

OAKLAND CITY COUNCIL

RESOLUTION NO. 77926 C.M.S.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2003 JUN 26 PM 12:25  
CSK

**RESOLUTION AMENDING THE OAKLAND BASE REUSE AUTHORITY JOINT POWERS AGREEMENT TO ELIMINATE THE COUNTY OF ALAMEDA AS A PARTY, TO RECONSTITUTE THE MEMBERSHIP OF THE GOVERNING BODY, AND TO EXTEND THE TERM AND EXPAND THE PURPOSES OF THE AUTHORITY**

**WHEREAS**, the Council has previously taken action to enter into a Joint Powers Agreement with the Oakland Redevelopment Agency and the County of Alameda to create the Oakland Base Reuse Authority ("OBRA") for the purpose of planning the closure and reuse of military installations within the City of Oakland closed by the Federal Government pursuant to the federal Base Realignment and Closure Act; and

**WHEREAS**, the Joint Powers Agreement ("JPA") establishing OBRA was entered on March 21, 1995 and OBRA began operation; and

**WHEREAS**, the OBRA Governing Body has approved reuse plans for Naval Medical Center Oakland and the Oakland Army Base and said plans have been approved by the appropriate federal authorities; and

**WHEREAS**, it is anticipated that no other military installations within the City of Oakland will be closed or realigned pursuant to the Base Realignment and Closure process and that the planning function of the Governing Body has, for the most part, been completed; and

**WHEREAS**, the participation of regional representatives on the Governing Body is no longer necessary since the impacts of base closure on region-wide interests have been considered in the reuse planning process for Naval Medical Center Oakland and the Oakland Army Base; and

**WHEREAS**, Section VI, Paragraph A of the JPA sets forth the composition of the Governing Body and provides that it shall include the Mayor of the City of Oakland and four council members, a member of the Board of Supervisors, the Mayor of the City of Alameda, the executive director of the Association of Bay Area Governments and the district director of the United States House of Representatives, Ninth Congressional District; and

**WHEREAS**, it is desirable to revise Section VI, Paragraph A, to eliminate the inclusion of a member of the Board of Supervisors, the Mayor of the City of Alameda, the executive director of the Association of Bay Area Governments and the district director of the United States House of Representatives, Ninth Congressional District as members of the Governing Body; and

**WHEREAS**, the Council has previously approved the development of a Memorandum of Agreement with OBRA, the Oakland Redevelopment Agency and the Port of Oakland that provides, among other things, that the leasing program at the Oakland Army Base will continue for a period of three years following conveyance of the property from the Department of the Army and that the Port will receive title to most of the land east of Maritime Street at the end of the three year period; and

**WHEREAS**, development of the Oakland Army Base pursuant to the provisions of the reuse plan will not commence until the end of the three year leasing period following conveyance of the property from the Army; and

**WHEREAS**, OBRA has administered the interim leasing program at the Army Base since June 1999 and it is in the best interests of the City to continue the leasing program for the three year period following the conveyance of the property from the Army in order to generate funds for the reuse of the base property; and

**WHEREAS**, OBRA has entered into agreements with the Army and State of California that require the remediation of hazardous substances present at the Army Base within specified periods of time and OBRA is prepared to commence said cleanup within the three year period following Army conveyance of the property; and

**WHEREAS**, OBRA has commenced actions for an exchange of lands subject to the public trust for commerce, navigation and fisheries ("tidelands trust") for land not subject to the tideland trust at the Oakland Army Base and it is anticipated that the exchange will be completed in three years; and

**WHEREAS**, Section II, Paragraph A of the JPA sets forth the purposes of OBRA and provides that its primary purpose is to develop and approve reuse plans for closed military bases within the City of Oakland, to develop and assist in the implementation of said plans and to receive federal and state grants and other funding to implement said plans; and

**WHEREAS**, it is in the best interests of the City to revise Section II, Paragraph A, to expand the purposes of OBRA to include (i) continued operation and management of the leasing program, (ii) implementation of the environmental remediation program, and (iii) administration of a tidelands trust exchange at the Oakland Army Base; and

**WHEREAS**, Section II, Paragraph C of the JPA, as amended, provides that the Oakland Redevelopment Agency is to implement the reuse plan approved by OBRA and that OBRA, upon conveyance of closed military base property, is to assign, transfer and delegate all of its rights, powers and interests thereto to the Redevelopment Agency; and

**WHEREAS**, the implementation of the reuse plan for the Oakland Army Base will not commence until three years after Army conveyance of the property and it is not necessary for OBRA to assign, transfer and delegate its rights, powers and interests in the base to the Redevelopment Agency until the end of the three year period; and

**WHEREAS**, it is desirable to revise Section II, Paragraph C of the JPA to provide that OBRA is to assign, transfer and otherwise delegate all of its rights, powers and interests related to the implementation of the Army Base reuse plan three (3) years after conveyance of fee title from the Department of the Army; and

**WHEREAS**, paragraph XIII of the Joint Powers Agreement provides that the JPA may be modified only a written amendment approved by the governing bodies of the parties to the JPA; and

**WHEREAS**, the Joint Powers Agreement was previously amended as of July 9, 1996, to extend the authority of OBRA regarding closed military bases within the City of Oakland to the transfer of title by the Department of Defense and to amend the appointment process for the County Board of Supervisors; now, therefore, be it

**RESOLVED:** That the Council hereby approves the amendments to the OBRA JPA as set forth in the Restated and Revised JPA, attached hereto as Exhibit A, that makes the following substantive changes to the agreement:

1. Deletion of the County of Alameda as a party;
2. The revision of Paragraph II, Section A, entitled "Purposes" to include the following purposes:
  - Operate a leasing program for the Oakland Army Base in order to obtain revenue for the remediation and redevelopment of the property
  - Implement and manage an environmental remediation program for the cleanup of hazardous materials present on the base as required by the Consent Agreement with the State of California
  - Administer an exchange of trust land for non-trust land at the Army Base
3. The revision of Paragraph II, Section C, entitled "Implementation of Base Reuse Plans" to provide for the assignment, transfer and delegation of OBRA's rights, powers and interest to the Redevelopment Agency three (3) years after Army conveyance of the Army Base property;
4. The revision of Paragraph VI, Section A to eliminate the following members of the Governing Body: (i) the County Board of Supervisors' appointee, (ii) the Mayor of the City of Alameda, (iii) the executive director of ABAG, and (iv) the district director of the Ninth Congressional District; and be it
5. The revision of Paragraph VIII, Section G, entitled "Chairperson" to provide that the Mayor shall select the chairperson and vice-chairperson from the members of the Governing Body.

**FURTHER RESOLVED:** That the City Manager is authorized to take all necessary actions to implement the amendments to the OBRA JPA and the purposes of this action; and be it

**FURTHER RESOLVED:** That the General Counsel shall review and approve the Revised and Restated Joint Powers Agreement prior to its execution by the City Manager.

**JUL 15 2003**

IN SESSION, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- Brooks, Brunner, Chang, Nadel, Quan, Reid, Wan and President De La Fuente -8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
CEDA FLOYD  
City Clerk and Secretary to the  
City Council