

FEBRUARY 24, 2022

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, February 24, 2022*

Litigation Negotiations

NAME OF ACTION:

Anita Miralle, Jodii Le'Grand Everett, I, Tina Scott, Aiyahna Johnson; Irvin Josue Hernandez Ortega; and Ayat Jalal v. City of Oakland; Libby Schaaf; Joe DeVries; Anne Kirkpatrick; and Sabrina Landreth.

United States District Court, Northern District, Case No. C18-06823-HSG

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

The Council authorized settlement in the amount of **\$250,000.00**.

This case arose out of an incident occurring in **November and December 2018**.

FACTS/ISSUES:

In October 2018, several homeless individuals cut the locks on a city-owned parcel of land on Edes Avenue between Clara St. and South Elmhurst in District 7 and established a homeless encampment. In November 2018, the City's Encampment Management Team noticed the encampment for closure. To stop that closure, the campers sought a temporary restraining order, a preliminary injunction, and filed a complaint against the City in federal court. The temporary restraining order was granted, but the preliminary injunction was ultimately denied after the City confirmed that shelter would be provided to the impacted individuals. In December 2018, the City closed the encampment in compliance with its 2017 Encampment Management Policy and other City procedures.

The Plaintiffs' complaint against the City alleged constitutional violations under the First, Fourth, Eighth, and Fourteenth Amendments. Plaintiffs primarily alleged that the City failed to comply with its policies and procedures for closing encampments, failed to give proper notice of encampment closures, improperly seized and destroyed personal property, and threatened homeless individuals with criminalization. Plaintiffs alleged compensatory and other damages. The parties settled the case and resolved all claims after agreeing to injunctive and monetary relief.

Motion Made by: **Councilmember Kalb**

Motion Seconded by: **Councilmember Taylor**

AYES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas= 8

NOES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=

ABSENT: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=

ABSTENTIONS: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=