

**REVISED**  
6-22-04

**OAKLAND CITY COUNCIL**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**RESOLUTION No. 78673 C.M.S.**

*Lock 12/50*

2004 JUN 24 PM 12: 04

**AMENDED RESOLUTION AUTHORIZING EXTENSION OF THE CONTRACT WITH THE LAKE MERRITT INSTITUTE ON A MONTH-TO-MONTH BASIS FOR THREE MONTHS (JUNE, JULY AND AUGUST 2004) FOR AN AMOUNT NOT TO EXCEED \$40,000 FOR A TOTAL CONTRACT AMOUNT OF \$840,155**

**WHEREAS**, on June 8, 2004 the Public Works Committee directed staff to prepare a resolution extending the professional services contract with the Lake Merritt Institute (LMI) on a month-to-month basis for three months (June, July, and August 2004) in an amount not to exceed \$40,000; and

**WHEREAS**, on November 12, 1996 the City Council approved Resolution No. 73064 C.M.S. authorizing a contract with The Lake Merritt Institute, a local, non-profit organization to clean up Lake Merritt for the period December 1996 to May 1997 for a not-to-exceed amount of \$49,500; and

**WHEREAS**, annually from 1997 to 2000, the City Council approved resolutions amending the contract with The Lake Merritt Institute, to clean up Lake Merritt; and

**WHEREAS**, on June 19, 2001 the City Council approved Resolution No. 76528 C.M.S. which amended the contract with The Lake Merritt Institute, to clean up Lake Merritt for the period from June 2001 to May 2004 for a not-to-exceed amount of \$397,062; and

**WHEREAS**, the highly visible trash in Lake Merritt is the cause of many citizen complaints, and one of the causes for Lake Merritt to be listed on the State's Impaired Waterbody list, and the debris, if not collected and disposed of will have an adverse effect not only to the lake's water quality, but to the image of the City of Oakland; and

**WHEREAS**, from 1998 through 2003 the Lake Merritt Institute, using trained volunteers, has successfully removed 256,144 pounds of debris from Lake Merritt in a timely manner, provided numerous educational presentations, maintained the fountains in the lake, and assisted with monitoring the lake water for a year long water quality study; and

**WHEREAS**, the City Council finds and determines that the performance of the services under contract is in the public interest; and

**WHEREAS**, the City Council finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, volunteers will be used by the Lake Merritt Institute to the extent allowed by law, and the City will obtain clearance from the California Department of Industrial Relations for the use of volunteers in this public works project, as required by law; and

**WHEREAS**, the City Council authorizes an allocation not to exceed \$40,000 from the Sewer Service Fund 3100 for a total contract amount not to exceed \$840,155; and

**WHEREAS**, the continuation of this program will further advance the Mayor/Council Goals #2 (Develop a Sustainable City), #3 (Improve Oakland Neighborhoods), #6 (Maintain and Enhance Oakland's Physical Assets), and #7 (Inspire Creativity and Civic Engagement); now, therefore be it

**RESOLVED:** That the City Administrator is hereby authorized to extend the Lake Merritt Institute contract on a month-to-month basis for three months (June, July, August 2004) to remove trash from Lake Merritt and perform all other educational and technical services to the area for an amount not to exceed \$40,000, for a total contract amount not to exceed \$840,155; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to apply the contract with the Lake Merritt Institute retroactive to June 1, 2004 and is further authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in compensation or the allocation of additional funds, provided that such amendments or extensions shall be filed with the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 6 2004, 20    


**PASSED BY THE FOLLOWING VOTE:**

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

NOES- **0**

ABSENT- **BROOKS - 1**

ABSTENTION- **0**

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California