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CITY OF OAKLAND



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April 21, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Claim of Ellen Reier
City Attorney C30485
(Oakland Public Works Agency – Sewer Flood Loss)**

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 partial compromise and settlement of the above-entitled claim for the sum of Thirty Thousand Five Hundred Seventy-Nine Dollars and one cent Dollars and One Cent (\$30,579.01), made payable to Ellen Reier, and authorization for the expenditure of up to \$28,800 for rental housing for Ellen Reier for up to one year or the sale of her home, whichever occurs first, paid on a monthly basis at the rate of \$2,400.00 per month. Additionally, the City Administrator has expended \$13,200.00 in temporary housing costs to date which will be reimbursed.

This action arises out of a sewer flood damage incident on February 18, 2015 which caused damage to claimant's property at 1200 Westview Drive. The flooding was caused by a failed City sewer main. Partial settlement of this matter is recommended to avoid the risk of litigation.

The Council authorized settlement of this case in Closed Session on Tuesday, March 31, 2015 (moved by Councilmember Kaplan and seconded by Councilmember Gallo – 5 Ayes, 2 Absent – Councilmembers Kalb and Reid, 1 Abstention – Councilmember Guillen).

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:
James F. Hodgkins
1608751


Oakland City Attorney's Office

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO PARTIALLY COMPROMISE AND SETTLE THE CLAIM OF ELLEN REIER (CLAIM NO. C30485) IN AN AMOUNT NOT TO EXCEED FIFTY-NINE THOUSAND THREE HUNDRED SEVENTY-NINE DOLLARS AND ONE CENT (\$59,379.01), AS A RESULT OF PROPERTY DAMAGE SUSTAINED DUE TO A SEWER FLOOD CAUSED BY A FAILED CITY SEWER MAIN ON FEBRUARY 18, 2015 (PUBLIC WORKS AGENCY - DANGEROUS CONDITION/SEWERS)

WHEREAS, claimant alleges that on February 18, 2015, a City sewer main failed and causing flooding to her property at 1200 Westview Drive, and

WHEREAS, the claimant filed the above-entitled claim seeking payment for said damages, and

WHEREAS, the City of Oakland has determined that partial settlement now in this amount with additional payment later, 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 partially settle the claim of Ellen Reier, our file number C30485, in an amount not to exceed Fifty-Nine Thousand Three Hundred Seventy-Nine Dollars and one cent Dollars and One Cent (\$59,379.01) 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

FURTHER RESOLVED: That the sum of Fifty-Nine Thousand Three Hundred Seventy-Nine Dollars and one cent (\$59,379.01), be made payable to Ellen Reier, as partial settlement of the claim of Ellen Reier.

FURTHER RESOLVED: That the City Administrator be reimbursed \$13,200.00 from temporary housing costs to date for Ellen Reier.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, 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