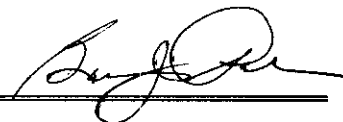


05 JUL 2007 11:07 AM
OAKLAND CITY CLERK

05 JUL -7 PM 4:07

OAKLAND CITY COUNCIL

RESOLUTION No. 79335 C.M.S.



Resolution Authorizing and Directing the City Attorney to Compromise and Settle the Case of International Association of Firefighters, Local 55 v. City of Oakland, et al., Alameda County Superior Court Case No. RG04156075, as follows: (1) City Shall Pay An Amount in the Range of \$120,000.00 to \$200,000.00, to Reimburse Retirees for Health Care Premium Overpayments, Upon Final Calculation of the Actual Amounts Owed, (2) City Shall Pay \$6,000.00 in Attorneys' Fees and (3) City Shall Amend the 1989 Resolution No. 66402 that Authorizes Notification to Public Employees' Retirement System of the Health Care Premium Amounts to be Paid by Local 55 Members and the City to Reflect the Proper Amounts

WHEREAS: Firefighter retirees have been overcharged for their portion of health care premiums, based on information provided to the City; and

WHEREAS: The City has directed the Personnel Department to calculate the appropriate amount to be reimbursed to each retiree; and

WHEREAS: The City has agreed to reimburse the retirees in the amounts calculated by the Personnel Department; and

WHEREAS: The City has agreed to pay \$6,000.00, toward attorney's fees incurred by Local 55 in this matter; and

WHEREAS: The 1989 Resolution Number 66402 must be amended to permit proper notification to PERS and proper calculation of health care premiums by PERS, now therefore be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of International Association of Firefighters, Local 55 v. City of Oakland, et al., Alameda County Superior Court Case No. RG04156075, City Attorney's File No. X02282, for a sum in the range of One Hundred Twenty Thousand Dollars and No Cents (\$120,000.00) to Two Hundred Thousand Dollars and No Cents (\$200,000.00), depending on calculations performed by the Personnel Department; and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to compromise and settle the amount of attorney's fees incurred by Local 55 in this matter, for a sum total of Six Thousand Dollars and No Cents (\$6,000.00); and be it

FURTHER RESOLVED: That the amount of premium reimbursements sums, in the range of \$120,000.00 to \$200,000.00 be paid by the City to the individual retirees in the appropriate amounts; and be it

FURTHER RESOLVED: That the sum of Six Thousand Dollars and No Cents (\$6,000.00) be paid to the law firm of Wylie, McBride, Jesinger, Platten & Renner, attorneys of record for Local 55 in this matter, for attorney's fees incurred by Local 55; and be it

FURTHER RESOLVED: That the City Council's 1989 Resolution 66402 is amended as attached hereto, as part of the compromise and settlement of this matter; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement.

JUL 19 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, REID, QUAN, AND

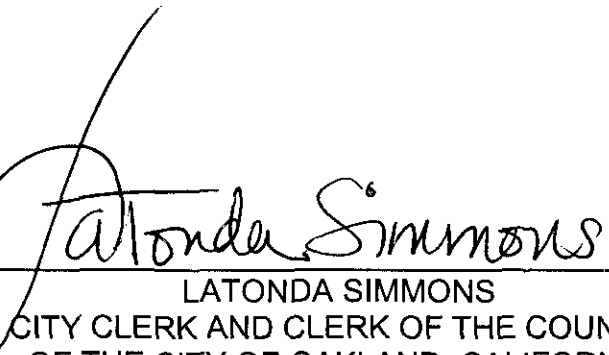
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

Attest:



LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA