

## CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, April 18, 2024*

Litigation Negotiations

**NAME OF ACTION:**

*People of the State of California, ex rel. Meredith Williams, Director of the California Department of Toxic Substances Control, People of the State of California, ex rel. Pamela Y. Price, Alameda County District Attorney v. City of Oakland*  
City Attorney File No.: OFD-190014

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

The Council authorized settlement in the amount of \$950,000.00 with 50% of that amount allocated to fund approved Supplemental Environmental Projects (“SEPs”). The Superior Court must approve the settlement.

This case arose out of an incident occurring in 2015 and additional incidents occurring in 2015, 2017 and 2018.

### **FACTS/ISSUES:**

By letter dated September 26, 2018, the offices of the Attorney General and the District Attorney advised the City of two environmental enforcement cases that alleged numerous violations of environmental laws. The allegations concern the Fire Department’s alleged unlawful use of an unregistered hauler to transport hazardous materials, which regulators discovered in 2015, and numerous alleged environmental violations county inspectors cited during inspections of City facilities in 2015, 2017 and 2018.

The AG’s and DA’s offices propose to resolve the case by filing a complaint and proposed consent judgment against the City in Superior Court. The consent judgment would, for all practical purposes, function as a settlement agreement.

Under the consent judgment, the City will pay a penalty of \$950,000, which would include all penalties, costs and attorneys’ fees, with 50% of that amount, or \$475,000, allocated to the following supplemental environmental projects: (1) \$160,000 to add license plate reading capabilities to 15 cameras and purchase up to eight additional complete surveillance systems capable of recording videos and reading license plates to stem illegal dumping (approved by PAC in June 2023 and by Council on July 18, 2023); (2) \$16,280 to build a new universal waste storage shed at the City’s Municipal Services Center at 7101 Edgewater Drive to enable the City to better manage its hazardous waste; and (3) \$298,720 in grant funding to the Rose Foundation for New Voices Are Rising’s Green Teens Clean Stream Project which will help reduce toxic urban runoff impacting water quality in the Oakland Estuary and San Leandro Bay, and educate youth from heavily impacted neighborhoods regarding toxic threats to water quality, encouraging them to engage in water monitoring, restoration work, tree planting, and development of a vision for water management in Oakland that mitigates environmental threats. The settlement also

includes an injunctive term requiring the City to retain an environmental consultant for five years at an estimated additional cost of \$560,000 for the five-year period.

The City has determined that settlement, without admitting liability and to avoid litigation, is in the City's best interest.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Jenkins**

**AYES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas= 6**

**NOES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=**

**ABSENT: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=**

**ABSTENTIONS: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=2**