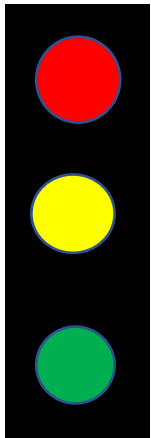


Russell City Reparative Justice Project
Steering Committee
Recommendations Analysis

The contents of this document were shared verbally by Michael Lawson, City Attorney, during the 12/14/2022 Steering Committee Meeting. The hard copy file was provided on 1/17/2023. The purpose of this document is to provide the reader with a legal analysis, for informational purpose only, of the types of benefits and their likeliness to draw litigation.


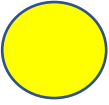
Legend



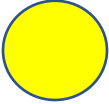

=Sure to draw litigation

= Possible litigation




=Not likely to draw litigation

Type	Description	Viability	Possible Outcomes
Non-Monetary Benefits	Continued and future City support of Russell City through public arts and installations (e.g., Blues Festival, suggested Russell City gateway, etc.), creation of cultural district.		<ul style="list-style-type: none"> Recommendation more likely to be approved by Council and not subject to litigation.
Monetary Benefits	First time homeownership down payment assistance		<ul style="list-style-type: none"> Litigation possible based on challenges in other jurisdictions to this type of benefit. Recommendation more likely to be approved by Council and not subject to litigation, <u>ONLY IF</u> formulated not to benefit a specific class of individuals based on race, but to benefit descendants of Russell City


Russell City Reparative Justice Project
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Type	Description	Viability	Possible Outcomes
			independent of their racial or ethnic background.
Monetary Benefits	Educational scholarships		<ul style="list-style-type: none"> • Litigation possible based on challenges in other jurisdictions to this type of benefit • Recommendation more likely to be approved by Council and not subject to litigation, <u>ONLY IF</u> formulated not to benefit a specific class of individuals based on race, but to benefit descendants of Russell City independent of their racial or ethnic background.
Non-Monetary Benefits	City to recommend support of state legislation allowing impacted parties to sue public agencies that abused "urban renewal" process at City, County or state level.		<ul style="list-style-type: none"> • If state legislation passed, impacted communities would work independently of City to pursue land acquisition or monetary compensation through litigation.

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Type	Description	Viability	Possible Outcomes
Non-monetary Benefits	Access to public lands by descendants through cultural easements like Oakland’s work with Ohlone Tribe..		<ul style="list-style-type: none"> • Possible litigation but ownership of land and maintenance remain with City.
Monetary Benefits	Direct monetary compensation		<ul style="list-style-type: none"> • Likelihood to undergo lengthy legal process. • Under the California Constitution, reparations are considered an “illegal gift” with no “public purpose.”
Non-monetary Benefits	Awarding private land		<ul style="list-style-type: none"> • Likely to undergo lengthy legal process (inverse condemnation, takings). • Private land cannot be given to individuals for personal use and violates state law (“Gifts of public funds”). • Outcome of Bruce’s Beach is extraordinary exception.

**Russell City Reparative Justice Project
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Type	Description	Viability	Possible Outcomes
Non-monetary Benefits	Awarding Public City owned land 'in-kind"		<ul style="list-style-type: none"> • Likely to undergo lengthy legal process (inverse condemnation, takings). • Public land cannot be given to individuals for personal use and violates state law ("Gifts of public funds"). • Violates California Surplus Lands Act (SLA). The City must prioritize use of surplus land for affordable housing, parks, and open space, and schools.

Cal. Gov. Code sec. 1090, et seq., prohibits conflict of interest in contracts and similar transactions, and consequently may prohibit steering committee members from personally benefitting from certain categories of advisory recommendations.