

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

December 3, 2024

HONORABLE CITY COUNCIL
Oakland, California

Subject: Robert Zolly, Ray McFadden, and Stephen Clayton v. City of Oakland
Case No. 16821376
City Attorney File No. X04283
(Department of Public Works – Declaratory Relief)

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Seven Hundred Twenty Thousand Dollars and Zero Cents (\$720,000.00), payable to Zacks and Freedman, PC.

This action arises out of disputes between the City of Oakland and Plaintiffs Robert Zolly, Ray McFadden, and Stephen Clayton, regarding the franchise fees in the 2015 Mixed Materials & Organics Collections Services Contract and the 2015 Residential Recycling Collection Service Contract.

The City Attorney's Office has determined it is in the best interest of the City to settle the case by agreeing to the following:

- The City will establish an advisory committee that will advise with respect to the City's waste and recycling collection franchise agreements and services. The committee will be maintained for seven years or one year after the conclusion of the next request for proposal or renewal process for the contracts.
- The City will recommend to the Council for its consideration a report and proposal to amend Chapter 8.22 of the Oakland Municipal Code, to add a provision to allow landlords to petition for rent increases based on increased costs of waste services rates. The report and proposal will be presented at a public meeting of the Council.

HONORABLE CITY COUNCIL

December 3, 2024

Subject: Robert Zolly, Ray McFadden, and Stephen Clayton v. City of Oakland

Page 2

- The City will pay Plaintiffs the total amount of \$720,000, to be split as follows: \$200,000 to Plaintiffs and \$520,000 for Plaintiff's reasonable attorneys' fees.

The City Council authorized settlement of this case in Closed Session on Thursday, November 21, 2024 (moved by Councilmember Rebecca Kaplan and seconded by Councilmember Carroll Fife - 6 Ayes, 2 Absent – Councilmembers Janani Ramachandran and Treva Reid).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorney:

Christina Lum, Senior Deputy City Attorney

Maria Bee, Chief Assistant City Attorney

3387534v2