


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY CITY ATTORNEY BARBARA J. PARKER, VICE MAYOR LARRY REID, AND COUNCILMEMBER LOREN TAYLOR

RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO 1) FULLY IMPLEMENT THE CITY OF OAKLAND SLAVERY ERA DISCLOSURE ORDINANCE CODIFIED AT OAKLAND MUNICIPAL CODE CHAPTER 9.60; 2) PROVIDE AN INITIAL INFORMATIONAL REPORT TO COUNCIL REGARDING THE STATUS OF SLAVERY ERA DISCLOSURES AND THE ASSOCIATED FUND AT A COUNCIL MEETING BEFORE THE END OF 2020; 3) PROVIDE AN ANNUAL INFORMATIONAL REPORT AT COUNCIL MEETINGS TO SUPPLEMENT THE ORDINANCE'S ANNUAL REPORTING REGARDING THE STATUS OF THE IMPLEMENTATION OF THE ORDINANCE; AND 4) AFTER CONSULTATION WITH THE CITY ATTORNEY, MAKE PUBLICLY AVAILABLE ON THE CITY'S WEBSITE ALL COMPLETED AFFIDAVITS AND REPORTS REGARDING SLAVERY ERA DISCLOSURES

WHEREAS, on July 19, 2005, the Oakland City Council adopted the "City of Oakland Slavery Era Disclosure Ordinance" ("Ordinance"), codified at Chapter 9.60 of Title 9 of the Oakland Municipal Code ("OMC"); and

WHEREAS, with the adoption of the Ordinance, Oakland joined other jurisdictions throughout the United States in officially acknowledging the crime of African enslavement and its ongoing ramifications for the descendants of enslaved Black people; and

WHEREAS, the Ordinance's purpose is to promote full and accurate disclosure to the public of (1) slavery insurance policies, (2) evidence of purchase and sale of people subjected to slavery, (3) use of people subjected to slavery as collateral for insurance policies, loans or other transactions, (4) provision of loans to purchase people subjected to slavery, (5) insuring transactions or the people subjected to slavery, and/or (6) provision of any related or other services to aid and abet such transactions by (i) any contractors providing insurance services or financial services to the City and (ii) any textile, tobacco, railroad, shipping, rice and sugar companies doing business with the City; and

WHEREAS, the Ordinance’s purpose also is to establish a fund (hereinafter sometimes referred to as the “Fund”) to which contractors subject to the Ordinance and others can make voluntary contributions to promote healing and assist in remedying the depressed economic conditions, poverty, unequal educational opportunity and other legacies of slavery, which will serve to promote the public health, welfare, and safety; and

WHEREAS, the City of Oakland makes the following findings and declarations in the Ordinance and this City Council reiterates those findings and declarations:

Insurance policies from the American slavery era have been discovered in the archives of several insurance companies documenting insurance coverage to slaveholders for damage to or death of people subjected to slavery, and were issued by current or a predecessor insurance firm. Further, records may exist that show that companies:

1. Providing insurance services;
2. Providing financial services; and
3. Textile, tobacco, railroad, shipping, rice and sugar companies;

either directly or through their parent entities, subsidiaries or predecessors in interest or otherwise, bought or sold people subjected to slavery, used as collateral for insurance policies or other transactions, provided loans to purchase people subjected to slavery, insured such transactions or the people subjected to slavery, and/or provided related or other services to aid and abet such transactions.

These insurance policies, loan documents and other documents and records provide evidence of ill-gotten profits from slavery, which profits in part capitalized insurers, financial services providers, textile companies, tobacco companies, railroads, shipping companies, rice, sugar industry and other entities, whose successors remain in existence today, and such profits from the uncompensated labor of enslaved Africans represent a continuing legacy of slavery.

The fact that slavery was legal in certain parts of the United States at the time these compatible practices occurred does not make the practices any less repugnant, abhorrent or deplorable, nor in any way diminish the gravity of these wrongs or the importance of rectifying and remediating these travesties.

Many Oakland residents are descendants of people subjected to slavery, whose ancestors were defined as private property, dehumanized, snatched from their families, coerced into performing labor without appropriate compensation or benefits and whose ancestors’ owners were compensated for damages by insurers and were used as collateral for insurance policies, loans and other transactions.

Appropriate compensation to Africans for their labor otherwise would have been bequeathed to their descendants to assist them in developing a solid economic base, providing a level playing field and pursuing equal opportunity in this country.

The aforesaid residents as well as all of the residents of Oakland are entitled to full disclosure of the information regarding the above-described transactions that compensated slaveholders for damages to and death of people subjected to slavery and provided other compensation and profits; and

WHEREAS, the City Council acknowledges the loss of assets that rightfully should be the property of descendants of African people subjected to slavery and extends its apologies to their descendants who continue to suffer the legacy of slavery; and

WHEREAS, the full disclosure of the facts and acknowledgement of the depth and scope of the shameful commerce in slavery furthers the public interest in that it promotes public health, safety, welfare and healing in the Oakland community both on the part of those who have been and are continuing to be harmed, as well as those who profited from this abhorrent practice; and

