

SUPPLEMENTAL CLOSED SESSION REPORT ITEM 1.1

Report: Potential Litigation Under *California Government Code* Section 54956.9 [Two (2) Matters]. **(Port Attorney)**

MEETING DATE: 2/27/2020

SUBMITTED BY: Michele Heffes, Port Attorney

APPROVED BY: Michele Heffes, Port Attorney

ACTION TYPE: None

In light of the California Court of Appeals' recent decision in *Lori Fowler, et al. v. City of Lafayette*, filed February 10, 2020, the Port Attorney's Office is attaching to this Agenda Report five letters the Port of Oakland has received regarding The Oakland Athletics' proposed development project at Howard Terminal. These letters, together with prior public testimony before both the Board of Port Commissioners (the "Board") and the Oakland City Council, provide the basis for going into closed session for the first matter under Agenda Item 1.1, pursuant to *California Government Code* Section 54956.9(d)(2).

Additionally, for the second matter under Agenda Item 1.1, the Board will consult with its legal counsel concerning another potential litigation item, further information for which may not be disclosed pursuant to *California Government Code* Section 54957.7.