

# CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TDD: (510) 839-6451

December 21, 2021

HONORABLE CITY COUNCIL  
Oakland, California

**Subject:** County of Santa Clara, et al. v. Atlantic Richfield Co., et al.  
Santa Clara County Superior Court Case No. 1-00-CV-788657  
City Attorney File No. X00625  
(Office of the City Attorney - Public Nuisance Enforcement Action)

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 partial settlement of settlement funds from the above-entitled claim as follows:

- 60% of the settlement funds, approximately \$14,000,000, will fund lead poisoning prevention services within the City (“the City Services Allocation”);
- 40% of the funds, approximately \$9,600,000, will fund lead poisoning prevention services within Alameda County but outside of the City;
- The City will receive 20% of the City Services Allocation now, \$4,797,184.58, to fund development of an Equity Based Lead Program;
- The remaining 40% of the City Services Allocation will continue to be held in trust by the County Treasurer subject to the City and the County agreeing on disbursement and programming of the balance;
- The County will receive 40% of the County Services Allocation now to continue its lead abatement work outside of Oakland; and
- The City Administrator will enter into a Memorandum of Understanding with the County setting out these terms.

President Fortunato Bas and Members of the City Council

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Ten cities and counties, including the City of Oakland and the County of Alameda, brought this case in 2001 against companies that manufactured, distributed and promoted lead paint. The parties resolved the lawsuit via a settlement under which Defendants agreed to pay a total of \$305 million through various installments over the course of seven years.

In October 2019, the public entities entered into a Memorandum of Understanding to satisfy their obligations under various contingency fee agreements with outside counsel, and to allocate among the prosecuting jurisdictions the balance of the settlement funds.

Because the City of Oakland and the County of Alameda have overlapping jurisdiction, they received a single allocation of 10% of the balance of the settlement funds, \$23,985,922.92. The settlement funds are held in trust by the County Treasurer subject to the City and the County agreeing on disbursement and programming.

The City has determined that this partial distribution of settlement funds is in the best interests of the City.

The City Council authorized settlement of this case in Closed Session on Thursday, December 16, 2021 (moved by Councilmember Noel Gallo and seconded by Vice Mayor Rebecca Kaplan - 8).

Respectfully submitted,



BARBARA J. PARKER  
City Attorney

for

Assigned Attorney  
Maria Bee

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