



City of Palm Springs

Office of the City Attorney

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July 25, 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

Ms. Martin,

We are writing in follow up to our meeting with you and some of your clients on Tuesday, July 11, 2023. At that time, you made it clear to the City of Palm Springs that your clients do not wish to await the results of the City's planned historical research seeking a fuller context of the Section 14 history. Instead, you indicated that your clients are seeking some sort of alternative dispute resolution process, such as mediation or arbitration, in order to attempt to resolve your client's claims against the City. You have indicated that, in the event an alternative dispute resolution process is not agreed to by the City, you would intend to file a lawsuit against the City.

While it is not the City's desire to have you file a lawsuit, at this time, and without a more fully developed factual background and a demand from your client, the City cannot agree to an alternative dispute resolution process. Providing over an outline of a proposed dispute resolution process, as well as a demand from your clients, would help the City assess whether such a dispute resolution process would be fruitful. Without that information, it is hard for the City to agree to such a process.

The City intends to move forward with its historical context research, through the selection of a qualified researcher/research team. As I suggested to you during our phone call on July 12, I have confirmed that the City is agreeable to having your clients, as well as other community members, participate in the selection process of that researcher/research firm.

As you know, as recently as this past April, the Palm Springs City Council has confirmed its intention to pursue a potential reparations program. Indeed, the City finds the programmatic items outlined in your clients' April 14, 2022 "9 Point Proposal" worth exploring, and the City intends to do so. The non-programmatic, direct monetary items (Items #3 and #9) are essentially what your claims against the City comprise. To date, and despite repeated requests both before, during, and after our July 11 meeting, you have not shared with the City the specifics of your clients' direct monetary demand. For example, you have not indicated how many direct survivors of the Section 14 area versus descendants are involved. Nor have you indicated the specific dollar amounts sought by those categories of claimants. As set forth above, without knowing the specifics of such demand, it is impossible for the City to agree to move forward with an alternative dispute resolution process.

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Obviously, the City cannot stop anyone from filing a lawsuit if they are intent on doing so. However, it would indeed be unfortunate if the City is forced to spend tens, if not hundreds, of thousands of dollars on lawyers, when those funds could be put to better use for the benefit of those impacted by the Section 14 history, including those who were intended to benefit from the 9-Point Proposal.

You have indicated that you will be advising your clients to not participate in the City's historical context research. Clearly, outside of a litigation context, the City cannot force your clients to speak. However, the City believes that the Section 14 history would be manifestly enhanced by your clients' participation. As such, your clients, to a large extent, hold within their hands the ability to determine what this historical context study looks like. It is the City's hope that your clients participate.

I understand that your clients are frustrated by the amount of time that the stakeholder-based legislative approach to reparations is taking. I think it is fair to say that the City was hoping that the process would be further along by now than it is. However, as someone who litigates cases, you know as well as I do that the court process is by no means no faster. You must know that the litigation¹ arising out of the 1921 Tulsa Race Massacre took nearly three years to resolve, and that case did not even go to trial. And, as I have mentioned, I believe that your clients would face several obstacles to judicial relief, not the least of which is based on the timelines involved.

As such, I would urge you and your clients to avoid pursuing a judicial process and instead engage the City in the stakeholder-based legislative approach, as other communities throughout the country have been doing quite successfully.

I look forward to hearing from you.

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

¹ *Randle v. City of Tulsa*, Case No. CV-2020-1179.