

18 MAY 24 PM 1:00

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

June 5, 2018

HONORABLE CITY COUNCIL
Oakland, California

Subject: Joseph Torres v. City of Oakland, et al.
Case No. 15-5075-JSC
City Attorney File No. X04219
(Oakland Fire Department - Discrimination/Retaliation,
Failure to Promote)

President Reid 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 Four Hundred and Fifty Thousand Dollars and Zero Cents (\$450,000.00), payable to Joseph Torres.

This action arises out of a lawsuit filed by Captain Torres against the City and former Oakland Fire Chief Teresa Deloach Reed alleging that she discriminated and retaliated against him when she did not promote him to battalion chief.

The Council authorized settlement of this case in Closed Session on Tuesday, April 17, 2018 (moved by Campbell Washington and seconded by Gibson McElhaney - 4 Ayes, 1 No - Kalb, 1 Abstention - Kaplan, and 2 Absent - Brooks and President Reid).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker, for".

BARBARA J. PARKER
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

18 MAY 24 PM 1:00

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOSEPH TORRES V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. 15-5075-JSC, CITY ATTORNEY'S FILE NO. X04219, IN THE AMOUNT OF FOUR HUNDRED AND FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$450,000.00) (OAKLAND FIRE DEPARTMENT – DISCRIMINATION/RETALIATION, FAILURE TO PROMOTE)

WHEREAS, Plaintiff Joseph Torres alleges that Oakland Fire Chief Teresa Deloach Reed discriminated and retaliated against him when she failed to promote him from the 2012-2014 battalion chief eligibility list; and

WHEREAS, On November 9, 2015, Joseph Torres filed a complaint in federal court for damages against the City alleging discrimination and retaliation and a violation of his civil rights; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Joseph Torres's claims against it for the sum of Four Hundred and Fifty Thousand Dollars and Zero Cents (\$450,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Joseph Torres v. City of Oakland, et al., United States District Court Case No. 15-5075-JSC, City Attorney's File No. X04219, for a sum not to exceed Four Hundred and Fifty Thousand Dollars and Zero Cents (\$450,000.00) 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 Four Hundred and Fifty Thousand Dollars and Zero Cents (\$450,000.00) be made payable to Joseph Torres.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST:

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