

*Once the Waterfront is Gone, We Can Never Get It Back.*

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## **OAK TO NINTH REFERENDUM COMMITTEE**

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March 7, 2007

Dear EBBC Member:

I am writing to ask for your help and financial support.

As you probably know last July the Oakland City Council gave its final approval to a 64-acre waterfront development with 3,100 residential units to be built on land currently in public ownership along the Estuary from Oak Street to Ninth Avenue. By August 17, 2006 over 25,000 Oakland voters had signed a referendum petition asking that this massive waterfront project with numerous policy and environmental effects be put on the ballot for a vote by the electorate.

As the Registrar of Voters was just starting to validate signatures on referendum petitions (to verify that at least 18,000 are registered Oakland voters), attorneys for the developer challenged the referendum on various technical grounds and the City Attorney, agreeing with their challenge, ordered the City Clerk to stop work. Two weeks later the Oak to Ninth Referendum Committee filed a lawsuit to overturn the City Attorney's ruling and restart the process. Today, more than five months later, the sealed boxes of uncounted petitions are in the custody of the City Clerk awaiting the outcome of that lawsuit.

Since last September the lawyers have been busy filing papers with the court, attending hearings, and taking depositions. The Committee's extremely capable attorney is Stuart Flashman of Oakland, who won the first round in court. The developer's team of attorneys is Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP of Mill Valley plus Bernard, Balgley & Bonaccorsi of Newark. It is very much a David vs. Goliath situation. Every time "Goliath" sends the court a piece of paper, the Committee has to pay our attorney "David" to read it and respond in writing.

Recently "Goliath" subpoenaed most of the Steering Committee members (plus others as well) to its Mill Valley office to be deposed (questioned under oath). For all who were summoned, this meant going to Mill Valley for at least half a day, getting sworn in, and then responding to dozens of questions from their lawyers. Our attorney was present at each deposition, so, as you can imagine, our legal bills have been mounting. **WE REALLY NEED YOUR HELP.**

Please send \$25 or \$2,500—or whatever you can afford—to help "David" defeat "Goliath." This case is about the democratic process—referenda are the citizens' last recourse when their elected representatives won't listen to them. Don't let "Goliath" use legal technicalities and expensive legal tactics to squash our democracy. Please make your check out to "Oak to Ninth Referendum Committee" and mail it to PO Box 20355, Oakland, CA 94620 or go to our website [www.ABetterOakToNinth.org](http://www.ABetterOakToNinth.org) and use our PayPal account. And please be as generous as you can.

Thank You,

Robert Raburn  
Executive Director  
East Bay Bicycle Coalition

### **Steering Committee of the Oak to Ninth Referendum Committee**

Helen Hutchison, *League of Women Voters of Oakland*  
Andy Katz, *Sierra Club*  
Gary Knecht, *Jack London District Association (JLDA)*  
Robert Raburn, *East Bay Bicycle Coalition (EBBC)*  
Joyce Roy, *Sierra Club*

Aki Tanaka, *Treasurer, Oak to Ninth Referendum Committee*  
Kate Tanaka, *The Green Party*  
James Vann, *Coalition of Advocates for Lake Merritt (CALM)*  
Pam Weber, *Fifth Avenue Institute*  
Valerie Winemiller, *Piedmont Avenue Neighborhood*