

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SAMUEL MELTON V. CITY OF OAKLAND, KALEO ALBINO, DARREN ALLISON, AND DOES 1-5, U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA CASE NO. 3:24-CV-07783-JCS, CITY ATTORNEY FILE NO. 37117, IN THE AMOUNT OF EIGHTY THOUSAND DOLLARS AND ZERO CENTS (\$80,000.00) (OAKLAND POLICE DEPARTMENT – PROPERTY CONFISCATION)

WHEREAS, Plaintiff Samuel R. Melton (“Melton”) alleges that on January 3, 2024, the Oakland Police Department (“OPD”) hauled and disposed of Melton’s boat without notice and due process; and

WHEREAS, Melton’s boat was anchored in the Oakland Estuary for a lengthy period of time, and appeared to be inoperable and/or abandoned. OPD provided a notice for abatement and subsequently hauled and destroyed the boat; and

WHEREAS, Melton claims the boat was operable and not abandoned, and that the notice to abate that OPD provided was confusing and not compliant with governing law; and

WHEREAS, Melton claims as damages the value of the boat, personal effects, emotional distress, and attorneys’ fees and costs; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in the case and determined to pay \$80,000.00 to settle Melton’s claims, without admitting any wrongdoing or liability; now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle *Samuel Melton v. City of Oakland, et al.*, U.S. District Court for the Northern District of California Case No. 3:24-CV-07783-JCS, City Attorney File No. 37117, for the sum of \$80,000.00; and be it

FURTHER RESOLVED: that the City Attorney is authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California