

2013 DEC 30 PM 2:25

D. Williams
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 84815 CMS

RESOLUTION AUTHORIZING ACCEPTANCE OF PAYMENT FROM OAKLAND MARITIME SUPPORT SERVICES (OMSS) IN THE AMOUNT OF \$50,000 TOWARD THE SETTLEMENT OF NORTHERN CALIFORNIA RIVER WATCH, TEAMSTERS LOCAL 70, V. OAKLAND MARITIME SUPPORT SERVICES, OAKLAND REDEVELOPMENT AGENCY, ET AL. (U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CASE NO. 4:40-CV-3912 CW) (OFFICE OF THE CITY ADMINISTRATOR)

WHEREAS, in 2010, Northern California River Watch, Teamsters Local 70 and East Bay Alliance for a Sustainable Economy (collectively, "Plaintiffs") filed a lawsuit entitled Northern California River Watch v Oakland Maritime Support Services, Oakland Redevelopment Agency and other defendants (Case No 4 10-cv-3912 CW-JSC) (the "River Watch Litigation, and

WHEREAS, the Redevelopment Agency of the City of Oakland (the "Redevelopment Agency") was a public body, created pursuant to the California Community Redevelopment law and the owner the real property on which the Facility was located at the time the alleged violations that are the subject of Plaintiffs' complaint allegedly occurred, and

WHEREAS, the City of Oakland (the "City") originally was named as a defendant in this action and is now the owner of the real property on which the Facility was located, and

WHEREAS, on November 19, 2013, the City Council considered and authorized a settlement of the River Watch Litigation where by the City would pay a total of \$300,000 to resolve all Plaintiffs' claims, with \$200,000 of that sum to be allocated to fund the West Oakland Job Resources Center and \$100,000 of that sum to be allocated to resolve Plaintiffs' statutory claim for attorneys' fees in exchange for Plaintiffs' dismissal of the River Watch Litigation and agreement not to challenge certain future actions related to relocation of the OMSS facility to a site proximate to the Oakland Army Base and/or the Port of Oakland, and

WHEREAS, OMSS and Oakland have negotiated for OMSS' payment of \$50,000 toward the settlement agreement in light of the attorneys' fees Oakland has incurred to date in the River Watch Litigation and in light of the payments City will pay pursuant to the River Watch Litigation settlement agreement, now therefore be it

RESOLVED The City Administrator is authorized and directed to accept payment of \$50,000 from OMSS in consideration of Oakland's attorneys' fees in the River Watch Litigation and the settlement of the River Watch Litigation for deposit into OBRA Leasing & Utility Fund (5671) Oakland Army Base Organization (02444) OBRA Leasing & Utility Project (P294110), and be it

FURTHER RESOLVED: The City Attorney and the City Administrator are authorized and directed to negotiate and execute an agreement and/or take any other such steps as may be necessary to implement this resolution

IN COUNCIL, OAKLAND, CALIFORNIA,

FEB - 4 2014

PASSED BY THE FOLLOWING VOTE

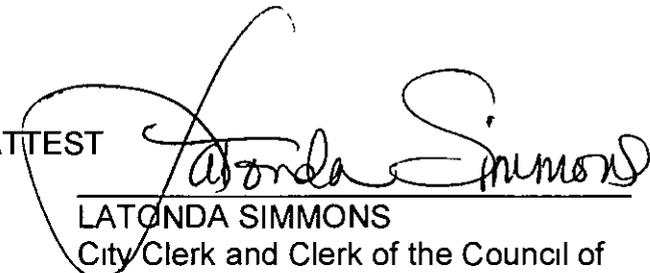
AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST


LATONDA SIMMONS

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