


Celso Ortiz (Feb 25, 2021 21:57 PST)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO 1) ENTER INTO AN AGREEMENT WITH THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (DISTRICT) TO ACCEPT FUNDS IN AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$1,680,000.00) TO IMPLEMENT THE COLLABORATIVE CREEK IMPROVEMENT AND CLEAN CREEKS PROGRAMS (PROGRAMS) OVER A SIX FISCAL YEAR TERM FROM MARCH 16, 2021 THROUGH JUNE 30, 2026 (TERM); 2) APPROPRIATE FUNDS IN AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$1,680,000.00) FROM THE DISTRICT TO IMPLEMENT THE PROGRAMS FOR THE TERM OF THE AGREEMENT; AND 3) ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

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 to provide limited debris removal for creeks in the cities of Oakland, Emeryville, and a portion of San Leandro; and

WHEREAS, the District owns and maintains flood control facilities within the area designated as Zone 12; and

WHEREAS, the District and the City wish to coordinate efforts to more effectively and efficiently protect, and enhance water quality, and to provide for flood control measures within Zone 12; and

WHEREAS, Since the 1990s, the District and the City have collaborated to maintain and protect Oakland's waterways by implementing the Collaborative Creek Improvement Program and the Clean Creeks Program (Programs); and

WHEREAS, the District seeks to work with the City to implement the Collaborative Creek Improvement and Clean Creeks Programs (Programs) and further seeks to grant the City one million six hundred eighty thousand dollars (\$1,680,000.00) in funds for these programs for the period March 16, 2021 through June 30, 2026; and

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

WHEREAS, this action is exempt from the California Environmental Quality Act (CEQA) on the basis that: (1) it is an action taken for the protection of the environment (CEQA Guidelines Section 15307) and (2) there is no possibility of a negative impact on the environment (CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption); and

WHEREAS, procedures established by the City require the City to certify by resolution the approval to enter into an Agreement with the District; now, therefore, be it

RESOLVED: That pursuant and subject to all the terms and conditions of the Agreement Related to the Clean Creek Program and the Collaborative Creek Improvement Program (Agreement) between the City and the District, the City Council authorizes the City Administrator, or designee, to accept and appropriate District funds in an amount not to exceed one million six hundred eighty thousand dollars (\$1,680,000.00) over the six fiscal year term from March 16, 2021 through June 30, 2026; and be it

FURTHER RESOLVED: That District funds for the Programs for Fiscal Year (FY) 2021, FY 2022, FY 2023, FY 2024, FY 2025 and FY 2026, will be deposited and appropriated as part of the baseline budget for each of those fiscal years as follows, upon Agreement authorization by both the District and the City:

\$210,000.00 per FY to Public Works Grants Fund (2990); Watershed and Stormwater Organization (30245); Watershed & Stormwater Program (IN14), Collaborative Creeks Project 1004385, Revenue Account 46312, Various Expense Accounts (51xxx – 56xxx), Task 1.0, Award 20517 for the Collaborative Creek Improvement Program; and

\$70,000.000 per FY to Public Works Grants Fund (2990); Environmental Remediation Organization (30683); Sustainable Communities Program (SC26), Clean Creeks Project 1004228, Revenue Account 46312, Various Expense Accounts (51xxx – 56xxx), Task 1.0, Award 21632 for the Clean Creeks Program; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said Agreement, should additional funds become available for these Programs, provided that such amendments or extensions shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the District and execute all necessary applications, contracts, agreements, amendments and extensions of the same for the Collaborative Creek Improvement and Clean Creeks Program activities, subject to the review and approval of the City Attorney’s Office; and be it

FURTHER RESOLVED: This action is exempt from the California Environmental Quality Act (CEQA) on the basis that: (1) it is an action taken for the protection of the environment (CEQA Guidelines Section 15307) and (2) there is no possibility of a negative impact on the environment (CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption).

Implementation of the Programs enhances the City’s efforts to improve water quality and reduce flooding to protect, restore, and improve Oakland’s creeks and waterways. These efforts also help to meet the following actions in City’s Equitable Climate Change Action Plan: “Expand and Protect Green Infrastructure & Biodiversity,” “Rehabilitate Riparian Areas and Open Space,” and “Expand and Protect Tree Canopy Coverage; 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,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
Acting City Clerk and Clerk of the Council of
the City of Oakland, California