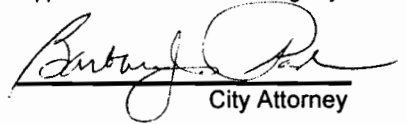


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2009 MAY 28 PM 4:35 RESOLUTION No. 82092 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: 1) APPLY FOR, ACCEPT AND APPROPRIATE ALL FUNDS DESIGNATED FOR THE CITY OF OAKLAND UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (FEDERAL GOVERNMENT’S “STIMULUS PACKAGE”) ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FORMULA ALLOCATION ESTIMATED AT THREE MILLION NINE HUNDRED NINETEEN THOUSAND TWO HUNDRED DOLLARS (\$3,919,200.00); AND 2) APPLY FOR, ACCEPT AND APPROPRIATE REBATES, GRANTS AND INCENTIVES FOR RELATED ENERGY PROJECTS

WHEREAS, on February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (Public Law 111-05) (Federal Government’s “Stimulus Package”); and

WHEREAS, a part of Public Law 111-05, provides \$2.8 billion in Energy Efficiency and Conservation Block Grants (“EECBG”) as part of the American Recovery and Reinvestment Act of 2009 to carry out the EECBG Program under Title V, Subtitle E of the Energy Independence and Security Act (EISA) of 2007, on an expedited bases; and

WHEREAS, on May 11, 2009, the U. S. Department of Energy (“DOE”) released the Funding Opportunity Announcement of the EECBG Program; and

WHEREAS, the City desires to accept the \$3,919,200 that the DOE has allocated to the City of Oakland through the EECBG Program; and

WHEREAS, DOE requires all EECBG Program grantees to submit to the DOE a proposed Energy Efficiency and Conservation Strategy (“EECS”); and

WHEREAS, the City will prepare a Energy Efficiency and Conservation Strategy in accordance with DOE requirements; and

WHEREAS, there is a need to administer programs funded through the EECBG Program to include the requirements as set forth by DOE; now, therefore, be it

RESOLVED: That the City Council hereby authorizes and directs the City Administrator, and/or his designee, to prepare and submit the EECBG Program formula application; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator, and/or his designee, to prepare and submit the EECS, and to take any actions necessary to execute and submit all documents that may be required to secure DOE EECBG Program formula funding; and be it

FURTHER RESOLVED: That the City Council hereby accepts and appropriates the DOE funds totaling \$3,919,200 within the City Facilities Energy Conservation Projects Fund (4450) and authorizes the City Administrator or his designee to amend the FY 2009-11 budget to reflect actual grant receipts; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Administrator, and/or his designee to develop and administer programs funded through the EECBG Program to include the requirements set forth by DOE; and be it,

FURTHER RESOLVED: That the City Administrator, and/ or his designee, is authorized to temporarily allocate funds as a short term loan from the City Facilities Energy Conservation Fund (4450) to projects that have committed rebates from PG&E or the State of California provided that such allocation is limited to the amount of the rebate and loaned funds will be returned to the City Facilities Energy Conservation Fund (4450) upon receipt of the rebate from PG&E; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to conduct negotiations, execute documents, and take any other action with respect to the projects and the allocation of the EECBG funds consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That prior to execution, all contracts and agreements shall be reviewed and approved for form and legality by the Office of the City Attorney and a final copy shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 16 2009, 20

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER, - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California