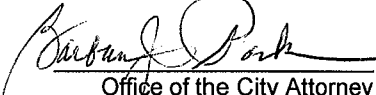


FILED
OFFICE OF THE CITY CLERK
OAKLAND

16 NOV -2 PM 4:30

Approved as to Form and Legality


Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 86476 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE CLAIMS AND LITIGATION FOR TWENTY FIVE THOUSAND DOLLARS (\$25,000) OR LESS

WHEREAS, City Charter section 401(1) provides for the election of the Oakland City Attorney for a four year term; and

WHEREAS, City Charter section 401(6), entitled "Powers of the City Attorney" provides that the City Attorney shall serve as counsel to the Mayor, City Council, and each and every department of the City, except departments specifically enumerated by this Charter as an independent department of the City, in their official capacities pursuant to state law and the Charter, and as counsel, shall assert and maintain the attorney-client privilege pursuant to state law . . . and as counsel, shall assert and maintain the attorney-client privilege pursuant to state law; and

WHEREAS, section 401(6) further provides that the City Attorney "shall act as Counsel in behalf of the City or any of its officers, boards, commissions, or other agencies in litigation involving any of them in their official capacity: and "shall not settle or dismiss any litigation brought for the City nor settle any litigation brought against the City which may be under his control unless upon his written recommendation he or she is authorized to do so by the Council;" and

WHEREAS, the City Attorney has independent authority under certain laws to bring and to settle certain types of litigation, (e.g., the Red Light Abatement Law (Penal Code section 11225-11235), specified public nuisances such as illegal weapons and drugs (Civil Code section 3485, 3486), Immigration Fraud (Business & Professions Code section 22445), and the Bane Act (Civil Rights) (Civil Code section 52); and

WHEREAS, the City Council previously authorized the City Attorney to settle claims and litigation for amounts not to exceed five thousand dollars (\$5,000); and

WHEREAS, the City Council wishes to increase the City Attorney's authority to settle claims and litigation to twenty-five thousand dollars (\$25,000) to expedite and provide for more efficient resolution of such claims and litigation; and

WHEREAS, notwithstanding the twenty-five thousand dollar settlement authority, City Attorney nevertheless shall have the option of presenting high profile or controversial settlements to the City Council prior to approving the same; now, therefore, be it

RESOLVED: That pursuant to City Charter section 401(6), the City Council hereby authorizes the City Attorney to settle claims and litigation for an amount of twenty five thousand dollars (\$25,000) or less.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

NOV 29 2016

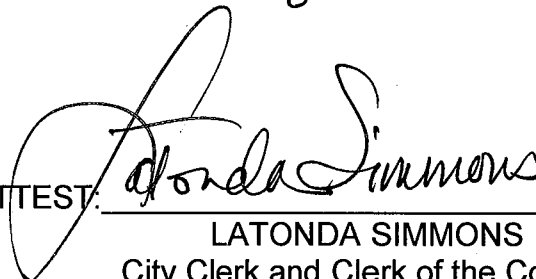
AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN,
REID AND PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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