

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CLERK
CITY OF OAKLAND
RESOLUTION NO. 77750 C.M.S.

INTRODUCED BY COUNCIL MEMBER

2003 APR -3 PM 4:28

Rouder

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF OAKLAND AND ALAMEDA COUNTY AND ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ZONE 12 FOR CLEAN WATER AND CREEK PROGRAMS AND TO RECEIVE AND APPROPRIATE FUNDS OF UP TO \$650,000 FOR FISCAL YEARS 2001- 2005 FOR THE WATERSHED AND WATERWAYS PROGRAM

WHEREAS, pursuant to the State of California District Act, Zone 12 of the Alameda County Flood Control and Water Conservation District (District) was created in 1964 as a State Special District to maintain open creek flow ways and provide limited debris removal for creeks in the cities of Oakland and Emeryville; and

WHEREAS, funding for the Countywide Cleanwater and Creeks programs had previously been provided for in a 1996 Memorandum of Understanding (MOU) that has since expired, this agreement is retroactive to cover the period of time during which the City and County were negotiating this agreement; and

WHEREAS, the District has agreed to continue to pay the City's annual General Program expenses of the Alameda Countywide Clean Water Program permit requirements at approximately \$500,000 through FY 2005; and

WHEREAS, the City is authorized to enter into a contract with the District that would reimburse actual costs for enforcement, collaborative creek restoration and community liaison activities in an amount not to exceed \$50,000 for work in fiscal year 2001-02, and \$200,000 annually for fiscal year 2002-03 through 2004-05; and

WHEREAS, the District will establish an annual Capital Projects Coordination meeting in October or November of each year to review capital project priorities with the cities of Oakland and Emeryville; and

WHEREAS, if warranted during the term of this agreement, the City agrees to forward a requested increase in the Benefit Assessment Program to the City Council; and

WHEREAS, the District has agreed to a provision for a one-year extension with the agreement of all parties; and

WHEREAS, the District is authorized by Section 3100 of the Government Code of the State of California to contract with the City for the specialized services to be performed under the Watershed and Waterways Program; and

WHEREAS, the City is authorized by acts governing the City to engage in the proposed activities and is qualified to perform the services required by the District; and

WHEREAS, the activities that are funded by this allocation help further the City's Watershed and Waterways Program, the Open Space, Conservation and Recreation Element (OSCAR) of the General Plan, the City's Creek Protection and Stormwater Management and Discharge Ordinance, and meet Mayor and City Council goals of Developing a Sustainable City, Improving Oakland's Neighborhoods, and Maintaining and Enhancing Oakland's Physical Assets through illegal dumping mitigation and enforcement, community outreach and education, water quality improvements, training and implementation of alternative flood and erosion control, and through creek restoration projects throughout Oakland; and

WHEREAS, procedures established by the City require the City to certify by resolution the approval to enter into an Agreement with the District; and

WHEREAS, the City's Watershed and Waterways Program depends on District funding; now therefore, be it

RESOLVED: That the City Council authorizes the City to enter into an agreement with Alameda County and Alameda County Flood Control and Water Conservation District Zone 12 for the City's Clean Water and Creek Programs and to accept and appropriate funds of up to \$650,000 for fiscal years 2001 -2005 for the Watershed and Waterways Program.; and be it

FURTHER RESOVLED: That should additional funds become available for this project, the City Manager or his designee is hereby authorized to accept and appropriate these funds for the purposes described above; and be it

FURTHER RESOLVED: That the City Manager or his designee is hereby authorized to negotiate with the District and execute all necessary applications, contracts, agreements, amendments and extensions of the same for the Watershed and Waterways Program, subject to the review and approval of the City Attorney's Office; and be it

FURTHER RESOLVED: That the City Attorney's Office has reviewed this resolution as to form and legality and a copy of this resolution shall be filed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 15 2003, 20

PASSED BY THE FOLLOWING VOTE:

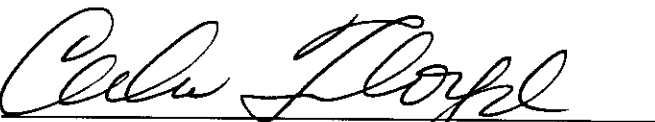
AYES- BROOKS, BRUNNER, ~~CHANG~~, NADEL, REID, QUAN, WAN and PRESIDENT DE LA FUENTE -7

NOES- 0

Excused
ABSENT- Chang - 1

ABSTENTION- 0

ATTEST



CEDA FLOYD

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