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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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July 30, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: City of Oakland v. Oakland Unified School District (OUSD)
For Unpaid Wildfire Prevention Assessments

Dear President Kernighan and Members of the City Council:

At closed session on July 16, 2013, the City Council considered a proposed settlement of a claim against the Oakland Unified School District (OUSD) regarding nonpayment of Wildfire Prevention Assessment District assessments.

The City of Oakland has not filed a lawsuit against OUSD, and this settlement precludes the need to do so. The City claimed that OUSD had failed to make payment promptly of Wildfire Prevention Assessment District assessments for eight years.

The settlement proposal was for the City to accept the payment by OUSD of assessments in the amount of \$102,232.64 in exchange for releasing the City's claims.

The City Council accepted the settlement proposal. Accordingly, we have prepared this Resolution authorizing and directing the City Attorney to enter into a settlement agreement consistent with the term of the settlement proposal to resolve the claims, and we request that the City Council adopt the Resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written in a cursive style.

BARBARA J. PARKER
City Attorney

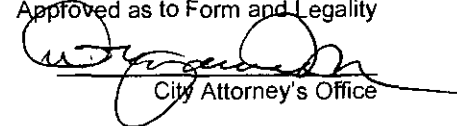
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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Approved as to Form and Legality



City Attorney's Office

RESOLUTION APPROVING SETTLEMENT OF CITY OF OAKLAND v. OAKLAND UNIFIED SCHOOL DISTRICT BY ACCEPTING PAYMENT FROM THE DISTRICT OF \$102,232.64 IN WILDFIRE PREVENTION ASSESSMENT DISTRICT ASSESMENTS IN EXCHANGE FOR WAIVING CITY'S CLAIMS

WHEREAS, the City of Oakland claimed that the Oakland Unified School District (OUSD) had failed to make payment of Wildfire Prevention Assessment District assessments for eight years; and

WHEREAS, on July 16, 2013, the City Council considered a proposed settlement of a claim against the Oakland Unified School District regarding nonpayment of Wildfire Prevention Assessment District assessments; now, therefore, be it

RESOLVED: The City Attorney is authorized and directed to settle the claim of the City of Oakland v. OUSD, to accept payment \$102,232.64 (one hundred and two thousand, two hundred thirty-two dollars and sixty-four cents) in exchange for releasing the City's claims.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -
ABSENT -
ABSTENTION -

ATTEST:

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