

REVISED

Revised

OAKLAND CITY COUNCIL
- **77857** -
RESOLUTION No. _____ C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2003 MAY 29 PM 3:20
CSK

RESOLUTION SUPPORTING THE COMMITMENT TO PROVIDE FINANCIAL ASSURANCES AND FUNDS NECESSARY TO ENSURE IMPLEMENTATION AND COMPLETION OF ALL ENVIRONMENTAL REMEDIAL ACTIONS AT THE OAKLAND ARMY BASE REQUIRED UNDER THE CONSENT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL

WHEREAS, the Base Closure Community Assistance Act (Public Law 103-160), as amended by the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) ("EDC law"), authorizes the conveyance of closed military base property to a recognized Local Redevelopment Authority at no cost to spur economic development and job creation in the affected community; and

WHEREAS, conveyance of title to the Oakland Army Base property is subject to the assurances and environmental remediation activities required by the Comprehensive Environmental Response, Compensation and Liability Act; and

WHEREAS, the Oakland Base Reuse Authority ("OBRA"), the Oakland Redevelopment Agency and the United States Department of the Army ("Army") entered into agreements regarding transfer of portions of the Oakland Army Base to OBRA, including an Environmental Services Cooperative Agreement ("ESCA"), which agreements obligate OBRA to implement and complete certain environmental remedial actions at or on the Oakland Army Base in exchange for the conveyance of the property; and

WHEREAS, the City of Oakland by and through the Oakland Redevelopment Agency entered into a Consent Agreement, dated September 27, 2002, between OBRA, the City of Oakland by and through the Oakland Redevelopment Agency and the California Department of Toxic Substances Control ("DTSC") for the purposes, among other things, of ensuring implementation and completion of all environmental remedial actions at the Oakland Army Base required under the Consent Agreement; and

WHEREAS, the agreements between OBRA, the Oakland Redevelopment Agency and the Army require, among other things, the reinvestment of all proceeds received through the sale, lease or equivalent use of the property back into the economic redevelopment of the Oakland Army Base property, which reinvestment includes environmental remediation costs; and

WHEREAS, DTSC requires the City of Oakland, in coordination with OBRA, the Redevelopment Agency and the Port of Oakland, to provide this Resolution and financial information necessary to meet the requirements of DTSC to demonstrate financial assurances

of the City of Oakland's commitment to funding the required environmental remedial actions; and

WHEREAS, the City of Oakland agrees that the implementation and completion of environmental remedial actions pursuant to the Consent Agreement are necessary and in the best interest of all parties concerned and the economic redevelopment of the Oakland Army Base property; **now, therefore, be it**

RESOLVED: That the City of Oakland by and through the Oakland Redevelopment Agency, in coordination with OBRA and the Port of Oakland, commits to provide the funds necessary to ensure implementation and completion of all environmental remedial actions at the Oakland Army Base required under the Consent Agreement, dated September 27, 2002, between the City of Oakland by and through the Oakland Redevelopment Agency, OBRA, and the California Department of Toxic Substances Control; and be it

FURTHER RESOLVED: That the City of Oakland acknowledges that OBRA, in coordination with the Oakland Redevelopment Agency, intends to secure an environmental remediation insurance policy funded by the Army through the ESCA; and be it

FURTHER RESOLVED: That the City of Oakland shall submit to DTSC its most recent audited annual financial report for the fiscal year ending June 30, 2002, to support the City's commitment of funding for environmental remediation activities; and be it

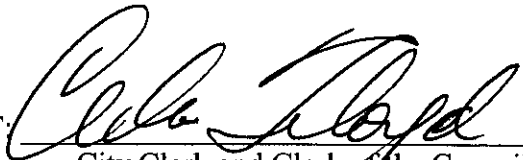
FURTHER RESOLVED: That pursuant to DTSC's request, the City of Oakland agrees to provide, within 180 days from the close of each fiscal year during the effective term of the Consent Agreement, a letter executed by the City of Oakland Treasurer or Auditor/Controller certifying whether the City of Oakland's financial condition remains adequate to sustain its commitment to ensure implementation and completion of all environmental remedial actions at the Oakland Army Base required under the Consent Agreement.

JUN 03 2003

IN SESSION, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES-		BROOKS, BRUNNER, CHANG,	
NOES-	∅	NADEL, REID, QUAN, WAN	
ABSENT-	∅	AND PRESIDENT DE LA FUENTE	--8
ABSTENTION-	∅		

ATTEST: 
 City Clerk and Clerk of the Council
 of the City of Oakland, California