



City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION:**

**(1) AUTHORIZING THE CITY ADMINISTRATOR TO:**

**(A) APPLY FOR, ACCEPT AND APPROPRIATE CALIFORNIA STRATEGIC GROWTH COUNCIL FUNDING FOR COMMUNITY RESILIENCE CENTERS IN AN AMOUNT UP TO TEN MILLION DOLLARS (\$10,000,000) FROM THE IMPLEMENTATION GRANT PROGRAM AND FIVE HUNDERED THOUSAND DOLLARS (\$500,000) FROM THE PLANNING GRANT PROGRAM AND EXECUTE OTHER GRANT-RELATED DOCUMENTS, AND**

**(B) EXECUTE SERVICE AGREEMNTS WITH COMMUNITY PARTNERS FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND (\$300,000) PER AGREEMENT TO PERFORM ACTIVITIES RELATED TO THE CREATION OF MUNICIPAL RESILIENCE HUBS AND THEIR COLLABORATIVE STAKEHOLDER STRUCTURES, INCLUDING FUNDRAISING FOR RELATED FACILITIES AND PROGRAMS, AND**

**(2) TO WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATIONS SELECTION AND LOCAL BUSINESS/SMALL LOCAL BUSINESS UTILIZATION REQUIREMENTS FOR THE ABOVE AGREEMENTS**

**WHEREAS**, communities that are hit first and worst by the impacts of environmental injustice (frontline communities) face intersecting vulnerabilities including racial discrimination, poverty, disability, housing insecurity, linguistic isolation, poor air quality and more; and

**WHEREAS**, frontline communities in California suffer most from the causes and effects of climate change and are most vulnerable to the effects of disasters; and

**WHEREAS**, historic disinvestment in frontline communities has resulted in disproportionately harmful impacts across a range of climate and other disasters; and

**WHEREAS**, frontline communities in the Oakland flatlands face dire threats from extreme weather events caused by climate change; and

**WHEREAS**, the health consequences of living in polluted neighborhoods, including higher incidences of asthma and cancer, are compounded by exposure to wildfire smoke; and

**WHEREAS**, frontline communities experience higher local temperatures than other areas in Oakland as well as increases in ambient ozone, particulate matter, and smog concentrations; and

**WHEREAS**, California faces increasingly severe wildfire seasons due to climate change; from 2016 to 2020 Alameda County experienced the highest number of days of any Bay Area county above the Environmental Protection Agency’s “unhealthy” category due to air quality impacts of wildfires; and

**WHEREAS**, the Hayward Fault, among the most active and dangerous faults in the United States, creates a risk of a major earthquake creating devastating impacts to Oakland’s housing, water, electricity and other systems; and

**WHEREAS**, power outages present particular hazards for individuals using medical equipment at home which requires electricity or using medication requiring refrigeration; and

**WHEREAS**, Municipal Resilience Hubs are community-serving facilities that support residents year-round and support resource distribution and onsite services before, during or after a natural or man-made hazard event; and

**WHEREAS**, Municipal Resilience Hubs are a resource to prepare communities for shocks and stressors including extreme weather, extreme heat, poor air quality days, flooding and earthquakes; and

**WHEREAS**, Census tract 4030, which includes Lincoln Square Park, is considered a disadvantaged community by the California Office of Health Hazards Assessment, and is identified as in the 91st percentile for poor environmental conditions in the Cal EnviroScreen 4.0; and

**WHEREAS**, Census tract 4105, which includes DeFremery Park, is considered a disadvantaged community by the California Office of Health Hazards Assessment and is identified as in the 90.9th percentile for poor environmental conditions in the Cal EnviroScreen 4.0; and

**WHEREAS**, communities in Chinatown and West Oakland, along with community-based organizations serving these communities, have strongly advocated for the establishment of Municipal Resilience Hubs at Lincoln Recreation Center and at a collection of City facilities located near DeFremery Park (the DeFremery Recreation Center, West Oakland Senior Center and West Oakland Branch Library); and

**WHEREAS**, the California Strategic Growth Council (CSGC) is allocating two hundred seventy million dollars (\$270,000,000) over two rounds for its Community Resilience Centers grant (CRC) program; and

