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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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April 25, 2019

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Anthony Finnell v. City of Oakland
Before The Oakland Civil Service Board**

President Kaplan 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 the settlement of this lawsuit for Forty Thousand Five Hundred and Ninety Two Dollars And No Cents (\$40,592).

On November 8, 2018, pursuant to Oakland City Charter section 604(e)(6), the Oakland Police Commission voted to dismiss Mr. Finnell. On November 28, 2018, Mr. Finnell filed a Civil Service hearing request form with the Oakland Civil Service Board's Personnel Director, wherein Mr. Finnell sought an appeal of the Police Commission's decision. The City denies that Mr. Finnell's is entitled to an appeal before the Civil Service Board or to any severance payment. The City has determined that settlement in this amount and without any admission of liability or wrongdoing is in the best interest of the City.

The City Council authorized settlement of this case in Closed Session on Tuesday, April 16, 2019 (moved by Vice Mayor Larry Reid and seconded by President Pro Tem Kalb – 7 Ayes, and 1 Absent – Gibson McElhaney).

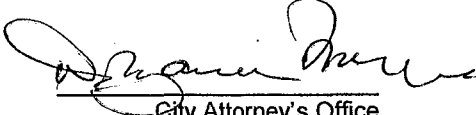
Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Barbara J. Parker, for'. The signature is written in black ink and is positioned above the printed name.

BARBARA J. PARKER
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

19 APR 25 PM 1:58


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 ANTHONY FINNELL V. CITY OF OAKLAND, BEFORE THE OAKLAND CIVIL SERVICE BOARD, IN THE AMOUNT OF FORTY THOUSAND FIVE HUNDRED AND NINETY TWO DOLLARS AND NO CENTS (\$40,592) (ALLEGED WRONGFUL TERMINATION)

WHEREAS, on November 8, 2018, pursuant to Oakland City Charter section 604(e)(6), the Oakland Police Commission voted to dismiss Mr. Finnell; and

WHEREAS, on November 28, 2018, Mr. Finnell filed a Civil Service hearing request form with the Oakland Civil Service Board's Personnel Director, wherein Mr. Finnell sought an appeal of the Police Commission's decision; and

WHEREAS, the City denies that Mr. Finnell's is entitled to an appeal before the Civil Service Board or to any severance payment; and

WHEREAS, the City has determined that settlement in this amount and without any admission of liability or wrongdoing is in the best interest of the City; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to settle the above-listed appeal for a total of Forty Thousand Five Hundred and Ninety Two Dollars And No Cents (\$40,592); and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Forty Thousand Five Hundred and Ninety Two Dollars and No Cents (\$40,592) be made payable to Anthony Finnell.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, KALB, GIBSON MCELHANEY, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California