

OCTOBER 7, 2021

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, October 7, 2021*

Affirmative Litigation

NAME OF ACTION:

City of Oakland, a California municipal corporation v. East Bay Municipal Utility District and DOES 1 through 10, inclusive

Alameda County Superior Court Case No. RG19043863

This matter is listed as **Item No. 1(b)** on the Closed Session Agenda:

The council authorized the City Attorney to accept a settlement from defendant East Bay Municipal Utility District in the amount of \$185,000.00

This case arose out of incidents occurring on or about June 20, 2011

FACTS/ISSUES:

This action arises out of damage to a City of Oakland storm water culvert and roadway surface adjacent to 3021 Richmond Boulevard. The damage occurred on or about June 20, 2011 when East Bay Municipal Utility District employees dug into the street in the course of repairing a water main. East Bay Municipal Utility District refused to repair the damage or pay to repair the damage. The cost to repair the damage is estimated at approximately \$200,000.00, and the settlement proceeds will be used towards paying to repair the damage. Until the damage is repaired, the City will place its trench plates in the location and will assume responsibility for any liabilities that may occur in this location.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Kaplan**

AYES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas= 8

NOES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=

ABSENT: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=

ABSTENTIONS: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=