



CITY OF OAKLAND
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Judge Rules for City of Oakland in Measure Y Case
Lawsuit could have cost City millions of dollars during fiscal crisis

OAKLAND, CA – In a tentative ruling on March 22, Superior Court Judge Frank Roesch denied all causes of action in a lawsuit contesting the City's use of money raised by the Measure Y public safety parcel tax.

The lawsuit was the second filed by the same plaintiff challenging the use of Measure Y funds. The first lawsuit was ultimately decided in December 2010, when a state appeals court panel in San Francisco ruled that Oakland did not mispend millions of dollars generated by the tax.

Voters approved the Measure Y Violence Prevention and Public Safety Act in 2004. It provides about \$20 million annually for police, violence prevention/social service programs and the Fire Department. The measure authorized the City to "hire and maintain" 63 community policing officers, with most assigned to neighborhood beats across Oakland.

The long-running legal battle over the tax started in 2008, when a local attorney sued the City, arguing that money raised by the tax could be used to hire new officers, but only if those officers were immediately assigned to community policing positions. However, Oakland Police Department policy requires new officers to be assigned to the patrol division for three years.

The trial court issued a split decision in that case, but the appeal ultimately validated the City's use of Measure Y funds to "backfill" the patrol division, thereby freeing up more experienced officers to take on community policing assignments. On March 18, 2010, during the appeal, the plaintiff filed a second lawsuit with seven causes of action, all of which were denied by Roesch this week.

The ruling is expected to become final in coming weeks after the City enters a final Statement of Decision with the court. A copy of the tentative ruling can be found [here](#).
