



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF THE 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, IN THE AMOUNT OF NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) (OAKLAND FIRE DEPARTMENT – ALLEGED USE OF UNREGISTERED HAZARDOUS WASTE HAULLER) (DEPARTMENT OF PUBLIC WORKS – ALLEGED VIOLATIONS OF ENVIRONMENTAL LAW)

WHEREAS, 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” allege that the Fire Department unlawfully used an unregistered hauler to transport hazardous materials, which regulators discovered in 2015; and

WHEREAS, the People further allege that the City committed numerous environmental violations in 2015, 2017 and 2018; and

WHEREAS, the People propose to resolve the case by filing a complaint against the City in Superior Court and simultaneously asking the court to enter a consent judgment against the City that would function as a settlement agreement; and

WHEREAS, the City has determined to compromise and settle the People’s claims against it for a sum of Nine Hundred Fifty Thousand Dollars and No Cents (\$950,000); and

WHEREAS, the Nine Hundred Fifty Thousand Dollars and No Cents (\$950,000) will be allocated as follows: Two Hundred Thirty-Seven Thousand Five Hundred Dollars and No Cents (\$237,500) will be payable to the DTSC, Two Hundred Thirty-Seven Thousand Five Hundred Dollars and No Cents (\$237,500) will be payable to the Alameda County District Attorney, and Four Hundred Seventy-Five Thousand Dollars and No Cents (\$475,000) will be allocated to three specified approved Supplemental Environmental Projects to benefit the City’s compliance with environmental standards; and

WHEREAS, the three specified Supplemental Environmental Projects are:

- (1) One Hundred Sixty Thousand Dollars (\$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) Sixteen Thousand Two Hundred Eighty Thousand Dollars (\$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) Two Hundred Ninety-Eight Seven Hundred Twenty Dollars (\$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;

now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of the 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 for the sum of Nine Hundred Fifty Thousand Dollars and No Cents (\$950,000) with half of that amount, Four Hundred Seventy-Five Thousand Dollars and No Cents (\$475,000), allocated to approved supplemental environmental projects to benefit the City; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to fund the following approved 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); and (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; and be it

FURTHER RESOLVED: That the City Administrator shall separately seek Council approval to provide \$298,720 in grant funding to the Rose Foundation for New Voices Are Rising's Green Teens Clean Stream in fulfillment of the terms of the settlement agreement; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps might be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California