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CITY OF OAKLAND



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Office of the City Attorney
Barbara Parker
City Attorney

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May 6, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Elba Sandoval v. City of Oakland
Alameda Superior Court Case No. HG12611690
City Attorney File No. X03775 (PWA – Employment
Discrimination)**

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 Thirty Thousand Dollars and no Cents (\$30,000.00), payable to Elba Sandoval and the Wilkerson Law Office, her attorney; as well as the City's agreement to convert Ms. Sandoval's termination to a resignation pursuant to the settlement.

This action arises out of plaintiff Elba Sandoval's employment in the Public Works Call Center. Ms. Sandoval, who is Mexican-American, alleges that she was discriminated against and harassed by her African-American supervisor. The City terminated Ms. Sandoval's employment in May 2011.

The Council authorized settlement of this case in Closed Session on Tuesday, April 22, 2014, moved by Councilmember Noel Gallo and seconded by Councilmember Rebecca Kaplan- 8 Ayes.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers

1329847

[Signature]
City Attorney's Office

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OAKLAND CITY COUNCIL

14 APR 24 2014 Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SANDOVAL V. CITY OF OAKLAND, ET AL., ALAMEDA SUPERIOR COURT CASE NO. HG12611690, CITY ATTORNEY'S FILE NO. X03775, IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) (PUBLIC WORKS AGENCY – EMPLOYMENT DISCRIMINATION)

WHEREAS, Plaintiff Elba Sandoval alleges that she was discriminated against by her supervisor in the Public Works Call Center on account of her Mexican-American race; and

WHEREAS, Plaintiff Elba Sandoval filed the above referenced action to recover monetary damages for her alleged injuries; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Elba Sandoval's claim against it for the sum of Thirty Thousand Dollars and No Cents (\$30,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Elba Sandoval v. City of Oakland, Alameda Superior Court Case No. HG12611690, City Attorney's File No. X03775, for a sum not to exceed Thirty Thousand Dollars and No Cents (\$30,000.00) payable by the City of Oakland, as well as the City's agreement to convert Ms. Sandoval's termination to a resignation pursuant to the settlement; and be it

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

FURTHER RESOLVED: That the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) be paid to Elba Sandoval and the Wilkerson Law Office, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2014

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