

13 SEP -5 PM 3:27

CITY OF OAKLAND



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

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

September 17, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Johnny Burks
City Attorney File No. C29646 (Police Department-Search Warrant
Execution)

President Kernighan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Twelve Thousand Dollars and No Cents (\$12,000.00), payable to Johnny Burks.

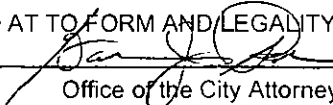
This action arises out of a June 3, 2013 incident for damages to the claimant's rental property located at 2623 79th Ave. #2 allegedly caused during the execution of a search warrant by the Oakland Police Department. Settlement of this matter is recommended to avoid the risk of litigation. This matter was heard in closed session on September 17, 2013.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Barbara J. Parker'.

BARBARA J. PARKER
City Attorney

1211707


Office of the City Attorney

13 SEP -5 PM 3:27

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

BJP

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF JOHNNY BURKS, CITY ATTORNEY'S CLAIM NO. C29646, IN THE AMOUNT OF TWELVE THOUSAND DOLLARS AND NO CENTS (POLICE DEPARTMENT-SEARCH WARRANT EXECUTION)

WHEREAS, on June 3, 2013, Oakland Police conducted a police operation at the claimant's rental property located at 2623 79th Avenue; and

WHEREAS, Johnny Burks filed the above entitled claim seeking payment to recover for property damage allegedly caused during the operation; and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the claim of Johnny Burks, our file C29646, for the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) payable to Johnny Burks, and be it

FURTHER RESOLVED: that the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: that the sum of Twelve Thousand Dollars and No Cents (\$12,000.00), be made payable to Johnny Burks.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, SCHAAF, REID AND
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California