**WHEREAS**, the CSGC requires a City Resolution, prior to an application for CRC Implementation Grant, funding which authorizes the City Administrator to apply for and accept a CRC Implementation Grant and authority to execute all related documents if awarded; and

**WHEREAS**, the CSGC, as a part of its CRC funding, requires partnership agreements to be in place and requires a collaborative stakeholder structure for each site; and

**WHEREAS**, three community-based organizations have contributed to the development of Municipal Resilience Hubs at Lincoln and in West Oakland and have requested to continue to partner with the City on their development and implementation; and

**WHEREAS**, as a separate matter, the Friends of Lincoln Square Park, under the fiscal sponsorship of the Wa Sung Community Service Club, are engaged in fundraising activities in support of the Lincoln Square Park, including the planned Municipal Resilience Hub/Recreation Center; and

**WHEREAS**, Oakland Municipal Code section 2.04.051.A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$25,000 and Oakland Municipal Code section 2.04.051.B allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest of the City to do so; and

**WHEREAS**, City staff recommends waiving the RFP/Q requirements for this contract because it will allow the City to enter into partnership agreements as described in the Report in a timely and effective manner and will also help the City meet its goal of involving Community Based Organizations in the development of Resilience Hubs as specified by Measure A-1 of the ECAP, Additionally, doing so will allow the City to have the required partnerships more developed prior to applying for funding and it would create a formal role for organizations that have contributed work and advocacy for these projects over a period of several years; and

**WHEREAS**, Ordinance number 13640 and 13647 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (“LBE/SLBE”) participation for all purchase of commodities, goods and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and

**WHEREAS**, the Council may waive the City’s LBE/SLBE requirements for the purchase of commodities, goods, services, supplies or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland’s Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S. and because it is in the best interests of the City to do so based on the reasons discussed herein and in the Report that accompanies this Resolution; and

**WHEREAS**, staff has not been able to identify LBE/SLBEs that can provide the expertise and community consulting services that are required under this contract and recommends that the Council waive the LBE/SLBE program utilization because it is in the best interests of the City to do so; and

**WHEREAS**, the City Administrator has determined that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

**WHEREAS**, it is beneficial to execute a partnership agreement applicable to their fundraising efforts; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to apply, accept and appropriate up to ten million five hundred thousand dollars (\$10,500,000) in planning and/or implementation funding from the CSGC to develop Municipal Resilience Hubs. Grant fund to be determined; and be it

**FURTHER RESOLVED:** That pursuant to OMC 2.04.051.B and the for the reasons stated above and in the City Administrator's report accompanying this item, the City Council finds that it is in the best interests of the City to waive the Request for Proposals/Qualifications (RFP/Q) requirements for this contract and so waives this requirement; and be it

**FURTHER RESOLVED:** That the Council finds and determines pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S. that there is a lack or limited availability of SLBEs or LBEs and for these reasons and those stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the LBE and SLBE utilization requirements, and so waives these requirements; and be it

**FURTHER RESOLVED:** That based on information provided by the City Administrator, the Council finds that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute, on behalf of the City, by electronic signature or other method required by the CSGC, partnership agreements with community-based organizations and other stakeholders in an amount not to exceed three hundred thousand dollars (\$300,000), contingent on CRC funding, for the purpose of conducting activities related to Municipal Resilience Hubs, their collaborative stakeholder structures and their corresponding buildings, including the recreation center at Lincoln Square, and to waive the competitive bidding process for these agreements; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute, on behalf of the City, an agreement, not contingent on CRC funding, that is related to the fundraising efforts conducted by the Friends of Lincoln Square Park, under the fiscal sponsorship of Wa Sung Community Service Club, in support of the Lincoln Square Park, including the planned Municipal Resilience Hub/Recreation Center; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute on behalf of the City, by electronic signature or other method required by the CSGC, all documentation related to funding through the Community Resilience Centers program, if awarded; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to take any other action necessary consistent with this Resolution and its basic purposes including but not limited to conducting negotiations, drafting, executing, and amending agreements and submitting requests for payment.; and be it

**FURTHER RESOLVED:** That a copy of the agreements will be on file in the City Clerk's Office and will be reviewed and approved for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California