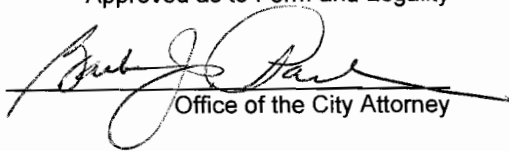


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OFFICE OF THE CITY CLERK  
OAKLAND

  
Office of the City Attorney

2019 FEB 22 AM 8:43

## OAKLAND CITY COUNCIL

Resolution No. 84223 C.M.S.

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RWH: ssl

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE ATTORNEY FEES AND COSTS ARISING OUT OF THE RECEIVERSHIP PROCEEDINGS IN THE CASE OF DELPHINE ALLEN ET AL. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C00-4599-TEH, CITY ATTORNEY'S FILE NO: R20752, IN THE TOTAL AMOUNT OF SIX HUNDRED EIGHTY-ONE THOUSAND SIX HUNDRED TWENTY-EIGHT DOLLARS AND FORTY CENTS (\$681,628.40) MADE PAYABLE, IN SEPARATE DRAFTS, TO PLAINTIFFS' COUNSEL AS FOLLOWS: JAMES B. CHANIN, IN THE AMOUNT OF TWO HUNDRED EIGHTY-FIVE THOUSAND ONE HUNDRED FORTY DOLLARS AND TWENTY CENTS (\$285,140.20); JULIE M. HOUK, IN THE AMOUNT OF TWO HUNDRED FIFTY-TWO THOUSAND SIX HUNDRED THREE DOLLARS AND NO CENTS (\$252,603.00); AND JOHN L. BURRIS, IN THE AMOUNT OF ONE HUNDRED FORTY-THREE THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS AND TWENTY CENTS (\$143,885.20) (POLICE SERVICES AGENCY)**

**WHEREAS**, federal law entitles the prevailing parties in litigation pursuant to 42 United States Code section 1983, to a reasonable award of attorney fees and costs, and

**WHEREAS**, the above captioned action, Delphine Allen, et al. v. City of Oakland, et al., United States District Court Case No. C00-4599-TEH, City Attorney's File No: R20752, is an action brought pursuant to 42 U.S.C. section 1983 ("Allen, et al. v. City of Oakland, et al."), and

**WHEREAS**, during the Spring, Summer and Fall of 2012, John L. Burris, James B. Chanin and Julie M. Houk incurred attorney fees and expenses incident to preparing for the court ordered December 13, 2012 hearing in Allen, et al. v. City of Oakland, et al., to determine if the court should impose a receivership or some other form of court oversight over the City of Oakland in order to ensure full compliance with the Negotiated Settlement Agreement ("NSA") in this captioned action, and

**WHEREAS**, as a result of joint effort by City of Oakland and by John L. Burris, James B. Chanin and Julie M. Houk, agreement was reached that court oversight to achieve NSA compliance should be in the form of a Compliance Director, and

**WHEREAS**, the court agreed with the parties' recommendation that a Compliance Director should be selected and appointed to direct compliance with NSA compliance, and

**WHEREAS**, the agreement that a Compliance Director should be appointed to oversee NSA compliance meant that John L. Burris, James B. Chanin and Julie M. Houk were prevailing parties statutorily entitled to an award of reasonable attorney fees and costs, and

**WHEREAS**, on or about January 8, 2013, John L. Burris, James B. Chanin and Julie M. Houk presented a demand for attorney fees and costs they incurred during preparation for the above referred to December 13, 2012 hearing, and

**WHEREAS**, City Attorney negotiations with John L. Burris, James B. Chanin and Julie M. Houk reduced the fees and costs demand to Six Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars and Forty Cents (\$681,628.40), and

**WHEREAS**, on February 5, 2013, the City Council approved, in closed session, settlement of the attorney fees and costs demands of John L. Burris, James B. Chanin and Julie M. Houk for the total amount of Six Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars and Forty Cents (\$681,628.40) and now, therefore, be it

**RESOLVED**, that the City Attorney is authorized and directed to settle attorney fees and costs arising out of the receivership proceedings in the case of Delphine Allen et al. v. City of Oakland, et al., United States District Court Case No. C00-4599-TEH, City Attorney's File No. R20752, in the total amount of Six Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars and Forty Cents (\$681,628.40) made payable, in separate drafts, to Plaintiffs' counsel as follows:

James B. Chanin, in the amount of Two Hundred Eighty-Five Thousand One Hundred Forty Dollars and Twenty Cents (\$285,140.20); Julie M. Houk, in the amount of Two Hundred Fifty-Two Thousand Six Hundred Three Dollars and No Cents (\$252,603.00); and John L. Burris, in the amount of One hundred Forty-Three Thousand Eight Hundred Eighty-Five Dollars and Twenty Cents (\$143,885.20); and be it

**FURTHER RESOLVED**, that the City Attorney is authorized and directed to settle attorney fees and costs arising out of the receivership proceedings in the case of Delphine Allen et al. v. City of Oakland, et al., United States District Court Case No. C00-4599-TEH, City Attorney's File No. R20752, in the total amount of Six Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars and Forty Cents (\$681,628.40) made payable, in separate drafts, to Plaintiffs' counsel as follows:

James B. Chanin, in the amount of Two Hundred Eighty-Five Thousand One Hundred Forty Dollars and Twenty Cents (\$285,140.20); Julie M. Houk, in the amount of Two Hundred Fifty-Two Thousand Six Hundred Three Dollars and No Cents (\$252,603.00); and John L. Burris, in the amount of One hundred Forty-Three Thousand Eight Hundred Eighty-Five Dollars and Twenty Cents (\$143,885.20); and be it

**FURTHER RESOLVED**, that the City Attorney is further authorized and directed to take whatever steps as may be necessary to implement this settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 5 2013

**PASSED BY THE FOLLOWING VOTE:**

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

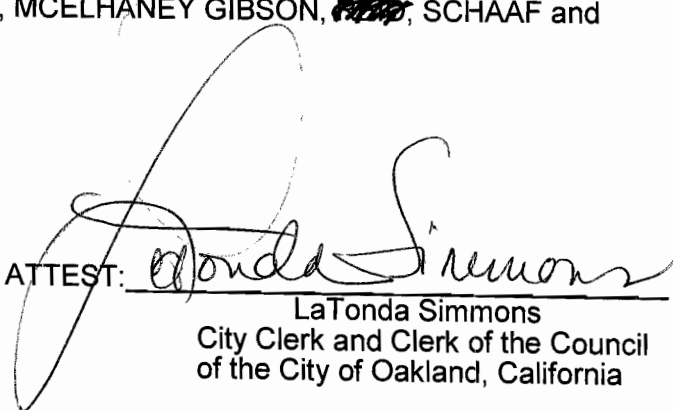
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST:



LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California