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OFFICE OF THE CITY CLERK  
OAKLAND

CITY OF OAKLAND  
AGENDA REPORT

2009 MAY 14 PM 4:33

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Fire Department  
DATE: May 26, 2009  
RE: **Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate An Additional Ten Thousand Dollars (\$10,000.00) In Oil Spill Prevention and Response (OSPR) Grant Funding For FY 08-09, Increasing The Total Grant Award To Thirty-Five Thousand Dollars (\$35,000) Per Year For Reimbursement From The State of California Department Of Fish And Game, Office Of Oil Spill Prevention And Response (OSPR), For The City Of Oakland's Staff Services Of Updating And Revising The Alameda County Oil Spill Contingency Plan (LCP), And Accepting Up To Thirty-Five Thousand Dollars (\$35,000) In Grant Funding Per Year For The Next Five Years, Through July 1, 2014, To Continue To Update and Revise The Alameda County Oil Spill Contingency Plan**

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**SUMMARY**

This report provides the City Council with background information on the Alameda County Oil Spill Contingency Plan and requests City Council approval of a resolution authorizing the City Administrator or his designee to accept and appropriate an additional grant award of \$10,000.00 for reimbursement from the State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR) for the City of Oakland's staff services in updating and revising the Alameda County Oil Spill Contingency Plan for FY08-09 not to exceed a total amount of \$35,000 and up to \$35,000 of grant funds for each year following for the next five years, through 2014, to continue to update and revise the Alameda County Oil Spill Contingency Plan.

The OSPR grant provides a subsidy to the City of Oakland, which is the lead agency for Alameda County, to ensure that staff can dedicate time to maintain and update the Alameda County Oil Spill Contingency Plan. A current Oil Spill Contingency Plan helps facilitate a rapid response during an oil spill emergency in Alameda County and the region which helps to protect lives, land, wildlife, air, and water resources.

**FISCAL IMPACT**

Approval of this resolution will authorize the acceptance and appropriation of a grant award and revenue increase of \$10,000 from the State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR) to update the Alameda County Oil Spill

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Contingency Plan. The City of Oakland will receive 100% of the \$10,000 grant increase. Upon receipt, revenue will be applied to State of California Fund (2159), Emergency Services Org. (20711), Miscellaneous State Grants Revenue Account (46229) and expenditures will be applied to Fund 2159, Org. 20711, in accounts 51000, 58522 and 52919 which include salaries, benefits, central service overhead costs, and supplies.

As a result of the Oakland Fire Department, Office of Emergency Services staff efforts and work, the DFG grant award is being increased from \$25,000 per year to \$35,000 per year. Moreover the City of Oakland's grant award subsidy has been increased from \$8,500 to \$18,500 per year or approximately 50% of each grant award.

There are no matching funds required and there are no other costs associated with accepting these grant funds.

## **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.

Since 1997, the DFG has been awarding an annual grant to the City of Oakland for the purpose of updating the local contingency plan. Originally, approximately 30% of each grant award was utilized to cover the costs of the scope of services that would be performed by Oakland Fire Department, Office of Emergency Services (OES) staff.

The remaining 70% of the grant award was 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.

In July of 2008 the City Council approves Resolution No. 81472 C.M.S. accepting an 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) for two grants to update the local oil spill contingency plan. At that time, the City of Oakland received approximately 30% of the total grant award, or up to \$15,000.00.

In July 2008, the Oakland Fire Department Office of Emergency Services staff began working with DFG, the Coast Guard, Alameda County and the participating cities to update the Alameda County Oil Spill Contingency Plan. As of March 2009, the Alameda County Oil Spill

Contingency Plan has been completely revised to incorporate the lessons learned as a result of the November 7, 2007 Cosco Busan Oil Spill incident.

The State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR) has approved an increase in the total grant amount of \$10,000 from \$25,000 per year to \$35,000 per year with an increase of the pro-rata share of the grant that the City of Oakland receives from \$8,500 per year to \$18,500 per year because of the extensive work the Oakland Fire Department's Office of Emergency Services (OES) staff have done on the plan.

