



The League of Women Voters - where hands-on work to safeguard democracy leads to civic improvement

January 20, 2020

Oakland City Council
City Council President Rebecca Kaplan
Vice Mayor Larry Reid
President Pro Tempore Dan Kalb
Council Member Nikki Fortunato Bas
Council Member Lynnette Gibson McElhaney
Council Member Sheng Thao
Council Member Noel Gallo
Council Member Loren Taylor
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

Dear City Council Members:

The League of Women Voters of Oakland (LWVO) requests that the Oakland City Council direct the City Attorney to withdraw the City's appeal of the October 15, 2019, Superior Court decision in the case of *Jobs & Housing Coalition v. City of Oakland*. The court ruled that the Council's certification of Measure AA as "passed," despite the fact that it did not receive the two-thirds vote the City Attorney had determined was required, constituted "a fraud on the voters."

For over a year the League has spoken out against the certification, and repeatedly asked you to nullify the Council's certification action of December 14, 2018. You chose instead to be sued by the Jobs & Housing Coalition rather than to act. You chose to let the court decide. When the court did decide -- against the City -- you voted to appeal that decision. You took such action in closed session on November 5, 2019, and did not immediately report it in public session as required by state law and city ordinance. LWVO and other members of the public learned of the appeal by rumor and then through news reports of the court filings.

Responding to public complaints, on December 10, more than a month later, the City Attorney provided a report of the November 5 closed session. That report contended that the Council had voted on a "continuing legal strategy," and therefore the decision to appeal required neither a formal vote of the Council nor a public report. That argument is undercut by the fact that the Council scheduled a closed session where it discussed the litigation and, in fact, took a vote. Moreover, the report failed to cite authority or precedent for the conclusion that a 4-3-1 vote satisfied any applicable legal requirements.

LWVO again wants to make clear that our objection to the December 14, 2018, certification is based on the fact that the public was informed prior to the November 2018 election that passage of Measure AA required a two-thirds vote. It is the Council's acting in contradiction to that public information, and the evasive manner in which the Council and the City Attorney have responded to protests over many months, that have sparked public disapproval and undermined confidence in Oakland city government.

We in the League would welcome the opportunity to discuss the matter of the certification and of the appeal with any and all of you. In the meantime, however, we urge you to begin to restore public confidence by acting in an open, transparent manner to withdraw the City's appeal of Judge MacLaren's decision in the case of *Jobs & Housing Coalition v. City of Oakland*.

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www.lwvoakland.org



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Sincerely,

A handwritten signature in black ink that reads "Deborah Shefler". The signature is written in a cursive style with a long horizontal flourish at the end.

Deborah Shefler
President, League of Women Voters of Oakland

CC: Mayor Libby Schaaf
City Attorney Barbara Parker
City Auditor Courtney Ruby
City Administrator Sabrina Landreth
Greg McConnell, Jobs and Housing Coalition