

**SPECIAL MEETING OF THE CITY COUNCIL**  
Mayor's Closed Session Announcement

DATE OF CLOSED SESSION: November 5, 2019

CONVENE TIME:

ADJOURNMENT:

9:30 P.m.  
11:53 P.m.

**PRE-MEETING ANNOUNCEMENT**

LEGISLATIVE BODY: CITY COUNCIL

SUBJECT OF CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9

Number of cases: One (As Defendant - City Exposure to Legal Action)

**POST-MEETING ANNOUNCEMENT**

The City Council met in Closed Session to discuss:

- Considered w/ 3 A  
- Staff provided information to Counsel  
- See Report out.

**VOTE:**

	AYE	NO	ABSENT	ABSTAIN
Mayor Marilyn Ezzy Ashcraft		<u>X</u>		
Vice Mayor John Knox White	<u>X</u>			
Councilmember Vella	<u>recuse</u>			
Councilmember Daysog		<u>X</u>		
Councilmember Oddie	<u>recuse</u>			

1st  
Vote

2nd  
Vote

Mayor Ezzy Ashcraft X  
Vice Mayor Knox White X  
C. m. Vella recuse  
C. m. Daysog X  
C. m. Oddie recuse

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**PRE-MEETING ANNOUNCEMENT**

LEGISLATIVE BODY: CITY COUNCIL

**SUBJECT OF CLOSED SESSION:**

CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS (Pursuant to  
Government Code § 54956.95)  
CLAIMANT: Malia Vella  
AGENCY CLAIMED AGAINST: City of Alameda

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**POST-MEETING ANNOUNCEMENT**

The City Council met in Closed Session to discuss:

Considered w/ 3 B.

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**VOTE:** see 3 B.

	AYE	NO	ABSENT	ABSTAIN
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Mayor Marilyn Ezzy Ashcraft				
Vice Mayor John Knox White				
Councilmember Vella				
Councilmember Daysog				
Councilmember Oddie				

On April 16, 2018, three un-recused Council members (Spencer, Ezzy Ashcraft and Matarrese) declined to reimburse Council Member Vella for attorney's fees she incurred in connection with the City's Administrative Investigation relating to the Keimach matter. One day later, on April 17, 2018, Council Member Vella filed a formal claim against the City, alleging defamation, invasion of privacy and again requested reimbursement of attorney's fees. In sum, Council Member Vella requests reimbursement of approximately \$93,000 in attorney's fee, which she incurred in connection with the City's Administrative Investigation. The City never formally acted-on or rejected the April 17<sup>th</sup> claim; thus, it is deemed rejected by operation of law after 45 days of inaction by the City. (Gov. Code Section 945.6(a)(2)).

This Council is not prepared to further reimburse Council Member Vella for attorney's fees incurred during the City's administrative investigation (the \$93,000 requested) or pay additional public funds to settle Council Member Vella's other claims. Thus, the Council directed the City Attorney to formally reject the pending claims. Additionally, the Council directed the City Attorney to release the tape made by Keimach with appropriate redactions as authorized by law, in response to pending Public Records Act requests. The Council has, in particular, authorized the preparation of a transcript, entirely at the City's expense, for purposes of redaction and public release. Council further authorized the City Attorney to execute appropriate conflict waivers to permit attorneys from the law firm of Remcho Johansen & Purcell to represent the City in these matters, under the direction of the City Attorney.