



City of Palm Springs

Office of the City Attorney

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October 2, 2023

Via Electronic Mail

amartin@martin-martin.com

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 on August 8. At that time, you provided me with a verbal summary of your clients' proposal for resolving your clients' outstanding Section 14 claims. I appreciate you taking the time to provide those details for the City's consideration.

The Palm Springs City Council has considered your clients' proposed terms, including both the monetary proposal and the non-monetary (i.e., "programmatic") aspects that you presented. At this time, the City is unable to accept those terms. However, several of the programmatic terms that you proposed are the type that the City Council has been pursuing, and will continue to pursue.

You have indicated that, absent agreement to your proposed terms or agreement to engage in an alternative dispute mediation process, you intend to advise your clients to move forward with litigation against the City. As I have mentioned to you previously, without a more fully developed factual background, the City cannot agree to an alternative dispute resolution process. However, it bears remembering that the City of Palm Springs and its elected leaders *voluntarily* undertook the effort to apologize for the City's role in the Section 14 history, to remove the Frank Bogert statue from City Hall, and to undertake a re-examination of the role of a reparations program. This was all done before the lawyers got involved.

While attorneys can be very effective in solving problems, since the attorneys have gotten involved, the tone and tenor of the Section 14 discussion has taken a marked turn toward a more adversarial approach. In my opinion, this is unfortunate. Most (if not all) of the successful reparations programs that I learned about at last year's First Repair reparations symposium were stakeholder-based and not the result of litigation. Indeed, the most notable litigation-based reparations proposal recently ended in a judicial determination against the plaintiffs,¹ as did the lawsuit against the City specifically arising from the Section 14 history.²

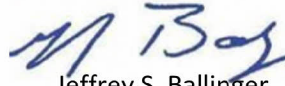
¹ *Randle v. City of Tulsa*, Case No. CV-2020-1179.

² *Joe and Virginia Leonard v. City of Palm Springs*, Riv. County Ct. Case No. Indio 10878 (July 5, 1968).

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Ballinger', is positioned above the typed name.

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