

Approved as to Form and Legality  
*[Signature]*  
Oakland City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 JUN 22 PM 1:59

# OAKLAND CITY COUNCIL

Resolution No. 82581 C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO FORTY MILLION (\$40,000,000) FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (FEDERAL GOVERNMENT'S "STIMULUS PACKAGE") U.S. DEPARTMENT OF COMMERCE BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM GRANT FOR THE CONSTRUCTION OF BROADBAND INFRASTRUCTURE AND TO PROVIDE BROADBAND EXPANSION OPPORTUNITIES FOR PUBLIC AND COMMUNITY INSTITUTIONS**

**WHEREAS**, it is anticipated that the U.S. Government will award grant funds in the amount of approximately \$787 million dollars from the American Recovery and Reinvestment Act of 2009 (Federal Government's "Stimulus Package") to state and local governments to stimulate the economy by creating and preserving jobs, and

**WHEREAS**, the City of Oakland may be eligible to receive a portion of the grants funds; and

**WHEREAS**, due to the urgent economic conditions, the federal government is releasing information on an ongoing basis regarding application deadlines and the criteria for funding and the types of programs, projects that will qualify for the funding and the Mayor, City Administrator and the City Council wish to be in the best posture (1) to be apprised of and updated regarding developments regarding the Stimulus Package and the City's options, (2) to prepare, complete and revise, as necessary, timely grant applications, and (3) to obtain the maximum amount of grant funds for which the City of Oakland may be eligible; and

**WHEREAS**, the City learned that funds are available from the U.S. Department of Commerce Competitive Broadband Technology Opportunities Program ("BTOP") and the City wishes to apply for a grant from the Stimulus Package for the construction of broadband network infrastructure in the City of Oakland in partnership with other public agencies, private entities, and community-based organizations; now therefore be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator or his designee to apply for, accept and appropriate up to forty million (\$40,000,000) in grant funds from the American Recovery and Reinvestment Act of 2009 (Federal "Stimulus Package") U.S. Department of Commerce Competitive Broadband Technology Opportunities Program ("BTOP") to construct broadband network infrastructure in the City of Oakland in partnership with other public agencies, private entities, and community-based organizations; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to appropriate BTOP funds to an account to be determined for construction, installation, project management, administration, and professional services; broadband wireless and cable network equipment; and other services and equipment deemed necessary to construct new and/or expand existing broadband infrastructure in support of public and anchor community institutions; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to receive and appropriate in-kind services and cash from private partners to meet the BTOP matching funds requirement of no less than 20% but as high as 30% or greater; and be it

**FURTHER RESOLVED:** That all matching funds required for said grant be secured from non-City or Agency sources, such as private partners, non-federal grants, and foundations, and in no event shall City or Agency funds be used for the matching grant requirement; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to conduct negotiations, execute documents, and take any other action with respect to the grant and projects consistent with this Resolution and its basic purpose; and be it

**FURTHER RESOLVED:** That, per Oakland Municipal Code Chapter 2.04 ("Purchasing Ordinance"), the City Administrator will return to Council for approval of purchases in excess of the City Administrator's authority and/or to obtain waivers of advertising and bid or request for proposal / qualifications, if needed; and be it

**FURTHER RESOLVED:** That prior to execution, all contracts and agreements shall be reviewed and approved for form and legality by the Office of the City Attorney and a final copy shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 2 2010

**PASSED BY THE FOLLOWING VOTE:**

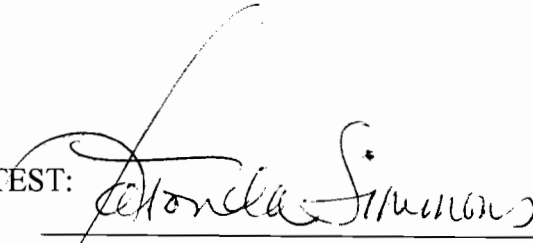
AYES -BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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