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SPECIAL EPC MEETING AGENDA

March 23, 2016

Time Certain 11:00 a.m.

601 East Kennedy Boulevard, Tampa, FL

County Center Board Room 2nd Floor

Request for Authority to Hire Outside Counsel and Litigate Vehicle Emissions Matter

Any person who might wish to appeal any decision made by the EPC regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: March 23, 2016

Subject: Request for Authority to Hire Outside Counsel and Litigate Vehicle Emissions Matter

Agenda Section: Regular Agenda

Item: Legal and Administrative Services Division

Recommendation: Authorize EPC Executive Director to hire outside counsel, authorize Executive Director to litigate, and authorize Executive Director to execute resolution documents.

Brief Summary: An automotive company has tampered or altered software to pass emission tests in its vehicles. This activity violates the EPC Act and rules promulgated by the EPC Commission. Outside counsel have been authorized by California federal court to initiate lawsuits and settlements in this matter. EPC can recover penalties for violation of our Act and rules more effectively by utilizing outside counsel already involved in nationwide litigation.

Financial Impact: Litigation will be handled by outside legal counsel that only recover fees and costs if they prevail, thus no anticipated financial impact.

Background: An automotive company has tampered and/or altered software to pass emission tests in its vehicles that operate in Hillsborough County. These activities violate the EPC Act and rules promulgated by the EPC Commission. Outside counsel have been authorized by a California federal court to initiate lawsuits and settlements in this matter. EPC can recover penalties and costs for violation of our Act and rules more effectively by using outside counsel already involved in the nationwide litigation. The outside counsel also hope to proactively find resolution to the overall correction of the vehicles as well. The Executive Director is seeking authority to hire outside counsel, litigate the case and execute settlement documents.

List of Attachments: None