


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARLEEN L. SACKS AND ALAMEDA COUNTY TAXPAYERS' ASSOCIATION V. CITY OF OAKLAND, OAKLAND POLICE COMMISSION, JOHN ALDEN, ED REISKIN, LIBBY SCHAAF AND DOES 1-5, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG20078708, CITY ATTORNEY FILE NO. X05206 IN THE AMOUNT OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS AND NO CENTS (\$250,000.00) AND THE TERMS SET FORTH BELOW

WHEREAS, Plaintiffs Marleen L. Sacks and Alameda County Taxpayers' Association (Petitioners/Plaintiffs) brought this writ petition alleging eleven causes of action: nine causes of action for an administrative writ of mandate and two causes of action for declaratory relief; and

WHEREAS, eight of the writ of mandate causes of action related solely to the Police Commission contracts and sought to have the contracts invalidated, City funds recouped, and John Alden removed from his position as CPRA Executive Director; and

WHEREAS, one writ of mandate cause of action relates to Plaintiffs' contentions regarding violations of the Public Records Act (PRA) against the Community Police Review Agency (CPRA) and former Mayor Libby Schaaf; and

WHEREAS, on February 13, 2024, the Court ruled in favor of the City on the causes of action related to the Police Commission's contracts; and

WHEREAS, plaintiffs' attorneys' fees and costs are approximately \$250,000; and

WHEREAS, the City considered all the evidence, litigation costs and litigation risks in this case; and

WHEREAS, without admitting wrongdoing or liability the City has determined to settle the remaining claims against the City for Two Hundred and Fifty Thousand Dollars and Zero Cents (\$250,000.00) for attorneys' fees and costs and the following terms:

- The City shall conduct training annually for all department liaisons to review the obligations under the PRA (Public Records Act) and Sunshine Act;
- The City shall provide written training materials and post those training materials on the City's website;
- The training materials shall be presented to Petitioners for review within 60 days of the final execution of the settlement agreement;
- The training materials shall include/reference the new administrative directive (AI 106) and shall include instructions on searching for responsive documents and instructions for closing PRA requests;
- The parties have compromised and made modifications to Administrative Instruction 106 as referenced in the settlement agreement

Now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the case Marleen L. Sacks and Alameda County Taxpayers' Association v. City of Oakland, Oakland Police Commission, John Alden, Ed Reiskin, Libby Shaaf and DOES 1-5, Alameda County Superior Court Case No. RG20078708 for Two Hundred and Fifty Thousand Dollars and Zero Cents (\$250,000) 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