

CLOSED SESSION AGENDA REPORT

Potential Litigation Under *California Government Code* Section 54956.9 [One (1) Matter].

<u>MEETING DATE:</u>	9/30/2021
<u>SUBMITTED BY:</u>	Michele Heffes, Port Attorney
<u>APPROVED BY:</u>	Michele Heffes, Port Attorney
<u>ACTION TYPE:</u>	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 Closed Session Agenda Report ("Agenda Report") as Exhibit "A" eight letters the Port of Oakland ("Port") 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 the Agenda Report, pursuant to *California Government Code* Section 54956.9(d)(2).