



# City of Palm Springs

## Office of the City Attorney

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July 14, 2023

### **Via Electronic Mail**

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Areva Martin, Esq.  
Martin & Martin, LLP  
3530 Wilshire Blvd. Suite 670  
Los Angeles, CA 90010

Re: Considerations for Resolving Section 14 Claims

Dear Ms. Martin:

Thank you again for the opportunity to meet with you and some of your clients on Tuesday, July 11, 2023. I also appreciate your call on Wednesday, informing me of some of your clients' apparent negative reaction to some statements made during our meeting, specifically those regarding the Human Relations Commission's ("HRC") April 28, 2021 document, entitled "Palm Springs City Hall Monument Report" ("Monument Report"). Please allow this correspondence to serve as a brief response to that specific issue, which I committed to providing to you by today's date.<sup>1</sup>

On Wednesday's call, you shared with me that some of your clients were quite upset with my characterization of the Monument Report in relation to your clients' claim. Specifically, you stated that your clients felt that they were somehow "used" by the City when the HRC prepared the Monument Report. I asked you on our call what was meant by that word "used"; what would the City's motivation be. Your letter clarifies your clients' use of that term.

The City Council was presented with the Monument Report as part of its September 29, 2021 meeting, at which the Council took several notable and historic steps toward reconciliation – namely the Council formally apologized for the City government's role in Section 14, the Council ordered the removal of Bogert statue, and the Council directed City staff to pursue a reparations program.

As you know, the City Council has taken additional steps toward developing a reparations program, including holding public meetings, where all stakeholders can participate, and directing City staff to undertake a historical context study of the Section 14 story, upon which the Council can rely in considering a reparations program.

As I mentioned during our meeting on Tuesday, the Monument Report is the product of one of the City's several appointed Commissions. The City Council never commissioned the Monument Report. Nor has the City Council

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<sup>1</sup> The City obviously reserves the right to respond more fully to some of the factual inaccuracies and mis-characterizations contained in yesterday's 13-page letter.

ever formally adopted it. The Monument Report was not formally adopted by the City Council as part of the Council's September 2021 actions removing the Bogert statue, nor as part of the City's apology for the City's role in the Section 14 actions. Indeed, the Monument Report does not even discuss reparations.

Which is not to say that the Monument Report is devoid of merit. It was the product of several HRC meetings, at which your clients<sup>2</sup> had the opportunity to participate. The Monument Report provides a concise compilation of historical information, gleaned from various journalistic, scholarly and governmental sources. Therefore, if my statements on Tuesday were interpreted as a marginalization of the Monument Report, that was not my intent.

One can, perhaps, understand your client's disappointment with the time that this legislative process is taking. However, your clients' belief that the Monument Report should, standing alone, support the payment to your clients of upwards of two billion dollars (\$2,000,000,000) of public money is simply not supported by any reasonable concepts of public governance. The facts sufficient to justify the removal of a statue are entirely different than those facts necessary to convince a majority of a City Council, with a fiduciary obligation to its residents and taxpayers to pay a large sum of money to specific individuals alleged to have suffered harm.

As committed to in our meeting on Tuesday, your client's damages claim will be discussed in executive session on July 24, 2023. However, as the court concluded in *Randle v. City of Tulsa*, (Case No. CV-2020-1179), the matter of reparations is one best dealt with by the legislative and executive branches. I hope that you and your clients agree and will spare them, the City of Palm Springs and its residents the extraordinary time, expense and uncertainty of a judicial forum, and instead re-commit to resolving this admittedly difficult situation through a stakeholder-based inquisitive process, based on dialogue, listening, understanding, and compromise.

Sincerely,



Jeffrey S. Ballinger  
City Attorney  
City of Palm Springs

cc: Mayor and City Council  
Scott Stiles, City Manager  
Teresa Gallavan, Asst. City Manager  
Jeremy Hammond, Dep. City Manager

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<sup>2</sup> To date, you have not made known to the City all of your clients' identities. As such, it is impossible, at least at this time, for the City to determine to what extent, exactly, your individual clients played an active role in the development of the Monument Report.