

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 12/10/07		Item Number: <u>A-10</u>	
AGENDA ITEM: Acceptance of Microsoft Settlement Check and Approval of a Budget Amendment to Appropriate Funds into the Information Technology Replacement Fund.			
Contact Person/Dept.: David Leuck		Phone Number: (310) 253-5961	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒	Attachments: ☒
Public Notification: Master Notification List (12/05/07)			
Department Approval: John Richo 11/28/07		City Attorney Approval: Carol Schwab (by H. Iker) (12/03/07)	
Fiscal Impact Review: Marlee Chang (12/05/07)		City Manager Approval: Jerry B. Fulwood (12/05/07)	
<u>RECOMMENDATION:</u> Staff recommends the City Council accept a Settlement Check from Microsoft Corporation in the amount of \$31,139.97 and approve appropriating the funds into the Information Technology Replacement Fund (30724100). This requested budget amendment requires a 4/5ths vote. <u>BACKGROUND:</u> A Settlement has been reached in a class action lawsuit against Microsoft on behalf of California government entities that acquired Microsoft Windows, MS-DOS, Office, Word, Excel, Works Suite, or Home Essentials software, between August 27, 2000 and March 31, 2005. The Settlement means Microsoft will provide reimbursement benefits to eligible members of the Settlement Class who have purchased qualifying computer hardware or software. <u>DISCUSSION:</u> The City of Culver City purchased qualifying Microsoft products during the period of the class action lawsuit. The settlement benefits have been allocated among the local governments included on the eligible list. The amount is based on each government's share of the estimated full time equivalent staff employed by all members of the class. Details from the Settlement Administrators' web site are found in Attachment 1.			

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Payment is in the form of a reimbursement for purchases of computer hardware and software made by Culver City after June 23, 2006. The City has made qualifying purchases and submitted the paperwork for the reimbursement.

A check for \$31,139.97 has been deposited in a City account. (Attachment 2)

FISCAL ANALYSIS:

The Microsoft settlement check is in the form of reimbursement for qualifying hardware and software expenses paid by the City of Culver City. The funds are requested to be appropriated to the Information Technology Replacement Fund (30724100) to fund additional hardware and software purchases. This is a budget amendment and requires a 4/5th vote of the City Council.

ATTACHMENTS:

Attachment 1: Microsoft – California Government Entities Settlement Description.

Attachment 2: Copy of settlement check from Settlement Administrator for the Microsoft – California Government Entities Settlement.

MOTION:

That the City Council:

Accept the reimbursement check from the Microsoft Class Action Settlement Administrator and appropriate the \$31,139.97 amount to the Information Technology Replacement Fund (30724100) (This budget amendment requires a 4/5th vote of the City Council.)