

2014 OCT 22 PM 3: 10

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
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November 5, 2014

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Claim of Mary J. Smith (Belfor Property Restoration)  
City Attorney File No. C30095 (Public Works Department-Sewer  
Overflow)**

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 Twenty Five Thousand Nine Hundred Ninety Five Dollars and Sixteen Cents (\$25,995.16), payable to Belfor Property Restoration for the claim of Mary J. Smith.

This action arises out of a December 10, 2012 incident in which the property of Mary J. Smith was flooded by raw effluent from a clogged City sewer main. City staff hired Belfor Property Restoration to clean and restore the claimant's property. Settlement of this matter is recommended to avoid the risk of litigation.

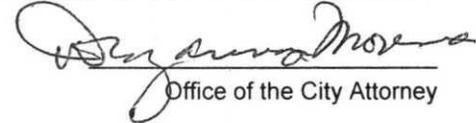
The Council authorized settlement of this case in Closed Session on Tuesday, October 9, 2014 (moved by Councilmember Gallo and seconded by Councilmember Schaaf – 6 Ayes, 2 Absent – Councilmembers Brooks and Gibson McElhaney).

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER  
City Attorney

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Office of the City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE INVOICES PRESENTED BY BELFOR PROPERTY RESTORATION FOR THE CLAIM OF MARY J. SMITH, CITY ATTORNEY'S CLAIM NO. C29408, IN THE AMOUNT OF TWENTY FIVE THOUSAND NINE HUNDRED NINETY FIVE DOLLARS AND SIXTEEN CENTS (\$25,995.16) (PUBLIC WORKS DEPARTMENT-SEWER-OVERFLOW)**

**WHEREAS**, Belfor Property Restoration cleaned and restored Mary Smith's property located at 477 63<sup>rd</sup> Street, after sewage from a City main flooded her property, and

**WHEREAS**, Belfor Property Restoration is seeking payment for said services, 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 honor the invoices presented by Belfor Property Restoration for cleaning and restoring Mary J. Smith's property, our file C29408, for the sum of Twenty Five Thousand Nine Hundred Ninety Five Dollars and Sixteen Cents (\$25,995.16), payable to Belfor Property Restoration for the claim of Mary J. Smith; 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 Twenty Five Thousand Nine Hundred Ninety Five Dollars and Sixteen Cents (\$25,995.16), be made payable to Belfor Property Restoration for the claim of Mary J. Smith.

IN COUNCIL, OAKLAND, CALIFORNIA

**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