

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

**OAKLAND CITY COUNCIL**  
2009 MAY 14 PM 4:22  
RESOLUTION NO. 82043 C.M.S.

  
City Attorney

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, AND APPROPRIATE TWO MILLION DOLLARS (\$2,000,000.00) IN GRANT FUNDING FROM THE STATE RESOURCES AGENCY UNDER THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM FOR THE LAKE MERRITT CHANNEL IMPROVEMENTS AT 10<sup>TH</sup> STREET PROJECT**

**WHEREAS**, the Legislature and the Governor of the State of California have provided Funds for the California River Parkways Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84); and

**WHEREAS**, the State Resources Agency has been delegated the responsibility for the administration of this grant program; and

**WHEREAS**, procedures established by the State Resources Agency require a resolution certifying the approval of an application for said funds; and

**WHEREAS**, the City if selected will enter into an agreement with the State of California for the development and implementation of the Lake Merritt Channel Improvements at 10<sup>th</sup> Street as specified in the project proposal; now, therefore be it

**RESOLVED:** That the City Council hereby approves filing of an application for funds and the accepting of funds from the State of California in the amount of \$2,000,000.00 for the Lake Merritt Channel Improvements at 10<sup>th</sup> Street Project, and approves the appropriation of this funding to the State of California Grant Fund (2159), Street and Structures Organization (88342), and a project will be created; and be it

**FURTHER RESOLVED:** That the City understands the assurances and certification in the application; and be it

**FURTHER RESOLVED:** That the City will have sufficient funds to operate and maintain the Project or will secure the resources to do so; and be it

**FURTHER RESOLVED:** That the City will comply with provisions of Section 1771.5 of the California Labor Code regarding payment of prevailing wages on projects awarded Proposition 84 Funds; and be it

**FURTHER RESOLVED:** That the Project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, and that prior to commencement of constructions, all applicable permits will have been obtained; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator or his designee to enter into an agreement with the State Resources Agency to accept the grant funds provided that said agreement shall be reviewed and approved by the City Attorney's Office and shall be filed with the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is hereby authorized to approve any subsequent amendments or extensions of said agreement, provided that such amendments or extensions shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk. Should additional grant funds be received, the City Administrator is hereby authorized to appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 2 2009, 20    

**PASSED BY THE FOLLOWING VOTE:**

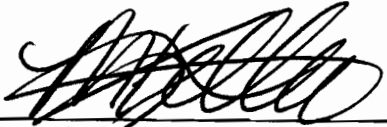
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~ASS~~, and PRESIDENT BRUNNER — 7

NOES - 0

ABSENT - *Rerd* - 1

ABSTENTION - 0

ATTEST:

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