

Call to schedule an appointment (510) 548-4040 and ask for the public benefits clinic.

About Town

Arts, Culture & Events in the Town and the Bay Area!

5th Annual Black-Eyed Pea Festival

September 15 11AM-6PM

4351 Broadway

Oakland Technical High School

Come celebrate the 5th Annual Black-Eyed Pea Festival with activities, unique crafts, food and performances. The black-eyed pea is a staple in African and African-American culture, and we're paying homage to the food that symbolizes resilience, roots and history in our culture.

- Traditional African chant and drums by Awon Ohun Omnira and Fua Dia Congo
- Jazz and R&B artist, Dynamic Mss Faye Carol
- Harpist from the 'Hood Destiny Muhammad
- New Orleans traditional band, MJ's Brass Boppers

Oakland Cocktail Week

September 15-23

Participating bars and restaurants are challenged with crafting a love letter to Oakland through a \$10 special cocktail offered through the week.

Through our special events and parties, we're raising a glass to the great cocktail programs, small spirits businesses and workers within the Oakland spirits community and paying it forward for the next generation. A portion of proceeds from these events benefits the local branch of the non-profit **Restaurant Opportunities Center** (ROC the Bay) .

Black Literary Collective Fall Launch



Register Here



Register Here



September 15 4PM-6PM

8711 MacArthur Blvd

Youth Uprising

Enjoy refreshments with us as you meet the authors in the Black Literary Collective and become more familiar with the programs and services they offer. Authors will have books available for purchase and signing.

[Register Here](#)



Flipping the Script on Climate Change

September 18 6:30PM-8:30PM

2323 Broadway

Impact Hub

How can we reimagine the framing, tactics, and goals we employ in our journey to heal from ecological destruction?

Join renowned author and philosopher Charles Eisenstein who will discuss his new book, *Climate: A New Story*, in which he advocates for expanding our exclusive focus on carbon emissions to see the broader picture beyond our short-sighted and incomplete approach.

[Register Here](#)

What The Duck! Comedy Night

September 19 8:30PM-10:0PM

2325 Broadway

Drake's Dealership



What the duck! **Drake's Dealership** hosts a monthly comedy night that will surely quack you up. Every **third Wednesday**, Uptown Oakland's freshest brewery taproom will have beer flowing and jokes cracking from some of the Bay Area's funniest up-and-coming comedians.

[Buy Tickets](#)



Brilliant Baby Family Celebration

September 22 10AM-1PM

699 Bellevue Ave

Children's Fairyland

Join the Oakland Promise Brilliant Baby program for a day of family fun at Children's Fairyland! Brilliant Baby guests receive free entry and a chance to win one of three family memberships to Fairyland! Advance registration is required and space is limited

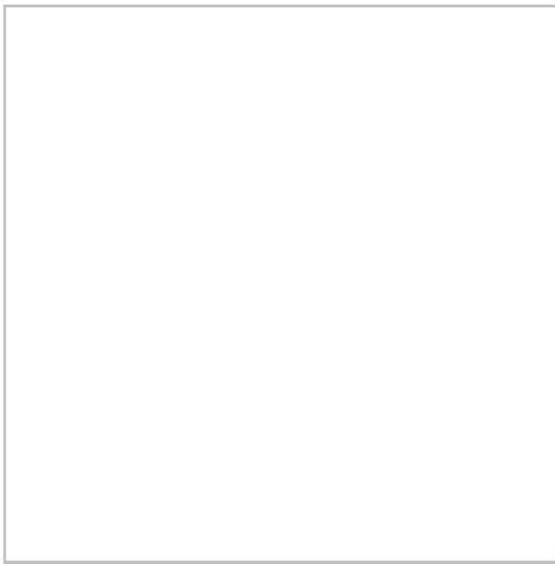
[Register Here](#)

Saul Williams at The Grand Lake Theatre

September 26 7PM-10PM

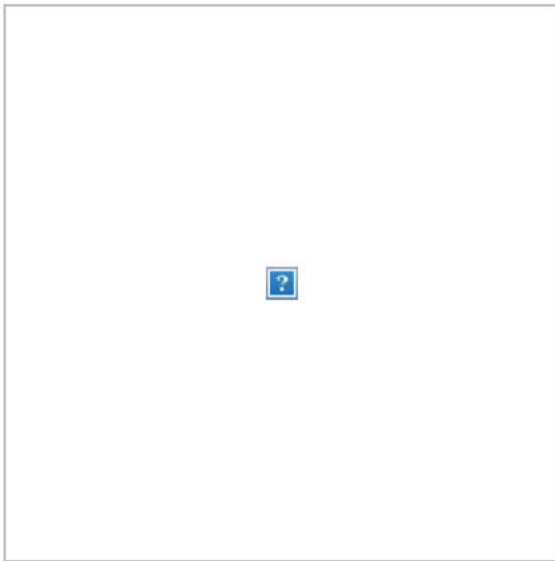
3200 Grand Ave.