### **KEY ISSUES AND IMPACTS**

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

A significant change in the recently revised Area Oil Spill Contingency Plan (ACP) and the Alameda County Local Oil Spill Contingency Plan now allows for a Local Government On Scene Coordinator (LGOSC) option. An LGOSC option means that the plans can be activated via procedures outlined in the San Francisco Bay Area Regional Contingency Plan (RECP). An LGOSC will communicate with the Regional Contingency Group (RCG) to set regional priorities, request and commit local resources, anticipate possible problematic situations and develop regional solutions where possible. The LGOSC represents the responsibilities and interests of all cities, towns, special districts, and county governments in affected areas.

The inclusion of the LGOSC in the ACP and the Alameda County Local Oil Spill Contingency Plan requires the City of Oakland, as the lead agency for the Local Contingency Plan, to ensure that this representative is provided background on and has up to date information regarding our current available response resources and sensitive site priorities, both ecological and economic. These additional grant funds will provide the City of Oakland with the ability to do additional planning and coordination as the lead agency.

### **PROJECT DESCRIPTION**

As lead agency, City of Oakland has the responsibility for preparing the local oil spill plan, known as the Alameda County Oil Spill Contingency Plan and for coordinating the plan information with the other applicants and participating agencies within Alameda County.

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The primary objective of this project is to continue to revise, refine and update the current plan. These additional funds will allow the City of Oakland to:

- 1) Assist with the development and implementation of strategies to immediately respond, prevent and mitigate an oil spill that may impact our local environmentally and economically sensitive sites.
- 2) Provide on-going updates of available response resources and capabilities to the Coast Guard's Area Contingency Plan in order to provide a more immediate response to local ecologically and economically sensitive sites.
- 3) Coordinate the City of Oakland's and Alameda County's participation and conducting of oil spill drills within our local jurisdiction at least once a year.
- 4) Identify the Local Government On Scene Coordinator to communicate with the Regional Contingency Group in case of an oil spill within Alameda County.

## **SUSTAINABLE OPPORTUNITIES**

### ***Economic:***

This project supports information sharing countywide and helps to ensure that the Alameda County (Local) Oil Spill Plan will provide the guidelines and resource response capabilities to assist in facilitating a rapid response to protect humans, land, fish, wildlife, air, water, ground water, drinking water supplies, commercial shipping, parks, recreational areas, 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 within Alameda County.

### ***Environmental:***

Alameda County contains environmentally sensitive shoreline areas, 15 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 nonexistent. It is essential that the City continues to assist in the development, training and implementation of the response strategies while providing OSPR on-going updates of available response resources.

### ***Social Equity:***

The OSPR grant programs provide opportunities to plan for and protect wetlands and shoreline affording equal access to all residents.

**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.

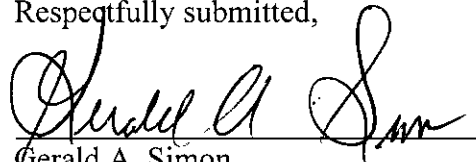
**RECOMMENDATION(S) AND RATIONALE**

Staff recommends City Council's continued support and approval of this important planning and enhancement funding to the response capability for Oil Spills in Alameda County and the region. These funds will allow OES staff to meet the objectives and responsibilities as the lead agency for the Alameda County Local Oil Spill Contingency Plan. It is essential that the City continues this planning process, which helps identify and map these areas, including on-going updates of available response resources.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the report and resolution authorizing the City Administrator or his designee to accept and appropriate an additional ten thousand dollars (\$10,000.00) in Oil Spill Prevention and Response (OSPR) grant funding for FY 08-09, increasing the total grant award to Thirty-Five Thousand Dollars (\$35,000) per year for reimbursement from the State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR) for the City of Oakland's staff services of updating and revising the Alameda County Oil Spill Contingency Plan (LCP), and accepting up to thirty-five thousand dollars (\$35,000) in grant funding per year for the next five years, through June 1, 2014, to continue to update and revise the Alameda County Oil Spill Contingency Plan.

