

ALAMEDA COUNTY
LEAD POISONING PREVENTION PROGRAM
A Joint Powers Authority serving the Cities of Alameda, Berkeley, Emeryville, and Oakland

2000 Embarcadero, Suite 300, Oakland, CA (510) 567-8282
www.achhd.org

DATE: November 15, 2024

TO: Directors and Alternates
Alameda County Lead Poisoning Prevention Program

FROM: April Williamson, Secretary
Joint Powers Authority

SUBJECT: **Meeting of the Board of Directors**

The meeting of the Alameda County Lead Poisoning Prevention Program Joint Powers Authority Board of Directors is scheduled for **Thursday, November 21, 2024, at 9:30 am., at Emeryville City Hall, 1333 Park Street, Emeryville, CA**

IN-PERSON PARTICIPATION: The meeting site is open to the public. All in person participants must adhere to posted health and safety protocols while in the building. If attending in-person and you wish to speak on a matter, please see Lidice De La Fuente.

REMOTE/TELECONFERENCE PARTICIPATION: Members of the public may observe and participate in meetings by Zoom Webinar

THE NOTICED DATE AND TIME LISTED ABOVE, THE ZOOM WEBINAR IS ACCESSIBLE AT THIS WEB ADDRESS:

<https://us06web.zoom.us/j/84624239613>

BY PHONE ONLY: (669) 900-6833 **WEBINAR ID#:** 846 2423 9613

You may provide written comment on an agenda item or raise an issue during Public Comment by sending an email to Lidice De La Fuente at Lidice.delafuente@acgov.org. Please include your name and identify the agenda item you are addressing or that your comment falls under Public Comment. It is encouraged to send any comments 24 hours prior to the meeting; however, members of the public will be able to provide live oral comments or send written comments via email during the meeting as well.

If you require a reasonable modification or accommodation for a disability, please contact Lidice De La Fuente at Lidice.delafuente@acgov.org or (510) 567-8291 at least 48 hours before the meeting of the Board of Directors.

ALAMEDA COUNTY LEAD POISONING PREVENTION PROGRAM
JOINT POWERS AUTHORITY

A G E N D A

Meeting of the Board of Directors

November 21, 2024, at 9:30 am

In- Person: Emeryville City Hall, 1333 Park Avenue, Emeryville, CA

Remote/Teleconference Participation: <https://us06web.zoom.us/j/84624239613>

By Phone Only: (669) 900-6833 **Webinar ID #:** 846 2423 9613

NOTICE: All meetings of the Alameda County Lead Poisoning Prevention Program Joint Powers Authority Board of Directors are open to the public. Those wishing to address the Board of Directors on items not on the agenda may do so during the open comment section of the meeting.

- 1) **Roll Call**
- 2) **Public Comment** (Discussion)
Directors, alternates, staff, or members of the public may address the Board of Directors regarding items not on the agenda. The Board will listen to matters presented but may not take action on these items.
- 3) **Consent Items**
3.1 **Meeting Minutes for October 24, 2024** (Action) Pg. 1
- 4) **Update on communication to Oakland** (Information) Pg. 4
- 5) **Future Agenda Items** (Discussion)
- 6) **Announcements by Board Directors** (Information)
- 7) **Adjournment**

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

Please Note: This list is for informational purposes only. All items shown here are **tentative** at this time and are not confirmed until the agendas for the meeting dates are published and posted, 6 days prior to the meeting. Other items may be added. Also note that this list shows working titles, which may be revised slightly before the item becomes final. Please continue to check the final, published agenda for the latest information.

November 21, 2024

-Update on communication to Oakland on summary of lead settlement funds and recommendation to support and appropriate funds to Oakland United School District.

Summer 2025

-Presentation by City of Oakland on the implementation of the lead settlement funds.

Date To Be Determined

-Results /Feedback of Childcare Center Outreach.
-Identify staff Challenges with County Service Area Cities.

Material related to an item on this Agenda, including those submitted to the Board of Directors after distribution of the agenda packet, and are available for public inspection at the Alameda County Healthy Homes Department office during normal business hours. Agendas are available on the Department's website at <https://www.achhd.org/board/calendar.htm>

MEETING OF THE BOARD OF DIRECTORS
MEETING MINUTES

October 24, 2024

Attendance:

Voting Directors: John J. Bauters, Emeryville; Noel Gallo, Oakland; Malia Vella, Alameda; Susan Wengraf, Berkeley

Non-Voting Directors: Gwen Hardy, Community Representative

Alternates: None

Staff: Lidice De La Fuente; April Williamson

Others: None

Absent: Nate Miley, County of Alameda

Director John J. Bauters called into order the Meeting of the Board of Directors at 9:30 A.M.

