

JULY 9, 2019

CLOSED SESSION REPORT OUT OF FINAL DECISION

Date of Meeting: **Tuesday, July 9, 2019**

Anticipated Litigation

NAME OF ACTION:

West Oakland Environmental Indicators Project Title VI Complaint

This matter is listed as **Item No. 2(a)** on the Closed Session Agenda:

The council authorized the City Administrator and City Attorney to enter into a settlement with the EPA to resolve the Title VI administrative complaint filed by the citizens group West Oakland Environmental Indicators Project.

This administrative complaint was filed in April 2017

FACTS/ISSUES:

The citizen group West Oakland Environmental Indicators Project filed an administrative complaint against the City of Oakland and the Port alleging violations of Title VI of the Civil Rights Act alleging that City: (1) approval of a construction management plan and grant of permits for groundbreaking on the Northeast Gateway project had a disparate impact on the West Oakland community by increasing existing adverse environmental impacts, and (2) failed to adequately engage the community in the redevelopment of the former Oakland Army Base (OAB).

The City denies it violated Title VI in the redevelopment of the former OAB but is entering into an agreement with the Environmental Protection Agency in exchange for a dismissal of the administrative complaint. Pursuant to the agreement, the City has posted several non-discrimination plans to its website and translated them into Chinese and Spanish.

The EPA will make no findings of discrimination.

Motion Made by: **Councilmember Taylor**

Motion Seconded by: **Vice Mayor Reid**

AYES: Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan= **8***

NOES: Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

ABSENT: Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

ABSTENTIONS: Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=