WHEREAS, the City Council further finds that the establishment of a fund to which contractors subject to the Ordinance may make voluntary contributions will promote healing and assist the City in rectifying and remedying some of the legacies of the shameful commerce in slavery, thereby protecting and promoting the public health, safety and welfare of Oakland residents and the Oakland community; and

WHEREAS, the City Council declares and finds that it is in the interest of justice and racial equity that the City immediately implement the Ordinance's requirements that each contractor providing (1) insurance services or (2) financial services to the City of Oakland (including, but not limited to, any bank in which the City deposits public funds and any investment managers), whether subject to competitive bid or not, and (3) each textile, tobacco, railroad, shipping, rice and/or sugar company doing business with the City, including but not limited to, such businesses with a City franchise, complete an affidavit verifying that the contractor has searched through any and all records in the possession, control and/or knowledge of the company, its parent entities, subsidiaries and any predecessors in interest, for records that the contractor, its parent entities, subsidiaries and any predecessors in interest bought or sold people subjected to slavery, used people subjected to slavery as collateral, provided loans to purchase people subjected to slavery, insured such transactions or the people subjected to slavery during the slavery era and/or provided related or other services to aid and abet such transactions; and (4) that the names of each slave and slaveholder described in the records and/or information shall be disclosed in the affidavit, as well as the evidence of transactions that benefited/profited from American slavery; and

WHEREAS, the Ordinance required that insurance companies covered by the Ordinance provide the required disclosure within 60 days of the effective date of the Ordinance, which was August 1, 2005; and

WHEREAS, the Ordinance required that banks and other financial institutions and other contractors covered by the Ordinance provide the required disclosure within six months of the effective date of the Ordinance; and

WHEREAS, the Ordinance requires that contractors who enter into contract with the City after the effective date of the Ordinance to provide insurance, financial, or other services or goods covered by the Ordinance provide the required disclosure in conjunction with and prior to the execution of a contract with the City; and

WHEREAS, the Ordinance required that after consultation with the City Attorney, the City Administrator (1) provide the disclosed contractor information to the public upon request; (2) provide an initial report to the Mayor and City Council at an open public meeting no later than January 2006; and (3) annually provide a report to the Council regarding the information; and

WHEREAS, the Ordinance further directs that a fund be established, under the oversight of the City Administrator, to which contractors covered by the Ordinance can make voluntary contributions to ameliorate the legacy of the slavery era; and

WHEREAS, the Ordinance provides that the Fund be used for purposes, including but not limited to, providing educational support and to support economic development in the economically depressed areas of the City; and

WHEREAS, the Ordinance required that the City Administrator prepare guidelines for the use of the funds and present the guidelines to the City Council for approval no later than the end of October 2005; and

WHEREAS, following approval of the guidelines by the City Council, the Ordinance required that the City Administrator make funding decisions in accordance with the guidelines and provide an annual report to the City Council identifying the Fund recipients; and

WHEREAS, since the adoption of the Ordinance, the City Council has not received an initial or annual report regarding the disclosed affidavit information as required by the Ordinance; and

WHEREAS, since the adoption of the Ordinance, the City Council has not received or approved guidelines for the use of the funds as required by the Ordinance or received an annual report identifying the fund recipients; and

WHEREAS, the City Council is unaware of prior or continuing efforts undertaken by the City Administrator to implement the Ordinance, including whether the City Administrator has previously received the required disclosures, established the Ordinance fund, received voluntary contributions from covered contractors, and/or waived the Ordinance disclosure requirements for certain covered city contractors; and

WHEREAS, it remains an utmost priority for the City Council to address the ongoing legacy of slavery and to provide information to enable city, state, and federal governments to remediate the tragic atrocities associated with slavery; and

WHEREAS, the City Administrator has expressed his support for and intent to undertake and complete the aforementioned actions to implement the Ordinance and further has indicated his understanding and agreement that implementing the Ordinance is a top priority; now, therefore, be it

RESOLVED: That the City Council directs the City Administrator to implement the City of Oakland Slavery Era Disclosure Ordinance, OMC Chapter 9.60, to the full extent of the law; and be it

FURTHER RESOLVED: That in order to immediately begin implementing the Ordinance, the City Administrator is directed to prepare an affidavit form and send it out to all contractors covered by the Ordinance by December 31, 2020; and be it

FURTHER RESOLVED: That in order to immediately begin implementing the Ordinance, the City Administrator is directed to prepare guidelines for the use of funds as required by the Ordinance and present the guidelines to Council as soon as reasonably possible, but in any event no later than March 31, 2021; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator, to provide an informational report by December 31, 2020, discussing prior and/or ongoing efforts to implement the Ordinance, including but not limited to whether the City Administrator has previously received the required disclosures, established the Ordinance fund, received voluntary contributions from covered contractors, and/or waived the Ordinance disclosure requirements for certain covered city contractors; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator, in addition to the annual reporting required by the Ordinance, to provide an annual informational report regarding the status of the implementation of the Ordinance, including but not limited to the status of slavery era disclosures and the associated Fund, so that City Council receives reports regarding the Ordinance at regular six-month intervals; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator, after consultation with the City Attorney, to make publicly available on the City's website all completed affidavits and reports regarding slavery era disclosures.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO
AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED

Acting City Clerk and Clerk of the Council of
the City of Oakland, California