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CITY OF OAKLAND



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July 21, 2015

HONORABLE CITY COUNCIL
Oakland, California

Subject: James Williams v. City of Oakland
Case No. RG14734547
City Attorney File No. X04044
**(Oakland Fire Department/City Administrator Office –
Leave/Benefits)**


President Gibson McElhaney and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Thirty-Two Thousand, Four Hundred and Twenty-Five Dollars and Ninety-Six Cents Dollars (\$32,425.96), payable to James Williams.

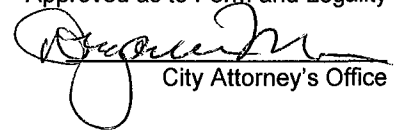
This action arises out of a dispute between James Williams, a former Deputy Fire Chief, and the City of Oakland after he voluntarily resigned from employment in March 2013. Mr. Williams sought to cash-out his accrued sick leave hours. It was unclear whether Mr. Williams was entitled to cash-out his accrued sick leave at the time of his departure because he was an unrepresented employee but had received benefits similar to both Local 21 (allowing a cash-out) and Local 55 (disallowing a cash-out) while working as a Deputy Fire Chief.

The Council authorized settlement of this case in Closed Session on Tuesday, [date] (moved by Councilmember Rebecca Kaplan and seconded by Councilmember Noel Gallo – 7 Ayes, 1 Absent – Councilmember Larry Reid).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Assigned Attorney:
Jamilah A. Jefferson


City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JAMES WILLIAMS V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14734547, CITY ATTORNEY'S FILE NO. X04044, IN THE AMOUNT OF THIRTY-TWO THOUSAND, FOUR HUNDRED AND TWENTY-FIVE DOLLARS AND NINETY-SIX CENTS (\$32,425.96) (OAKLAND FIRE DEPARTMENT/CITY ADMINISTRATOR'S OFFICE-LEAVE/BENEFITS)

WHEREAS, Petitioner James Williams voluntarily resigned from the City in 2013 and sought to cash-out his remaining accrued sick leave but was denied; and

WHEREAS, On July 25, 2014, Petitioner James Williams filed a petition for writ of mandate and complaint for damages seeking the monetary value of one-third of his accrued sick leave hours; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Petitioner James Williams' claim against it for the sum of Thirty-Two Thousand, Four Hundred and Twenty-Five Dollars and Ninety-Six Cents Dollars (\$32,425.96); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of James Williams v. City of Oakland, Alameda County Superior Court Case No. RG14734547, City Attorney's File No. X04044, for a sum not to exceed Thirty-Two Thousand, Four Hundred and Twenty-Five Dollars and Ninety-Six Cents Dollars (\$32,425.96) payable by the City of Oakland; and be it

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

FURTHER RESOLVED: That the sum of Thirty-Two Thousand, Four Hundred and Twenty-Five Dollars and Ninety-Six Cents Dollars (\$32,425.96) be made payable to James Williams.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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