

**OCTOBER 29, 2020**

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Tuesday, October 29, 2020*

Litigation Negotiations

**NAME OF ACTION:**

**City of Oakland, Successor Agency to the Redevelopment Agency of the City of Oakland v. California Department of Finance; Michael Cohen, Director of the State of California Department of Finance; and Does 1-50 inclusive**

This matter is listed as **Item No. 1(a)** on the Closed Session Agenda:

The council authorized the City Attorney to proceed with an appeal in the above matter.

This case arose out of incidents occurring on December 5, 2018.

**FACTS/ISSUES:**

The Oakland Redevelopment Successor Agency (ORSA) was established following the dissolution of Oakland's Redevelopment Agency in 2012 to review and process the City's claims for costs incurred on redevelopment matters from available property taxes. The claims are identified in a Recognized Obligation Payment Schedule (ROPS). The California Department of Finance (DOF) is responsible for approving claims listed on the ROPS.

On December 5, 2018, the City filed a petition for a writ of mandate seeking to compel the DOF to reverse its decision denying reimbursement of four claims on the FY 2018-2019 (ROPS):

1. 1,983,500 - pension and related post-employment costs for City employees who performed work on Redevelopment Agency matters prior to dissolution;
2. 1,832,828 - repayment of funds the City spent for public improvements in West Oakland;
3. \$639,596 – cost of City staff and consultants working on ORSA-funded affordable housing projects; and
4. \$517,500 owed to the City's affordable housing funds for the Evelyn Rose project at 9451 MacArthur Boulevard.

On July 8, 2019, the Sacramento County Superior Court issued a ruling denying the City's writ as to the four claims. The City Council has authorized the City Attorney to proceed with an appeal challenging the Court's 2019 ruling on Claim 2 - \$1,832,828 for West Oakland public Improvements, and Claim 3 – \$639,596 for staff and consultant costs for ORSA-funded affordable housing projects.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Taylor**

**AYES:** Fortunato Bas, Gallo, ~~Gibson McElhaney~~, Kalb, Reid, Taylor, Thao and President Kaplan=6

**NOES:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

**ABSENT:** ~~Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan= 2~~

**ABSTENTIONS:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=