

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 MAY 20 PM 4:00

Approved as to Form and Legality



Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 82039 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF VICTOR MARTINEZ V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG08407717, IN THE AMOUNT OF NINETY EIGHT THOUSAND DOLLARS AND NO CENTS (\$98,000.00) (CITY ADMINISTRATOR)

WHEREAS: Victor Martinez claims that he experienced national origin based discrimination and retaliation when he was not selected for the position of Equal Opportunity Manager by the City.

WHEREAS: Settlement is recommended as a compromise of this matter in order to avoid the risks associated with proceeding to trial, and Mr. Martinez has agreed to accept the amount of Ninety-Eight Thousand Dollars (\$98,000.00) in payment from the City, subject to approval of the Oakland City Council, as full settlement of his claims against the City; it is hereby

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Victor Martinez v. City of Oakland, et al., Alameda County Superior Court Case No. RG08-407717, City Attorney's File No. X03218, for a sum not to exceed a total amount of Ninety Eight Thousand Dollars and No Cents (98,000.00), payable by the City of Oakland.

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

FURTHER RESOLVED: That the sum of Ninety Eight Thousand Dollars and No Cents (\$98,000.00), be paid to Victor Martinez and Michael S. Sorgen, his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 2 2009

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~ and PRESIDENT BRUNNER - 6

NOES- Brooks - 1

ABSENT- Reid - 1

ABSTENTION- 0

Attest:



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

Date of Attestation:

6/4/09