Respectfully submitted,



Gerald A. Simon

Interim Fire Chief

Reviewed by:

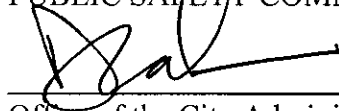
Renee Domingo

Emergency Services Manager

Prepared by:

Cathey Eide, Emergency Planning Coordinator

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. \_\_\_\_\_ C.M.S.**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE  
TO:**

- 1) ACCEPT AND APPROPRIATE AN ADDITIONAL TEN THOUSAND DOLLARS (\$10,000.00) IN OIL SPILL PREVENTION AND RESPONSE (OSPR) GRANT FUNDING FOR FY 08-09, INCREASING THE TOTAL GRANT AWARD TO THIRTY-FIVE THOUSAND DOLLARS (\$35,000) PER YEAR FOR REIMBURSEMENT FROM THE STATE OF CALIFORNIA DEPARTMENT OF FISH AND GAME, OFFICE OF OIL SPILL PREVENTION AND RESPONSE (OSPR), FOR THE CITY OF OAKLAND'S STAFF SERVICES OF UPDATING AND REVISING THE ALAMEDA COUNTY OIL SPILL CONTINGENCY PLAN (LCP), AND**
- 2) ACCEPTING UP TO THIRTY-FIVE THOUSAND DOLLARS (\$35,000) IN GRANT FUNDING PER YEAR FOR THE NEXT FIVE YEARS, THROUGH JULY 1, 2014, TO CONTINUE TO UPDATE AND REVISE THE ALAMEDA COUNTY OIL SPILL CONTINGENCY PLAN**

**WHEREAS**, 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 since July 1995; and

**WHEREAS**, since 1997, the Department of Fish and Game has been awarding the City of Oakland with an annual grant for the purpose of reviewing and updating the local contingency plan, as needed; and

**WHEREAS**, in July of 2008 City Council voted unanimously to approve Resolution Number 81472 C.M.S., accepting the 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; and

**WHEREAS**, the Alameda County Oil Spill Contingency Plan has been completely revised as of March 2009, to incorporate the lessons learned as a result of the November 7, 2007 Cosco Busan Oil Spill incident; and

**WHEREAS**, the State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR) has approved a grant award increase in a total amount of \$10,000 with an increase of the pro-rata share of the grant that the City of Oakland receives from \$8,500 per year to \$18,500 per year because of the extensive work the Oakland Fire Department's Office of Emergency Services (OES) staff has done on the plan update(s); and

**WHEREAS**, there are no matching funds required and there are no other costs associated with accepting these grant funds; and

**WHEREAS**, Administrative Instruction 1303 (AI 1303) establishes policies and procedures for the calculation of fringe benefits and overhead expenditures associated with direct services activities; now, therefore be it

**RESOLVED:** That the City Council by adoption of this Resolution hereby authorizes the City Administrator or his designee to accept and appropriate an additional ten thousand dollars in grant funds (\$10,000.00) for FY08-09, increasing the total annual grant amount to thirty-five thousand dollars (\$35,000) for reimbursement from the California Department of Fish and Game, Office of Oil Spill Prevention and Response, for updating and revising the Alameda County Oil Spill Contingency Plan and for a grant award of up to \$35,000 per year, for the next five years, through July 1, 2014, to continue to update the plan and that Oakland's pro-rata share of the OSPR annual grant of up to \$35,000 per year will be \$18,500 per year for the next five years through July 1, 2014; and be it

**FURTHER RESOLVED:** That upon receipt, revenue will be applied to State of California Fund 2159, Org. 20711, Revenue Account 46229 and expenditures will be applied to Fund 2159, Org. 20711, and accounts 51000, 58522, and 52919 which include salaries, benefits, central services overhead costs and supplies, and that there are no matching funds required and there are no other costs associated with accepting these grant funds; and be it

**FURTHER RESOLVED:** That the City Attorney's Office will review the grant agreement amendment for form and legality as well as all future grant agreements and documents related to OSPR grants and a copy of such agreement(s) will be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California