


19 JUL 11 PM 4:12

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87817 = C.M.S.

RESOLUTION APPROVING AN INFORMAL RESOLUTION AGREEMENT (“AGREEMENT”) BETWEEN THE CITY AND THE ENVIRONMENTAL PROTECTION AGENCY (“EPA”) AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT RESOLVING THE WEST OAKLAND ENVIRONMENTAL INDICATORS PROJECT’S TITLE VI ADMINISTRATIVE COMPLAINT (EPA COMPLAINT NUMBERS 13R-17-R9 AND 14R-17-R9) ALLEGING VIOLATIONS OF TITLE VI OF THE 1964 CIVIL RIGHTS ACT WHICH PROHIBITS DISCRIMINATION ON THE BASIS OF RACE, COLOR, AND NATIONAL ORIGIN IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE (CITY ADMINISTRATOR’S OFFICE – CIVIL RIGHTS COMPLAINT)

WHEREAS, On April 4, 2017, the West Oakland Environmental Indicators Project (“WOEIP”) filed an administrative complaint against the City of Oakland and the Port with the Environmental Protection Agency (“EPA”) and the Department of Transportation (“DOT”); and

WHEREAS, The administrative complaint alleged that the City and the Port violated Title VI of the 1964 Civil Rights Act by (1) approving a construction management plan and granting permits for groundbreaking on the Northeast Gateway project which had a disparate impact on the West Oakland community by increasing existing adverse environmental impacts, and (2) failing to adequately engage the community in the redevelopment of the former Oakland Army Base (“OAB”); and

WHEREAS, The administrative complaint alleged that these actions disproportionately subject the West Oakland communities of color to air pollution on the basis of their race; and

WHEREAS, On July 8, 2017, the EPA and DOT accepted the administrative complaint for investigation; and

WHEREAS, 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; and

WHEREAS, Pursuant to the Agreement, the City has posted several non-discrimination plans to its website and translated them into Chinese and Spanish; and

WHEREAS, EPA will make no findings of discrimination; now, therefore, be it

RESOLVED: That the City Council approves the Agreement and authorizes and directs the City Administrator to execute the Agreement resolving EPA Complaint Numbers 13R-17-R9 AND 14R-17-R9; 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 16 2019

PASSED BY THE FOLLOWING VOTE:

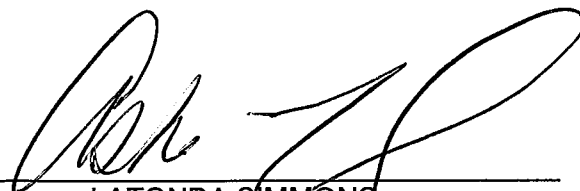
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO
AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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