

CITY OF OAKLAND
Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUN 26 PM 4:28

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Fire Department
DATE: July 8, 2008

RE: Resolution Authorizing The City Administrator Or Her Designee To Apply For, Accept And Appropriate Two Grants Totaling Fifty Thousand Dollars (\$50,000.00) from the Department Of Fish And Game For Approximately Fifteen Thousand Dollars (\$15,000.00) In Reimbursement to Oakland For its Costs of Updating and Revising Alameda County Oil Spill Contingency Plan and Approximately Thirty Five Thousand Dollars (\$35,000.00) to be Distributed to Participating Agencies

SUMMARY

This report provides the City Council with background information on the Alameda County Oil Spill Contingency Plan, and requests that the City Council approve the report and resolution authorizing the City Administrator or her designee to accept the grant funds in order to execute the contracts, with the State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR). The OSPR grant helps facilitate a rapid response during an oil spill environmental emergency in Alameda County and the region to protect homes, land, wildlife, air, and water resources.

The DFG awards an annual grant to the City of Oakland for the purpose of updating the local contingency plan. Approximately 30% of each grant award is utilized to cover the costs of the scope of services that will be performed by Oakland Fire Department, Office of Emergency Services (OES) staff.

The remaining 70% of the grant award is distributed among Alameda County's six other participants, the cities of Newark, Berkeley, San Leandro, Alameda and Union City, and the Port of Oakland, to assist in reimbursing staff time, resulting in approximately 11.6% of the grant award per jurisdiction.

FISCAL IMPACTS

Approval of this resolution will authorize the acceptance and appropriation of two (2) grants for \$25,000.00 each for a total award in the amount of \$50,000.00 from the State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR) to update the local oil spill contingency plan. The City of Oakland will receive approximately 30% of the total grant award, or up to \$15,000.00. Upon receipt, revenue will be applied to

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State of California Fund 2159, Org. 20711, Revenue Account 46229 and expenditures will be applied to Fund 2159, Org. 20711, accounts 51000 and 52919 which include salaries, benefits and supplies.

All work associated with the grant will be absorbed by existing staff, therefore, it is requested that central services overhead charges (12.29% based on AI 1303) of up to \$2,000.00 be waived. There are no other fees associated with the acceptance and appropriation of this grant fund.

BACKGROUND

Since July 1995, the Oakland Fire Department's Office of Emergency Services (OES) has been the lead agency for development and implementation of the Alameda County Oil Spill Contingency Plan. The Alameda County Fire Chiefs Association approved this designation. In 1996, OES staff received a substantial grant from State DFG for local plan development. Between 1997 and 2007, OES received grant funding, to make revisions and updates to the local plan, develop a Memorandum of Understanding (MOU) between the DFG, County, and participating cities, and conduct training, including drill(s) on the local plan. The current plan was utilized by Alameda County Operational Area during the Cosco Busan Oil Spill Incident.

During the current grant period (September 1, 2007 to July 30, 2008) and next grant period (September 1, 2008 through July 1, 2009), the Alameda County Oil Spill Contingency Plan will need to be completely revised to incorporate the lessons learned as a result of the November 7, 2007 Cosco Busan Oil Spill incident.

KEY ISSUES AND IMPACTS

Participation with the State Department of Fish and Game, Office of Oil Spill Prevention Response includes interaction with the Coast Guard's Area Contingency Planning (ACP) process. This process assists in the update of the Area Contingency Plan and ensures consistency among the Federal, State and Local Contingency Plans.

PROJECT DESCRIPTION

As lead agency, City of Oakland has the responsibility for preparing the local spill contingency plan and for coordinating all the plan information with the other applicants and participating agencies within Alameda County. The applicant agencies are: Alameda County Health Department Hazardous Materials Division, Berkeley Health Department Hazardous Materials Division, San Leandro Fire Department, Fremont Fire Department, Union City Hazardous Materials Bureau, and Newark Fire Department. Applicant agencies are required to submit an application in order to request reimbursement. The participating agencies (Alameda County cities whose boundaries are touching the inland waterways or the coast are automatically eligible for reimbursement under the grant) are the City of Alameda and the Port of Oakland.

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The primary objective of this project is to continue to revise, refine and update the current City of Oakland oil spill contingency plan element. This grant will allow the City of Oakland to:

- 1) Continue in the update of the Coast Guard's Area Contingency Plan (ACP) and update the approved Local Contingency Plan ensuring consistency between the Federal, State and Local Contingency Plans.
- 2) Ensure that important concerns of the City of Oakland and the City's plans are completed, and consistent with the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) concepts.
- 3) Identify differences between the Federal ACP and the City's contingency plan element resulting from participating in the current ACP update. The new information identified shall be the basis for updates and revisions to the City's existing contingency plan element on file with the Department of Fish and Game (DFG).

SUSTAINABLE OPPORTUNITIES

Economics: As seen during the Cosco Busan Oil Spill, the type of information that is shared countywide helps to ensure that the Alameda County (Local) Oil Spill Plan can assist in facilitating a rapid response to protect humans, land, fish, wildlife, air, water, ground water, drinking water supplies, and other such resources in the event of an oil spill in the San Francisco Bay, which has potential impacts for Oakland or neighboring cities.

Environmental: Alameda County contains environmentally sensitive shoreline areas, some of which are in Oakland. Identification of these environmentally sensitive areas continues to be critical when prioritizing response actions. Access points to the shoreline vary from easy to non-existent. It is essential that the City continues this planning process, which helps to identify and map these areas and involves on-going updates of available response resources.

