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CITY OF OAKLAND



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Office of the City Administrator
Dan Lindheim
City Administrator

(510) 238-3301

July 21, 2009

Oakland City Council
Oakland, California

President Brunner and Members of the City Council:

RE: Resolution Authorizing Entering Into A Financial Assistance Agreement With The State Water Resources Control Board And Designating The City Administrator, Or His Designee, To Sign The Financial Assistance Agreement, And Any Amendments Thereto

SUMMARY

A resolution has been prepared for City Council to authorize entering into a financial assistance agreement with the State Water Resources Control Board (SWRCB) and designating the City Administrator, or his designee, to sign the financial assistance agreement, and any amendments requested by the State.

The SWRCB is requiring this resolution in addition to the Resolutions (82132 and 82133 C.M.S.) adopted by Council on July 7, 2009 as part of an ARRA funding application.

FISCAL IMPACT

If the City's funding application is approved, the City will receive \$4,550,000 total in ARRA funding for the Removal of Stormwater Pollutants at Lake Merritt and the Oakland Estuary Project (\$3,450,000) and the City of Oakland Rainwater Harvesting Program (\$1,300,000).

As described in Resolution Nos. 82132 and 82133 C.M.S., these funds will cover all project implementation costs including staff and overhead, consultant fees, and for purchasing and

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construction needs for the three year period beginning in FY 2009/2010. No matching funds are required.

BACKGROUND

In April 2009, the City of Oakland submitted two applications to the SWRCB for consideration for ARRA funding. On July 7, 2009 City Council approved Resolution Nos. 82132 and 82133 C.M.S., authorizing the City Administrator to enter into a financial assistance agreement and to accept and appropriate the funding. On July 15, 2009 SWRCB notified staff that the City must provide an authorizing resolution from the Council that includes specific language. The attached resolution has the required language.

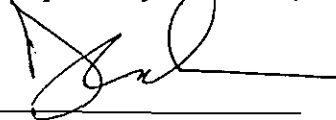
KEY ISSUES AND IMPACTS

The SWRCB administers ARRA funds committed to the Clean Water State Revolving Fund on behalf of the State. These ARRA funds are to be awarded on a first-come, first-serve basis. The City is required to submit the attached resolution in order to be eligible to receive these funds. If this resolution is not approved, the City's funding application will be denied.

ACTION REQUESTED OF THE CITY COUNCIL

The Council is requested to approve the resolution.

Respectfully submitted,



Dan Lindheim
City Administrator


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING ENTERING INTO A FINANCIAL ASSISTANCE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND DESIGNATING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO SIGN THE FINANCIAL ASSISTANCE AGREEMENT, AND ANY AMENDMENTS THERETO

WHEREAS, the City of Oakland seeks to enter into a financial assistance agreement with the State of California and the State Water Resources Control Board; and

WHEREAS, the State Water Resources Control Board requires that the City of Oakland authorize a representative for certain purposes related to such an agreement; now, therefore be it

RESOLVED: that the City Administrator, or designee, is authorized to certify that the City has and will comply with all state and federal statutory requirements related to any financing or financial assistance received from the State Water Resources Control Board; and

BE IT FURTHER RESOLVED: that the City Administrator, or designee, is authorized to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the City.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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