

CITY OF OAKLAND



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Office of the City Attorney
John A. Russo
City Attorney

June 20, 2006

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HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

**Subject: Judge Gail Bereola Claim
City Attorney File No. CAO-050045 (City Administrator's Office)**

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommending settlement of the above-captioned matter for the sum of Four Thousand Nine Hundred Fifty Dollars and No Cents (\$4,950.00), payable to Paul L. Rein, attorney for clamant Gail Bereola, and the construction of a permanent disability access ramp at the Oakland Museum Restaurant Terrace by September 30, 2006, barring unforeseen difficulties, at a cost not to exceed Three Hundred Seventeen Thousand One Hundred Ninety-Nine Dollars and No Cents (\$317,199.00).

This action arises from a tort claim filed on March 22, 2006 alleging that claimant was denied full access to an event on September 23, 2005 that was held at the Museum Restaurant Terrace. The settlement was approved by the City Council at closed session on May 30, 2006.


Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written over a white background.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Vicki Laden

2006 JUN -8 PM 5:00



Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF JUDGE GAIL BEREOLA ALLEGING THAT THE CITY VIOLATED THE AMERICANS WITH DISABILITIES ACT BY FAILING TO PROVIDE WHEELCHAIR ACCESSIBILITY TO AN EVENT AT THE OAKLAND MUSEUM FOR THE CITY'S PAYMENT OF \$4,950 IN ATTORNEY'S FEES AND CONSTRUCTION OF A PERMANENT DISABILITY ACCESS RAMP AT THE MUSEUM (OAKLAND MUSEUM)

WHEREAS, on March 22, 2006 Judge Gail Bereola ("Claimant") filed a claim alleging that the City violated Title II of the Americans with Disabilities Act by failing to provide wheelchair accessibility to an Oakland Museum event; and

WHEREAS, Claimant has agreed to dismiss her claims in exchange for the City's payment of \$4,950 in attorney's fees and construction of a permanent disability access ramp at the Oakland Museum; and

WHEREAS, at its May 30, 2006 meeting, the City Council authorized the City Administrator to execute a construction contract with McGuire and Hester Construction Company for a permanent disability access ramp at the Oakland Museum in an amount not to exceed Three Hundred Seventeen Thousand One Hundred and Ninety-Nine Dollars (\$317,199) through utilization of an informal competitive bidding process; now therefore be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claim of Judge Gail Bereola by constructing a disability access ramp at the Oakland Museum of California by September 30, 2006 barring any unforeseen difficulties; and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to extend until November 30, 2006 Judge Bereola's statute of limitations to initiate a lawsuit if necessary to permit completion of the ramp prior to a waiver of claims becoming effective; and be it

FURTHER RESOLVED: That the sum of Four Thousand Nine Hundred Fifty Dollars and No Cents (\$4,950) be paid to Judge Bereola's attorney, Paul Rein.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, and
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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