

M. De
City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88334 C.M.S.

RESOLUTION RATIFYING THE CITY ATTORNEY'S ACTION TO COMPROMISE AND SETTLE THE CASE OF CITY OF OAKLAND V. MONSANTO COMPANY, SOLUTIA INC., PHARMACIA CORPORATION AND DOES 1-100, UNITED STATES DISTRICT COURT CASE NO. 15-CV-05152-EJD, CITY ATTORNEY FILE NO. X04184, FOR PAYMENT TO THE CITY OF OAKLAND IN THE AMOUNT OF SEVEN MILLION TWO HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED TWENTY-FOUR DOLLARS AND NO CENTS (\$7,222,424.00) ARISING FROM ENVIRONMENTAL CONTAMINATION BY POLYCHLORINATED BIPHENYLS ("PCBs") (PUBLIC WORKS DEPARTMENT - PUBLIC NUISANCE)

WHEREAS, the former Monsanto Company manufactured a class of industrial chemicals called polychlorinated biphenyls ("PCBs") between the 1930s and 1977; and

WHEREAS, the City of Oakland has incurred significant costs to reduce PCB discharge to comply with state-mandated goals; and

WHEREAS, the City of Oakland filed City of Oakland v. Monsanto Company, Solutia Inc., Pharmacia corporation and DOES 1-100, United States District Court Case No. 15-CV-05152-EJD, City Attorney File No. X04184, asserting various claims for alleged PCB-related environmental impairments, including impairments to water bodies. The City sought compensatory damages and equitable relief; now, therefore, be it

RESOLVED: That the City of Oakland has determined to compromise its claims against the defendants for the sum of Seven Million Two Hundred Twenty-Two Thousand Four Hundred Twenty-Four Dollars and No Cents (7,222,424.00); and be it

FURTHER RESOLVED: That the City Council does hereby ratify the City Attorney's action to compromise and settle this case and the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

OCT 20 2020

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: *Asha Reed*
ASHA REED
Acting City Clerk and Clerk of the Council of the
City of Oakland, California