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ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

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February 2, 2010

HONORABLE CITY COUNCIL
Oakland, California

Subject: **California Foundation for Independent Living Centers, et al.
v. City of Oakland, et al.
United States District Court No. C 07-04608 EDL
Our File No: X03060. This case Involves Alleged Disability
Discrimination (Office of Emergency Services)**

President Brunner and Members of the City Council:

Pursuant to §401 of the Charter, and the action of the Council at its February 2, 2010 closed session, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the total sum of One Hundred Eighty Thousand Dollars (\$ 180,000.00), made payable to the California Foundation of Independent Living Centers, Californians For Disability Rights, Inc., Marian Gray and their attorneys, Disabilities Rights Advocates and adoption of the Mass Care and Functional Needs Annex.

This settlement is recommended as a compromise of this matter and to avoid an adverse court judgment and larger attorney's fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

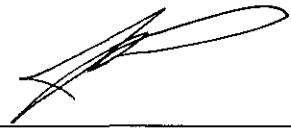
Attorney Assigned:
Stephen Q. Rowell

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RESOLUTION No. _____ C.M.S.



RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF CALIFORNIA FOUNDATION FOR INDEPENDENT LIVING CENTERS, ET AL. V. CITY OF OAKLAND ET AL., U.S. DISTRICT COURT ACTION NO. C 07-04608 EDL OUR FILE NO. X03060, IN THE AMOUNT OF ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000) AND ADOPTION OF A MASS CARE AND SHELTER PLAN FUNCTIONAL NEEDS ANNEX. THIS CASE INVOLVES ALLEGED DISABILITY DISCRIMINATION (OFFICE OF EMERGENCY SERVICES).

WHEREAS: California Foundation For Independent Living Centers, Californians For Disability Rights, Inc. and Marion Gray claim that persons with disabilities are denied access to emergency shelters in the City of Oakland;

WHEREAS: Settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict

RESOLVED: That the City Attorney is authorized and directed to settle the case of California Foundation for Independent Living Centers, et al. v. City of Oakland, et al., United States District Court Action No. C 07-04608 EDL, Our File No. 25935 EDL (Office of Emergency Services payment of \$180,000 to California Foundation for Independent Living Centers; Californians For Disability Rights, Inc., Marian Gray and their attorneys, Disability Rights Advocates. The Office of Emergency Services is directed to adopt a Mass Care and Shelter Plan Functional Needs Annex.

FURTHER RESOLVED: That the City Attorney is authorized and directed to take whatever steps necessary to effect the settlement; and be it

FURTHER RESOLVED: That the Offices of Emergency Services adopt a Mass Care and Shelter Plan Functional Needs Annex and the sum of \$180,000 be paid to California Foundation for Independent Living Centers; Californians For Disability Rights, Inc., Marian Gray and their attorneys, Disability Rights Advocates.

In Council, Oakland, California.

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER,

NOES-
ABSENT-
ABSTENTION-

Attest:

LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL