

Kevin Siegel  
Approved as to Form and Legality

OFFICE OF THE CITY CLERK

# Oakland City Council

2008 FEB -7 PM 5:30

**RESOLUTION No. 81072 C.M.S.**

**RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO FILE AN AMICUS (FRIEND OF THE COURT) BRIEF ON BEHALF OF THE LEAGUE OF CALIFORNIA CITIES REGARDING IMPORTANCE OF LAWS PROHIBITING CLASS ACTIONS TO SEEK REFUNDS OF CERTAIN TAXES AND FEES**

**WHEREAS**, California statutes provide specific procedures which permit residents to seek refunds of certain taxes or fees which they claim a public agency has mis-charged, but which prohibit the filing of class actions; and

**WHEREAS**, many municipalities, including the City of Oakland, have adopted ordinances that permit a resident who claims he or she is due a refund of certain taxes and fees to present a claim to the city under Government Code section 910 et seq., but specifically prohibit the filing of a class action; and

**WHEREAS**, these statutes and ordinances fairly provide a mechanism by which anyone who claims they were illegally charged a fee or tax may seek a refund on behalf of himself or herself; and

**WHEREAS**, two plaintiffs in a lawsuit against the City of Rohnert Park are requesting the First District of the California Court of Appeal to reject the applicable prohibition against class actions in a case challenging a sewer fee imposed by Rohnert Park (*Stutrud v. City of Rohnert Park*, First District Court of Appeal, A118408); and

**WHEREAS**, the League of California Cities has asked the Oakland City Attorney's Office to submit an amicus brief (i.e., a friend of the court brief) which will address the importance of adhering to the law which permits one to seek refunds of his or her own payment of certain taxes or fees but which prohibits class actions; now therefore be it

**RESOLVED:** that the City Council authorizes the City Attorney to submit an amicus brief on behalf of the League of California Cities in support of the City of Rohnert Park in *Stutrud v. City of Rohnert Park*, First District Court of Appeal, A118408 .

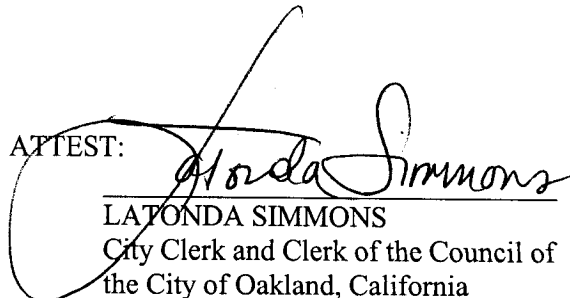
IN COUNCIL, OAKLAND, CALIFORNIA, **FEB 19 2008**

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID,  
CHANG, AND PRESIDENT DE LA FUENTE - 8

NOES - 0  
ABSENT - 0  
ABSTENTION - 0

ATTEST:

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