1) **Roll Call**

2) **Public Comment**

None

3) **Consent Items**

3.1 Meeting Minutes for September 26, 2024

Action: The Board approved the meeting minutes for September 26, 2024.

Approved: Susan Wengraf **Seconded:** Noel Gallo **Ayes:** 4 –Gallo; Vella; Wengraf; Bauters

No: None **Abstain:** None **Community Representative’s Vote:** None

Absent: 2 –Miley; Hardy

4) **Proposed 2025 JPA Meeting Schedule**

Action: The Board approved the JPA meeting schedule for 2025.

Approved: Malia Vella **Seconded:** Noel Gallo **Ayes:** 4 –Gallo; Vella; Wengraf; Bauters

No: None **Abstain:** None **Community Representative’s Vote:** None

Absent: 2 –Miley; Hardy

5) **Director’s Report**

Director Gwen Hardy arrived at item #5.

Secretary to the Board, April Williamson alerted Directors of National Lead Poisoning Prevention Week and reported back on outreach and education activities noting a twitter chat hosted by the National Center for Healthy Housing and email campaigns for public awareness and education with key messages around food safety, jewelry, rituals, and ceremony powders for the Indian festival season. Department staff is also staffing the Dia de los Muertos event in Oakland on November 3, 2024.

Ms. Williamson informed Directors of an article by El Timpano, “Toxic Inaction: Oakland’s lead funding languishes as residents live with serious health risks”, a year-long exploration of lead issues impacting immigrant populations in Oakland and referencing the delays in distribution of lead settlement funds by the City. El Timpano will do a follow-up article focusing on health access and treatment to be published in November.

The Department negotiated a one-year contract with the city of Oakland in the amount of \$159,200 for minor home repair services noting an increase in the unit maximum amount to address the need in the community. Ms. Williamson stated the need for minor home repair services in the city is growing and the Department has an 18–24 month waitlist. The contract amount has remained the same over many years.

As part of the Department’s fund development activities the Department will submit a U.S. Department of Housing and Urban Development grant application in the amount of \$2 million for an Older Adult Home Modification Program. The Department also submitted a response to a Request for Proposal by Oakland Housing Authority to continue to conduct healthy housing assessments.

Director Noel Gallo asked for clarification about staff negotiating the Oakland minor home repair services contract. Additionally, he informed Directors of the Oakland Unified School District’s (OUSD) request for the City to fund \$500,000 in repairs associated with lead in water issues and making note of the restrictions associated with using lead settlement funds.

Director Malia Vella stated she was unaware of specific language limiting lead settlement funding for such repairs and made a recommendation to provide Oakland, Alameda County Board of Supervisors and OUSD with a comprehensive package outlining the history of the lead settlements funds including previous presentations that have come before the JPA Board.

Director John J. Bauters made a recommendation for Oakland to immediately allocate \$500,000 of their portion of lead settlement funds to support OUSD’s efforts. Both Directors Vella and Bauters noted that attorneys can provide legal advice and it’s at the discretion of the elected body to consider that advice and make an administrative and policy decision.

Director Susan Wengraf reminded Directors that there’s a historical precedent from the JPA Lead Board in taking action around OUSD and lead in water issues from 2017. Director Bauters offered to support Director Gallo by going to a Life Enrichment Committee meeting and speaking on the importance for Oakland to allocated funds to address the issue. Director Gallo offered to provide documentation on OUSD’s request for funding and dates and times of the next two meetings for the Life Enrichment Committee.

Action: Director Bauters issued a motion for staff to create a memo/ letter that summarizes the history, dollar amounts of lead settlement funds, include a request /recommendation that the city of Oakland can take immediate action to support OUSD and appropriate funds to protect health and safety of children, teachers, parents; and include attachments on past documentation where it has been discussed publicly. The memo/letter to be sent to Oakland City Council and Mayor, and a personal copy to Director Gallo.

Approved: Malia Vella **Seconded:** Susan Wengraf **Ayes:** 5 –Hardy; Gallo; Vella; Wengraf; Bauters

No: None **Abstain:** None **Community Representative’s Vote:** Aye

Absent: 1 –Miley

- 6) **Monthly Report**
No highlights reported.

7) **Future Agenda Items**

Directors asked for an update on the communication to City of Oakland during the November 21, 2024, JPA meeting.

