



DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION NO. 80329 C.M.S.

---

**RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATING A GRANT OF \$385,000 FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE CITY'S BROWNFIELD CLEANUP REVOLVING LOAN FUND ("BCRLF"); APPROPRIATING ANY FUTURE GRANTS FROM EPA FOR THE BCRLF; AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO AWARD BCRLF LOANS AND GRANTS FOR AMOUNTS UP TO \$200,000 TO ELIGIBLE ENTITIES WITHOUT RETURNING TO THE CITY COUNCIL**

**WHEREAS**, the City of Oakland ((the "City") entered into a Cooperative Agreement in 2000 with the United States Environmental Protection Agency (the "EPA") to establish and administer the Brownfields Cleanup Revolving Loan Fund("BCRLF") from which the CITY is authorized to make loans and subgrants to entities willing to undertake remediation and mitigation of hazardous substances on brownfields; and

**WHEREAS**, the City applied for and received Supplemental Funding for loans and subgrants in the amount of \$385,000.00 from the. EPA in April 2006; and

**WHEREAS**, the City may apply for additional EPA funds for the BCRLF in the future and desires to have any such funds it receives appropriated and deposited in the proper City accounts; and

**WHEREAS**, the requirements of the California Environmental Quality Act ("CEQA"), the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied, and the requirements of the National Environmental Protection Act ("NEPA") must be addressed prior to funding of loans and grants; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to accept the grant funds in the amount of \$385,000 from EPA, and these funds are hereby appropriated to the BCRLF program; and be it

**FURTHER RESOLVED:** That these funds will be deposited in Environmental Protection Agency Fund (2125), Business Development Org: (88559), and EPA-Brownfield Cleanup Project (G183830); and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is authorized to accept and review applications, and award grants and loans in accord with the BCRLF guidelines, for an amount up to \$200,000 per award, without returning to Council; and be it

**FURTHER RESOLVED:** That City will require that all loan and grant recipients must carry out their Mitigation Projects in accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 104(k); Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (40 CFR Part 31); and all other applicable provisions of Federal, State and local law; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or her designee to negotiate terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures and take all other actions necessary to carry out the basic purposes of this resolution; and be it

**FURTHER RESOLVED:** That the City Council has independently reviewed and considered this environmental determination and the City Council finds and determines, based on the information in the staff report accompanying this resolution, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Sections 15301 (existing facilities) and 15304 (minor alterations to land) of the CEQA guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for these projects; and be it

**FURTHER RESOLVED:** That the execution of any documents legally committing the City to fund these projects shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator or her designee; and be it

**FURTHER RESOLVED:** That all documents shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution, and copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 19 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California