

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF ALAMEDA COUNTY TAXPAYERS' ASSOCIATION AND MARLEEN L. SACKS V. CITY OF OAKLAND, OAKLAND CITY COUNCIL, KRYSTAL SAMS, SHENG THAO AND DOES 1-5, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV027685, CITY ATTORNEY FILE NUMBER X05477 IN THE AMOUNT OF TWO HUNDRED AND SEVEN THOUSAND EIGHT HUNDRED AND TWELVE DOLLARS AND THIRTY-NINE CENTS (\$207,812.39) AND THE TERMS SET FORTH BELOW**

**WHEREAS**, Petitioners the Alameda County Taxpayers' Association and Marleen L. Sacks (collectively, Petitioners) filed a Petition for writ of mandate challenging the City's decision to accept certain candidate paperwork for the 2022 mayoral election and also raising challenges to the City's contracting processes, its security camera footage retention practices, its Public Record Act response, and the number of ranked choice options offered to Oakland voters in municipal elections; and

**WHEREAS**, the Court previously sustained the City's demurrer to certain causes of action; and

**WHEREAS**, the City has considered all evidence, litigation costs, and risk; and

**WHEREAS**, without admitting any fault or wrongdoing, the City has determined that it is in the City's best interest to compromise and settle for attorney's fees and costs and commit to the following terms:

- Retaining camera footage at Frank Ogawa Plaza for a year;
- Requesting that under certain circumstances the Alameda Registrar of Voters offer more than five ranked-choice options for City elections;
- Enacting a policy that will govern how the City enters into cooperative purchase agreements;
- Making best efforts to ensure that there are functioning time stamp machines in the Clerk's office;
- Making best efforts to ensure that candidates for City office get accurate information about timelines for filing paperwork;
- Forwarding election integrity complaints to City Administration and the City Attorney;
- Not accepting late nomination paperwork for City office; and
- Paying \$207,812.39 in attorney's fees and costs to Petitioners;

Now, therefore, be it

**RESOLVED:** that the City Attorney is authorized and directed to compromise and settle the case of *Alameda County Taxpayers' Association and Marleen L. Sacks v. City of Oakland, Oakland City Council, Krystal Sams, Sheng Thao and Does 1-5*, Alameda County Superior Court Case No. 23cv027685 for injunctive relief and the payment of attorney's fees and costs in the sum of Two Hundred and Seven Thousand Eight Hundred and Twelve Dollars and Thirty-Nine Cents (\$207,812.39) and the terms set forth above; and be it

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND  
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California