

CITY OF OAKLAND



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May 7, 2024

HONORABLE CITY COUNCIL
Oakland, CA

Subject: *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

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled case for the sum of Nine Hundred Fifty Thousand Dollars (\$950,000). Of that amount, Two Hundred Thirty-Seven Thousand Five Hundred Dollars (\$237,500) will be payable to the California Department of Toxic Substances Control, Two Hundred Thirty-Seven Thousand Five Hundred Dollars (\$237,500) will be payable to the Alameda County District Attorney, and Four Hundred Seventy-Five Thousand Dollars (\$475,000) will be allocated to three specified approved Supplemental Environmental Projects to benefit the City's compliance with environmental standards.

The People of the State of California, ex. Rel. Meredith Williams, Director of the California Department of Toxic Substances Control ("DTSC"), and Pamela Y. Price, District Attorney of the County of Alameda ("District Attorney") and collectively with DTSC, "the People" claim that the Fire Department unlawfully used an unregistered hauler to transport hazardous materials, which regulators discovered in 2015. The People further allege that in 2015, 2017 and 2018, the City violated numerous environmental standards at its facilities.

The City has determined that settlement in the amount of \$950,000, with half of that amount applied to approved Supplemental Environmental Projects (voluntary, environmentally beneficial projects that have a nexus to the alleged environmental violations and that exceed compliance with environmental laws), is in the best interest of the City.

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The City Council authorized settlement of this case in Closed Session on Thursday, April 18, 2024 (moved by Councilmember Noel Gallo and seconded by Councilmember Kevin Jenkins - 6 Ayes, 2 Excused- President Pro Tem Dan Kalb and Councilmember Treva Reid).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorney:
Caryl Casden
Paul Weiland, Nossaman LLP

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