

2005 DEC 09 AM 11:15
OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Resolution Amending Resolution 79497 Authorizing and Directing the City Attorney to Compromise and Settle the Case of Steve Splendorio and Bruce Nielsen, and other employees similarly situated (Plaintiffs) v. City of Oakland, et al. (Defendants), United States District Court, Northern District of California, Case No. C044349-CW, as Follows: (1) City Shall Pay a Total Amount ranging between \$916,506 and \$1,300,000 as Compensation to Qualifying Members of Local 55 for Incorrect FLSA Overtime Calculations.

WHEREAS: The City has incorrectly calculated FLSA overtime for members of Local 55; and

WHEREAS: The City has updated its payroll system to correctly calculate FLSA overtime; and

WHEREAS: The City has already paid to members of Local 55 the amount of \$418,506.19, contained in Resolution No. 79497, passed on October 4, 2005; and,

WHEREAS: There are still sums owed to the members of Local 55; now therefore be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Steve Splendorio and Bruce Nielsen, and other employees similarly situated v. City of Oakland, et al., United States District Court, Northern District of California, Case No. C044349-CW, City Attorney's File No. X02454, for a sum ranging between \$916,506 and \$1,300,000 to be paid to qualifying Local 55 members; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, REID, QUAN, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

Attest: _____

LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA

12/14

2005 DEC 28 PM 2:45

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Resolution Amending Resolution 79497 Authorizing and Directing the City Attorney to Compromise and Settle the Case of Steve Splendorio and Bruce Nielsen, and other employees similarly situated (Plaintiffs) v. City of Oakland, et al. (Defendants), United States District Court, Northern District of California, Case No. C044349-CW, as Follows: (1) City Shall Pay a Total Amount of \$418,506.19, ranging between \$916,506 and \$1,300,000 as Compensation to Qualifying Members of Local 55 for Incorrect FLSA Overtime Calculations.

WHEREAS: The City has incorrectly calculated FLSA overtime for members of Local 55; and

WHEREAS: The City has updated its payroll system to correctly calculate FLSA overtime; and

WHEREAS: The City has already ~~paid~~ paid to members of Local 55 the amount of \$418,506.19, contained in Resolution No. 79497, passed on October 4, 2005; and, ~~all but \$150,932.42 of compensation owed to qualifying Local 55 members;~~ and

WHEREAS: ~~The City has agreed to pay the additional \$150,932.42 to qualifying Local 55 members;~~ and

WHEREAS: ~~There are still sums owed to the members of Local 55; now therefore be it The City has agreed to pay \$8,000.00, to the law firm of Wylie, McBride Jesinger, Platten and Renner, toward attorney's fees incurred by Local 55 in this matter; now therefore be it~~

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Steve Splendorio and Bruce Nielsen, and other employees similarly situated v. City of Oakland, et al., United States District Court, Northern District of California, Case No. C044349-CW, City Attorney's File No. X02454, for a sum ranging between \$916,506 and \$1,300,000 of \$418,506.19, with only \$150,932.19 remaining to be paid to qualifying Local 55 members; and be it

~~**FURTHER RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the amount of attorney's fees incurred by Local 55 in this matter, for a sum total of Eight Thousand Dollars and No Cents (\$8,000.00); and be it~~

~~**FURTHER RESOLVED:** That the remaining amount of One Hundred Fifty Thousand Nine Hundred Thirty Two Dollars and Nineteen Cents (\$150,932.19) be paid by the City to the qualifying members of Local 55; and be it~~

~~**FURTHER RESOLVED:** That the sum of Eight Thousand Dollars and No Cents (\$8,000.00) be paid to the law firm of Wylie, McBride, Jesinger, Platten & Renner, attorneys of record for Local 55 in this matter, for attorney's fees incurred by Local 55; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, REID, QUAN, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

Attest: _____
LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA