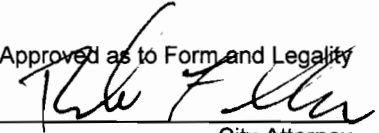


OFFICE OF THE CITY CLERK
CITY OF OAKLAND

SEP 27 PM 12:59

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL
83359
RESOLUTION No. _____ C.M.S.

CITY RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE PORT OF OAKLAND TO GIVE THE CITY OF OAKLAND THE OPTION TO ASSUME THE OAKLAND REDEVELOPMENT AGENCY'S RIGHTS AND OBLIGATIONS UNDER THE FOLLOWING AGREEMENTS: 1) UTILITIES SERVICES AGREEMENT IN AN AMOUNT ESTIMATED AT \$450,000 ANNUALLY (WHICH INCLUDES COSTS FOR THE RESOURCE MANAGEMENT AGREEMENT AND THE INTERCONNECTION AGREEMENT), 2) RESOURCE MANAGEMENT AGREEMENT IN AN AMOUNT ESTIMATED AT \$50,000 ANNUALLY, AND 3) INTERCONNECTION AGREEMENT IN AN AMOUNT ESTIMATED AT \$150,000 ANNUALLY

WHEREAS, the Oakland Base Reuse Authority ("OBRA") and the Port of Oakland ("Port") entered into an Interconnection and Service Agreement on July 5, 2000 to facilitate OBRA's acquisition and provision of electrical power to the Oakland Army Base; and

WHEREAS, the OBRA and the Port entered into a Utilities Operations Agreement for the maintenance, operation and repair of the utility systems at the Oakland Army Base on July 26, 2000; and

WHEREAS, OBRA, the Redevelopment Agency of the City of Oakland (the "Agency") and the Port entered into a Resource Management Services Agreement to which the Port agreed to provide electricity to the Army Base, the Parties agreed on the rights to and allocation of a 20-year Base Resource Contract with Western Area Power Administration ("WAPA") and the Port agreed to provide the Agency with a percentage of the WAPA Base Resource power, on January 1, 2005; and

WHEREAS, On June 27, 2006, pursuant to Agency Resolution 2006-0049 and City Resolution 80001, the Agency accepted any and all of OBRA's rights and obligations and OBRA was dissolved;

WHEREAS, the Agency and the Port entered into a Utilities Program Management Agreement for the maintenance, operation and repair of the utility systems at the Army Base on August 7, 2006;

WHEREAS, the Agency and the Port entered into an Amended and Restated Utilities Program Management Agreement for the maintenance, operation and repair of the utility systems at the Army Base on February 26, 2008; and

WHEREAS, the Parties desire to amend and extend the Utilities Program Management Agreement, Resource Management Services Agreement and Interconnection and Service Agreement at an estimated annual costs of \$450,000; and

WHEREAS, the funding for these agreements is currently restricted to the Army Base project and is available from the OBRA Leasing & Utility Fund (9575); and

WHEREAS, the State of California is considering legislation that, if adopted, would abolish redevelopment agencies in California and their transfer assets to other entities; and

WHEREAS, the operation and development of the Oakland Army Base is critical to the economic health of Oakland and the Bay Area and interruption of utility services due to a termination of the Agency could jeopardize this operation and development; and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

RESOLVED: That the City hereby authorizes the City Administrator to have the City take an option to assume Agency's rights and obligations under the Utilities Program Management Agreement, should the Agency be unable to perform under the agreement, and be it

FURTHER RESOLVED: That the City hereby authorizes the City Administrator to have the City take an option to assume Agency's rights and obligations under the Resource Management Services Agreement, should the Agency be unable to perform under the agreement, and be it

FURTHER RESOLVED: That the City hereby authorizes the City Administrator to have the City take an option to assume Agency's rights and obligations under the Interconnection and Service Agreement, should the Agency be unable to perform under the agreement, and be it

FURTHER RESOLVED: That the City has independently reviewed and considered this environmental determination, and the City finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA under Section 15061(b)(3) (activity covered by the general rule, no significant effect on the environment) and Section 15183 (projects consistent with the General Plan), of the CEQA Guidelines, and directs the City Administrator to file a Notice of Exemption and an Environmental Declaration (under California Fish and Game Code section 711.4) with the County of Alameda; and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized to negotiate and execute all agreements and to take whatever other action is necessary with respect to the Utility Agreements, consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That City Counsel shall review and approve all documents and agreements related to this acquisition as to form and legality, and a copy shall be placed on file with the City Clerk.

MAY 17 2011

IN CITY, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

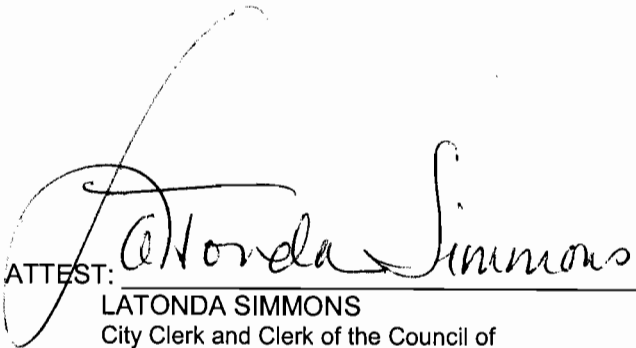
AYES - BRUNNER, KERNIGHAN, NADEL, SCHAAF, DE LA FUENTE, BROOKS, KAPLAN, AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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