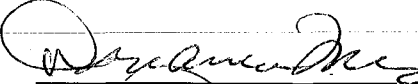


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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 86202 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE ATTORNEYS' FEES AWARD IN THE CASE OF COMMUNITIES FOR A BETTER ENVIRONMENT v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-706245, CALIFORNIA COURT OF APPEAL ACTION NO. A146619, IN THE AMOUNT OF FORTY THOUSAND DOLLARS AND NO CENTS (\$40,000.00) (PLANNING COMMISSION INTERPRETATION OF OAKLAND PLANNING CODE RE CREMATORIA)

WHEREAS, Communities for a Better Environment (CBE) filed suit against the City of Oakland as a result of an interpretation of the Oakland Planning Code concerning the requirements for permits for a proposed crematorium in East Oakland obtained by Stewart Enterprises, Inc.; and

WHEREAS, Alameda County Superior Court Action RG13-706245 resulted in an award of attorneys' fees against the City of Oakland and in favor of CBE in the amount of \$61,875.00; and

WHEREAS, the City appealed the award and that appeal is currently pending in California Court of Appeal Action No. A146619; and

WHEREAS, in order to avoid the risk of an adverse decision by the State Court of Appeal and a further award of attorneys' fees under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Communities for a Better Environment v. City of Oakland, et al., City Attorney's File No. X03842-A, for the sum of Forty Thousand Dollars and No Cents (\$40,000.00); and be it

FURTHER RESOLVED: That the City Attorney is further authorized to dismiss the pending appeal in the California Court of Appeal; 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 Forty Thousand Dollars and No Cents (\$40,000.00) be payable to Plaintiff Communities for a Better Environment.

JUN 07 2016

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

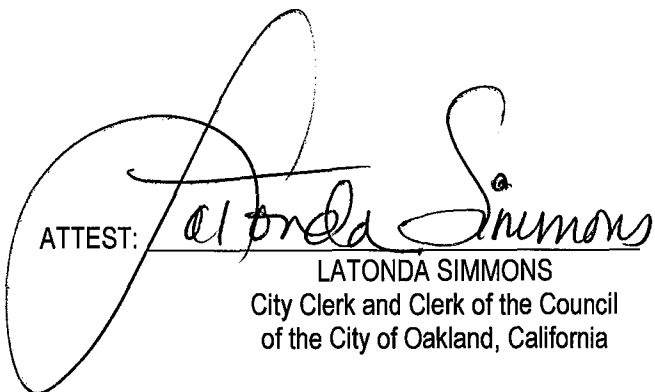
AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES: \emptyset

ABSENT: 1 - REID

ABSTENTION: \emptyset

ATTEST:



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