



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF TYFAHRA MILELE, DAVID JORDAN, AND GINALE HARRIS V. JAMES B. CHANIN, CITY OF OAKLAND, OAKLAND POLICE COMMISSION SELECTION PANEL, AND NIKKI FORTUNATO BAS, ALAMEDA SUPERIOR COURT CASE NO. 23CV038479 (CITY ATTORNEY'S FILE NO. X05510) FOR NO MONETARY RELIEF AND AN AGREEMENT TO MAKE CERTAIN REVISIONS TO THE OAKLAND POLICE COMMISSION SELECTION PANEL'S POLICIES AND PROCEDURES (POLICE COMMISSION SELECTION PANEL; CITY COUNCIL – WRIT OF MANDATE, AND DECLARATORY RELIEF)

WHEREAS, Plaintiffs Tyfahra Milele, David Jordan, and Ginale Harris (“collectively, Plaintiffs”) filed a Petition for Writ of Mandate and a Complaint for Declaratory and Injunctive Relief asserting claims related to the conduct of the Oakland Police Commission Selection Panel (“Selection Panel”) and James Chanin’s (“Chanin”) appointment to and service on the Selection Panel; and

WHEREAS, Plaintiffs alleged that Chanin had a conflict that precluded Chanin’s service on the Selection Panel because Chanin is one of plaintiffs’ counsel in *Delphine Allen, et al. v. City of Oakland*, United States District Court Case No. 00-cv-04599-WHO, an ongoing federal civil rights case alleging police misconduct; and

WHEREAS, Plaintiffs also contended that the Selection Panel acted arbitrarily and capriciously in conducting its selection process for the 2023 term; and

WHEREAS, the trial court and court of appeal rejected Plaintiffs’ request for preliminary injunctive relief to halt the process of choosing new police commissioners; and

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

WHEREAS, without admitting any fault or wrongdoing, the City has determined to compromise and settle Plaintiffs’ claims against the City Council, Selection Panel, and the individual defendants for no monetary relief and an agreement that the Selection Panel will make certain revisions to its policies and procedure, as set forth in the Settlement Agreement, attached to this Resolution as Exhibit A; now, therefore, be it

RESOLVED: That the City Council hereby authorizes and directs the City Attorney to compromise and settle the case of Tyfahra Milele, David Jordan, and Ginale Harris v. James B. Chanin, City of Oakland, Oakland Police Commission Selection Panel, and Nikki Fortunato Bas, Alameda Superior Court Case No. 23CV28479, City Attorney’s File No. C05510, by agreeing to amend the Selection Panel’s policies and procedures; 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 - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California