Grand Lake Theatre



Saul Williams returns to kickoff the 2018 MATATU Festival of Stories. Part film, part performance, everything is on the table in this conversation with one of the world's most prolific artists - of all time

[Buy Tickets](#)



Afropolitan Weekender

September 29-30

Locations Depend on the Day

Come paint the town green and white for Afropolitan's "Nigerian Independence" Weekend Triple-header. Join us for a whirlwind of food, music, fashion, special performances, and a weekend jam packed with entertainment.

Nigerian Independence Festival: Lake Merritt Amphitheater; 1PM-7PM

Nigerian Independence Official Party: ESports Arena; 10PM-2AM

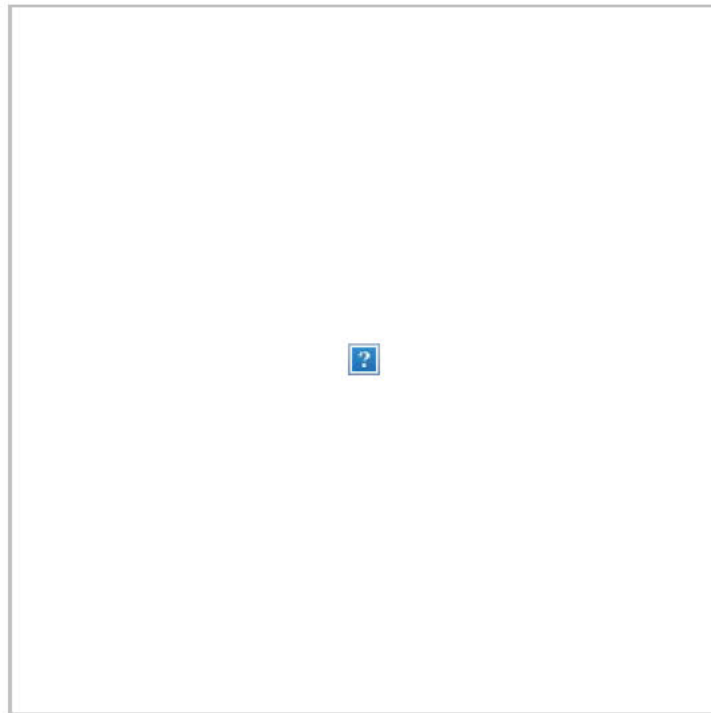
All White Boat Cruise: Jack London Square; 6PM-9PM

[Buy Tickets](#)

Remembering Ron Dellums

Our Esteemed Congressman, Mayor, and Friend

1935 - 2018



Connect with your D3 Team!



Press Inquiries & Land Use:

Zac Wald

Chief of Staff

(510) 238-7032

Zwald@oaklandca.gov



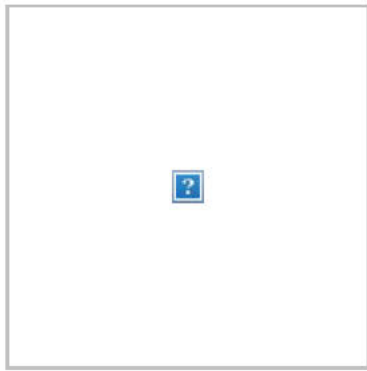
Scheduling & Constituent Concerns:

Brigitte Cook

Senior Constituent Liaison

(510) 238-7245

Bcook@oaklandca.gov



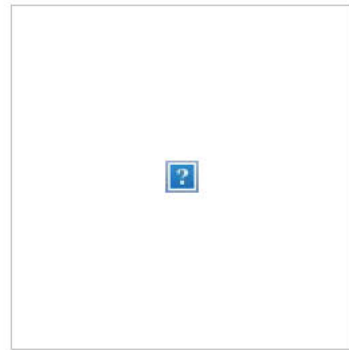
Policy & Legislative Inquiries:

Alex Marqusee

Senior Policy Analyst

(510) 238-7031

Amarqusee@oaklandca.gov



Newsletter & Communications:

Justin Lee

Council Aide

(510) 238-7575

Jlee5@oaklandca.gov

How Do I?

Click the Image Below to File a Complaint!



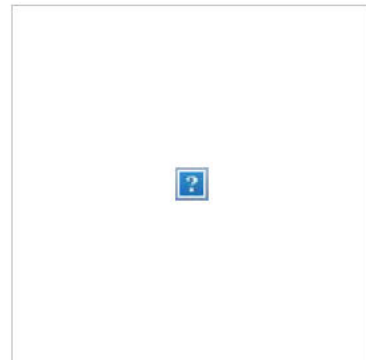
Oak 311

Report Illegal Dumping
and Infrastructure Issues



Code Enforcement

Report Blighted Buildings
and Yards



Animal Services

Report Distressed or
Vicious Animals



Homelessness

Receive Assistance and
Shelter



Vehicle Abatement

Report Abandoned
Vehicles



Police Misconduct

Report Police Misconduct
and Complaints

From the Offices of Councilmember Lynette Gibson McElhaney

Representing District 3 - the Heart & Soul of the Town

1 Frank Ogawa Plaza, Oakland, CA 94612

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This message was sent to clum@oaklandcityattorney.org from LMcElhaney@oaklandca.gov

Lynette McElhaney
Oakland City Council
1 Frank Ogawa Plaza
Oakland, CA 94612