Director Bauters invited staff and Mr. Brooks for a pre-holiday brunch after the meeting on November 21, 2024.

8) **Announcements by Board Directors**

Director Gwen Hardy stated she celebrated her 82nd birthday recently and noted she's served on the JPA Lead Board for a very long time and may be approaching the end of her tenure as the community representative. Ms. Hardy indicated she has recommendations for the new community representative.

9) **Adjournment**

Meeting adjourned at 10:09 A.M.

ALAMEDA COUNTY

LEAD POISONING PREVENTION PROGRAM

A Joint Powers Authority serving the cities of Alameda, Berkeley, Emeryville and Oakland

2000 Embarcadero, Suite #300 ■ Oakland, CA 94606-5300 ■ (510) 567-8282

WWW.ACHHD.ORG

Date: November 14, 2024

To: Mayor Sheng Thao &
Members of the Oakland City Council
1 Frank Ogawa Plaza
Oakland, CA 94612

Re: Lead Abatement at Oakland Unified School District

Dear Mayor Thao and Members of the Oakland City Council:

On October 24, 2024, the Board of Directors for the Joint Powers Authority that sits as the governing board for the Alameda County Lead Poisoning Prevention Program gave direction to provide the Oakland Mayor's Office and the Oakland City Council with immediate recommendations related to the ongoing situation at Oakland Unified School District with respect to unsafe lead levels at various OUSD sites across the city of Oakland.

In 2000, the City of Oakland and County of Alameda joined other cities and counties across the state as plaintiffs in *County of Santa Clara, et al. v. Atlantic Richfield, et al.* The litigation was brought against a series of paint companies under public nuisance law for marketing and selling lead paint for decades, despite knowing the toxic health impacts of lead and the risks that lead paint posed to human health, and in particular, children.

In July 2019, the parties entered a settlement that provided the plaintiffs with financial damages to address lead hazards in their communities. Approximately \$23.6 million, or 10% of the total settlement, was jointly awarded to the City of Oakland and County of Alameda, with the specific allocation of resources to be decided jointly by the City and County.

Over the following two years, the City and County negotiated the appropriate division of the settlement award. In December 2021, the City and County negotiating teams signed an interim MOU to divide the settlement funds as follows:

- 20% directly to the City of Oakland (\$4,797,184)
- 40% directly to the County of Alameda to benefit non-Oakland residents (\$9,594,369)
- 40% to benefit the City of Oakland, subject to further negotiation (\$9,594,369)

The City of Oakland, as part of the MOU, expressed a desire to develop an Equity-Based Lead Program, derived from a Race and Equity Impact Analysis. Under the MOU, the parties agreed that

after developing the Equity-Based Lead Program, the parties would negotiate the disposition of the remaining 40% of settlement funds for services within Oakland, which may include financing the implementation of an Equity-Based Lead Program, extending enhanced Healthy Homes services provided elsewhere in the County into the City of Oakland, or other lead poisoning prevention programming services. After several years of delays, the City of Oakland recently hired a consultant to begin the work of developing an Equity-Based Lead Program and has indicated to County Healthy Home staff that the process for preparing a proposal may not be ready for another year from now.

In 2017, when lead testing at OUSD found alarmingly high levels of lead at McClymonds High School in West Oakland, our governing board wrote to OUSD and the County Public Health Official about the imminent threat to children in Oakland schools and implored immediate action to protect children from the risks of lead poisoning. The JPA Board is concerned that these risks remain and that all parties need to take immediate action to protect the health and safety of children, teachers, parents, and visitors to Oakland schools.

The JPA Board recommends that the Oakland City Council and Mayor make an immediate appropriation from the settlement funds they have already received to support OUSD in making infrastructure repairs that are necessary to eliminate lead poisoning risks at Oakland schools. We implore the Oakland City Council and Mayor to not delay financial assistance because of their own delays in the development of their planned Equity-Based Lead Program. Our governing board stands united in its desire to protect the health and welfare of OUSD students, teachers and families. Should you desire technical assistance or guidance from Healthy Homes staff, we stand as a ready and willing partner to help bring solutions to this public health crisis.

Thank you for your time and consideration.

Sincerely,



John J. Bauters

Chair, Alameda County Lead Poisoning Prevention Program JPA Governing Board

CC: Board of Directors, Oakland Unified School District
Superintendent, Oakland Unified School District
Alameda County Board of Supervisors
Alameda County Public Health Officer