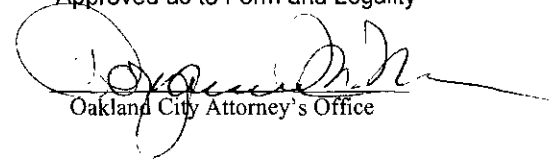


2006 SEP 29 PM 5:04


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 80186 C.M.S.

RESOLUTION AMENDING RESOLUTION NO. 80046 C.M.S. ADOPTED ON JULY 18, 2006 WHICH APPROPRIATED \$6,094,763.00 OF CITY FUNDS FOR EMERGENCY RESPONSE AND PERMANENT STORM MITIGATION MEASURES TO APPROPRIATE AN ADDITIONAL \$2,305,143.00 OF CITY FUNDS FOR THREE ADDITIONAL EMERGENCY PERMANENT STORM MITIGATION MEASURES (FOR A TOTAL APPROPRIATION OF \$8,399,906.00)

WHEREAS, on July 18, 2006, City Council adopted resolution no. 80046 C.M.S. appropriating \$6,094,763.00 in city funds for emergency response and permanent storm mitigation measures and authorizing the City Administrator to accept funds from state and federal agencies for emergency and permanent storm mitigation measures and support activities for the periods from December 17, 2005 to January 3, 2006 and from March 29, 2006 to April 16, 2006 with FEMA and FHWA reimbursement for costs deemed eligible, waiving the City's competitive bid and RFP/RFQ processes and authorizing the City Administrator to award emergency contracts for all permanent repairs through an informal bid for construction contracts or a negotiated process for design and other professional service contract, without return to council; and

WHEREAS, permanent restoration work at the three additional landslide locations is necessary to provide stability to City roads and restore storm drainage capacity; and

WHEREAS, the design, construction and inspection costs for the emergency repairs and permanent restoration work at these three landslide locations were identified by FEMA to be under presidential proclamation (DR-1646), which have been estimated to cost \$2,305,143; and

WHEREAS, it is anticipated that federal and state agencies will reimburse the City up to \$2,161,071.56 for the permanent restoration work; and

WHEREAS, all emergency and permanent restoration work costing an estimated \$2,305,143.00, is 93.75 percent reimbursable from state and federal agencies and these costs are above and beyond the City's adopted budget; and

WHEREAS, PWA needs advance City Council authorization for the City Administrator or her designees to accept funds from the State of California and federal agencies for reimbursable costs; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to accept additional funds in the amount of \$2,305,143.00 from FEMA, the State of California Office of Emergency Services (OES), and City's ACTIA matching funds for federally funded programs (2211) for the emergency permanent restoration of landslides that have been approved by FEMA; and, be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to appropriate an additional amount of \$2,305,143.00 (for a total appropriation of \$8,399,906.00) in funds into four City funds as follows:

Fund	Organization	Account	Program	Amount
2062 (FEMA 1646 DR – Spring Storms 2006)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$1,728,857.25
2146 (California State Emergency Services)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$432,214.31
2211 (Measure B-ACTIA)	92242 (Streets and Structures)	54011 (Contract Contingencies)	IN05 (Engineering Planning and Design)	\$144,071.44
TOTAL:				\$2,305,143.00

This \$2,305,143.00 appropriation shall be divided into three different project numbers (i.e. one for each of the three storm damaged sites); and, be it

FURTHER RESOLVED: That except for the ACTIA matching funds for federally funded programs (2211) of \$144,071.44 (6.25% of \$2,305,143.00), funds in the amount of \$2,161,071.56 will be reimbursed by the State of California Office of Emergency Services (OES) for the FEMA approved mitigation projects; and, be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to budget revenues as detailed below:

Fund	Organization	Account	Program	Amount
2062 (FEMA 1646 DR – Spring Storms)	30242 (Streets and Structures)	46128 (FEMA – 75% Federal)	IN05 (Engineering Planning and Design)	\$1,728,857.25
2146 (California State Emergency Services)	30242 (Streets and Structures)	46229 (Miscellaneous State Grants)	IN05 (Engineering Planning and Design)	\$432,214.31
2211 (Measure B-ACTIA)	Appropriation within Fund 2211 is for the non-reimbursable City's share of 6.25% or \$144,071.44.			N/A
TOTAL:				\$2,161,071.56

; and, be it

FURTHER RESOLVED: That if state and federal funds are not reimbursed at the level anticipated and a higher local share is required, staff shall return to Council for additional local match budget authority; and, be it

FURTHER RESOLVED: That all agreements entered into pursuant to authorization hereunder shall be approved for form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT - 3 2006 2006

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG,
AND ~~CRISWELL DE LA FUENTE~~ - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - De la Fuente - 1

ATTEST:



LATONDA SIMMONS

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