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CITY OF OAKLAND



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July 16, 2019

HONORABLE CITY COUNCIL
Oakland, California

**Subject: West Oakland Environmental Indicators Project Title VI
Complaint
EPA Complaint Numbers: 13R-17-R9 AND 14R-17-R9
City Attorney File No. X04378
(City Administrator's Office – Civil Rights Complaint)**


President Kaplan 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 approving an Informal Resolution Agreement ("Agreement") with the Environmental Protection Agency and authorizing the City Administrator to execute the Agreement resolving the West Oakland Environmental Indicators Project's administrative complaint. 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"). The administrative complaint further alleged that these actions disproportionately subject the West Oakland communities of color to air pollution on the basis of their race.

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. Pursuant to the agreement, the City has posted several non-discrimination plans to its website and translated them into Chinese and Spanish. The EPA will make no findings of discrimination.

The Council authorized settlement of this case in Closed Session on Tuesday, July 9, 2019 (moved by Councilmember Loren Taylor and seconded by Vice Mayor Larry Reid - 8 Ayes).


Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned
Maria Bee

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ 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,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

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