



# City of Carson Report to Mayor and City Council

September 3, 2013  
New Business Discussion

**SUBJECT: CONSIDER STATUS REPORT ON THE CAROUSEL LITIGATION AND ON RESPONSES TO THE CITY'S RESOLUTION DECLARING A STATE OF EMERGENCY IN THE CITY OF CARSON RELATED TO THIS ISSUE.**

Submitted by William W. Wynder  
City Attorney

Approved by Sam Ghaly  
City Manager

## I. SUMMARY

This item is added to the agenda at the request of Mayor Pro Tem Santarina. The Mayor Pro Tem seeks a complete status report of the Carousel litigation and seeks a report on the various environmental agencies responses and action plans to the City's Resolution declaring a state of emergency in the City of Carson related to this issue.

The Mayor Pro Tem has also requested that this item be added as an on-going agenda item to every Council meeting.

## II. RECOMMENDATION

RECEIVE and FILE

## III. ALTERNATIVES

Give such further direction as the Council deems appropriate.

## IV. BACKGROUND

The case is set for a status conference hearing before the Court in early October. Currently, the City's Complaint for Abatement of a Nuisance has been filed and served and the time to respond to same has not expired. According to Girardi & Kesse, LLP, the underlying complaint filed on behalf of homeowner is in discovery and so far no trial date has been set. However, our understanding is that there will not be a global trial of all plaintiffs' claims but rather there will be trial of selected categories claimants.

Also, according to Girardi & Kesse, with respect to the Governmental agencies which are referenced in the Council Resolution declaring a state of emergency, they are currently working with regulators on Emergency Declaration and Mr. Girardi and Bib Bowcock met with Janice Hahn, from the County of Los Angeles last week. However, to date, none of those agencies have formally taken any action to intervene or otherwise join the underlying litigations.

Furthermore, Girardi & Kesse reports that the Regional Water Quality Board ("RWQB") has completely rejected Shell's sight specific cleanup. This is an

important and positive development. For the first time, the RWQB has taken to heart the criticism of that proposal, based on the comments submitted by the City Council and which are referenced in the highly critical comment letters of the two experts attached to the City Council's comment letter to RWQB.

Girardi & Keese, is still awaiting a response as to what action the RQWB will take with respect to the clean-up efforts.

We will report back in early October after the Court hearing or earlier if any other developments occur in the case.

V. FISCAL IMPACT

None

VI. EXHIBITS

None

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TO: Rev08-26-2013

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

Action taken by City Council

Date \_\_\_\_\_ Action \_\_\_\_\_