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CITY OF OAKLAND



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June 4, 2019

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Claim of Tien-Yu Mao
City Attorney File # C33222
(Public Works – Failed Sewer Main)**

President Kaplan 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 Three Hundred Ten Thousand Dollars and No Cents (\$310,000.00), made payable to Tien-Yu Mao.

This action arises out of a November 11, 2018 incident in which Mr. Mao claims that a blockage in the City's sewer caused substantial property damage to Mr. Mao's home.

The Council authorized settlement of this case in Closed Session on Tuesday, May 21, 2019 (moved by Vice Mayor Larry Reid and seconded by President Rebecca Kaplan - 8 Ayes, 0 Noes).

Respectfully submitted,

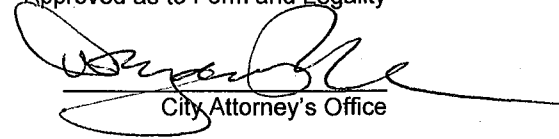
A handwritten signature in black ink that reads "Barbara J. Parker". The signature is written in a cursive, flowing style.

BARBARA J. PARKER
City Attorney

Assigned Attorney:
David A. Pereda
Jerry Ho – Claims Supervisor

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City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF TIEN-YU MAO IN THE AMOUNT OF THREE HUNDRED TEN THOUSAND DOLLARS AND NO CENTS (\$310,000.00) (PUBLIC WORKS – FAILED SEWER MAIN)

WHEREAS, Tien-Yu Mao alleges that on November 11, 2018, the City's sewer main caused property damage at the claimant's home; and

WHEREAS, Mr. Mao filed the above entitled claim seeking payment for said damages; and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Tien-Yu Mao, City Attorney's file No. C33222, for the sum of Three Hundred Ten Thousand Dollars and No Cents (\$310,000.00); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Tien-Yu Mao ; 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; and be it

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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