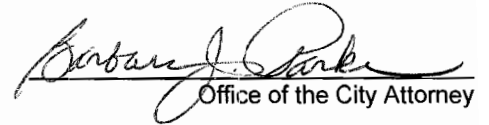


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
Office of the City Attorney

2013 FEB 22 AM 8:43

## OAKLAND CITY COUNCIL

RESOLUTION No. 84224 C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE SINGLE ISSUE RAISED IN THE APPEAL BY THE POLICE AND FIRE RETIREMENT SYSTEM FROM JUDGMENT IN THE CASE OF CITY OF OAKLAND V. OAKLAND POLICE AND FIRE RETIREMENT SYSTEM, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG 11580626, BY ENTERING AN AGREEMENT WHEREBY THE PARTIES AGREE TO PROVIDE 60-DAYS WRITTEN NOTICE PRIOR TO FILING A LAWSUIT**

**WHEREAS**, in June 2011, the City of Oakland filed the case of City Of Oakland v. Oakland Police and Fire Retirement System, et al., Alameda County Superior Court No. RG11580626, against the Oakland Police and Fire Retirement System ("PFRS") and the PFRS Board seeking a writ of mandate that would compel the Board (1) to make future pension payments to PFRS retirees in accordance with the Oakland City Charter and (2) to recover overpayments to PFRS retirees; and

**WHEREAS**, judgment in the case was entered in favor of the City on all issues; and

**WHEREAS**, after entry of judgment, the PFRS Board filed an appeal challenging the portion of the trial court's decision holding that the City is not required to exhaust administrative remedies prior to filing a legal action against the PFRS and the PFRS Board; and

**WHEREAS**, the City has determined to compromise and settle the appeal of PFRS and the PFRS Board by mutual agreement of the parties to each give the other written notice of disputes that could lead to litigation; and now therefore be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of City Of Oakland v. Oakland Police and Fire Retirement System, et al., Alameda County Superior Court No. RG11580626, by entry into a settlement agreement establishing a protocol to remain in effect for a period of five years whereby each party shall give to the other 60-days written notice of a dispute prior to filing a lawsuit except in circumstances requiring immediate court action; and be it

**FURTHER RESOLVED:** That the settlement agreement shall include a clear statement of the type of written notice required and to whom the 60-day written notice shall be sent; 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 this resolution shall take effect immediately upon passage.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 5 2013, 2013

**PASSED BY THE FOLLOWING VOTE:**

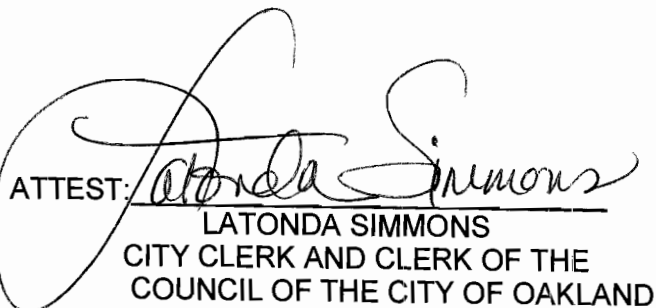
AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ~~REID~~, SCHAAF AND PRESIDENT KERNIGHAN - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Reid - 1

ATTEST:   
LATONDA SIMMONS  
CITY CLERK AND CLERK OF THE  
COUNCIL OF THE CITY OF OAKLAND