Social Equity: The efforts made through the use of the OSPR grant and planning process to protect the wetlands and shoreline affords equal access to all residents and provides for a view of nature not commonly seen in an urban environment.

DISABILITY AND SENIOR CITIZEN ACCESS

This program has no immediate impact on persons with disabilities or the senior citizen communities and does not in any way conflict with the Americans with Disabilities Act (ADA) or other applicable laws.

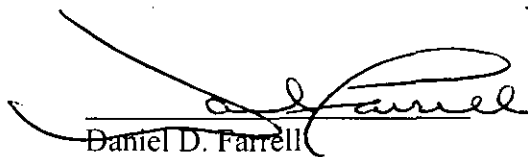
RECOMMENDATIONS AND RATIONALE

Staff recommends City Council's continued support and approval of this important planning for Oil Spills in Alameda County and the region which will allow OES staff to meet the objectives and responsibilities as the lead agency for the Alameda County Local Oil Spill Contingency Plan.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and approve a resolution that authorizes the City Administrator or her designee to apply for, accept and appropriate two grants totaling an amount of fifty thousand dollars (\$50,000.00), from the State Department of Fish and Game (DFG) to reimburse the City's costs and those of participating cities, to continue the update and revision of the Alameda County Oil Spill Contingency Plan which addresses an important environmental emergency response element.

Respectfully submitted,

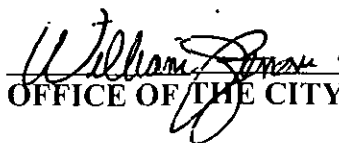


Daniel D. Farrell
Fire Chief
Oakland Fire Department

Prepared by:
Cathey Eide, Emergency Services Planning
Coordinator

Reviewed by: Renee A. Domingo
Director Office of Emergency Services

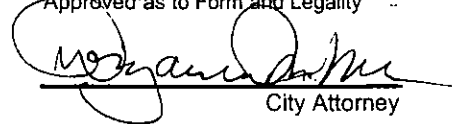
APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:


OFFICE OF THE CITY ADMINISTRATOR

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Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO APPLY FOR, ACCEPT AND APPROPRIATE TWO GRANTS TOTALING FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE DEPARTMENT OF FISH AND GAME FOR APPROXIMATELY FIFTEEN THOUSAND DOLLARS (\$15,000.00) IN REIMBURSEMENT TO OAKLAND FOR ITS COSTS OF UPDATING AND REVISING THE ALAMEDA COUNTY OIL SPILL CONTINGENCY PLAN AND APPROXIMATELY THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) TO BE DISTRIBUTED TO PARTICIPATING AGENCIES

WHEREAS, the people of the State of California have enacted the Lempert-Keen-Seastrand Oil Spill Prevention and Response Act of 1990 which appropriates funds for grants to local governments to prepare, update and/or revise oil spill contingency plan elements of area plans; and

WHEREAS, the State of California Department of Fish and Game (DFG), Oil Spill Prevention and Response (OSPR), has been delegated the responsibility for implementation of the grant program within the State, and has established necessary procedures governing application and selection of grant recipients under the program; and

WHEREAS, said procedures established by the DFG-OSPR require the City of Oakland to certify by resolution the approval of the grant agreements before submission of said agreements to the State; and

WHEREAS, said grant agreements set forth the terms and conditions with which the City of Oakland must comply in preparing, updating and/or revising the oil spill contingency plan elements of area plans for Alameda County; and

WHEREAS, the Oakland Fire Department, Office of Emergency Services on behalf of the City of Oakland will update and/or revise the oil spill contingency plan elements of the area plans for Alameda County, coordinate and provide any training that is necessary to update and/or revise such plans elements in accordance with the terms of the grant agreements; and

WHEREAS, upon completion of the scope of work pursuant to the said grant agreements, DFG will pay the City \$25,000.00 for Grant Agreement PO775033 and \$25,000.00 for the new grant agreement that is forth coming in August 2008, which will cover personnel costs incurred by the City of Oakland and other participating cities in performing the work; and

WHEREAS, all work associated with this grant will be absorbed by existing staff and the grant does not create additional work, and the grant reimburses the City of Oakland for staff costs, it is requested that the central service overhead (CSO) costs be waived; now, therefore be it

RESOLVED: That the Oakland City Council by adoption of this resolution hereby authorizes the City Administrator to apply for, accept and appropriate two grants in the amount of twenty five thousand dollars each for a total of fifty thousand dollars (\$50,000.00) from the California Department of Fish and Game for the purpose of providing reimbursement for City participating agency costs of coordination, training and updating/revising the oil spill contingency element of area plans for Alameda County; and be it

FURTHER RESOLVED: That the City of Oakland will retain approximately 30% or up to fifteen thousand (\$15,000.00) of the grant award, and will distribute approximately 70% or thirty five thousand (\$35,000.00) of the grant award to participating agencies, for costs associated with updating the oil spill contingency plan; and be it

FURTHER RESOLVED: That said grant funds will be appropriated to the Fire Department, Office of Emergency Services OES Fund 2150, Organization 20711, Program PS21 Revenue Account # 46229, Project to be determined; and be it

FURTHER RESOLVED: That central service overhead costs for this grant will be waived; and be it

FURTHER RESOLVED: That the City Attorney's Office will approve the grant agreement as to form and legality and a copy of such will be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California