

RESOLUTION NO. 163-22

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
AUTHORIZING THE CITY MANAGER TO EXECUTE A LEGAL SERVICES
AGREEMENT WITH SHER EDLING LLP TO REPRESENT THE CITY OF
RICHMOND ON A CONTINGENCY FEE BASIS IN LITIGATION OVER PCB
CONTAMINATION**

WHEREAS, Polychlorinated Biphenyls (PCBs) are a group of manufactured chemicals that have been determined to have carcinogenic effects on fish, wildlife and humans; and

WHEREAS, under the National Pollutant Discharge Elimination System (NPDES) Permit issued by the Regional Water Quality Control Board (Water Board), the City of Richmond is required to remove PCBs from the environment by building infrastructure and implementing policies that remove PCBs from stormwater before it enters the City's stormdrain network and subsequently the creeks and the Bay; and

WHEREAS, on July 19, 2022, following the lead of Contra Costa County and a growing number of Bay Area counties and cities, the City Council opted out of the settlement in the nationwide class action brought against Monsanto Company, the manufacturer and seller of PCBs; and

WHEREAS, the law firm of Sher Edling LLP specializes in representing public agencies in environmental cases, holding polluters accountable for the damage they cause, and currently represents numerous cities and several counties in the Bay Area, including Contra Costa County, in pending or contemplated PCB litigation; and

WHEREAS, the City of Richmond wishes to contract with Sher Edling LLP on a contingency basis with the expectation that future recovery will help offset the millions of dollars the City will be required to spend to comply with the NPDES Permit requirements related to PCB pollutant removal.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richmond hereby authorizes the City Manager to execute a legal services agreement with Sher Edling LLP, in the form approved by the City Attorney that is substantially similar to the attached agreement (Attachment 2), to represent the City of Richmond in a contingency fee basis in litigation over PCB contamination; and

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct and are included here by reference as findings.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held November 15, 2022, by the following vote:

AYES: Councilmembers Bates, Jimenez, Johnson III, McLaughlin, Willis, Vice Mayor Martinez, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

THOMAS K. BUTT
Mayor

Approved as to form:

DAVE ALESHIRE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 163-22**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 15, 2022.



Pamela Christian, Clerk of the City of Richmond