



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: David Ferguson
Interim Director, OPW

SUBJECT: Collaborative Creeks Agreement

DATE: February 22, 2021

City Administrator Approval 

Date: Mar 1, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A 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.

EXECUTIVE SUMMARY

Approval of the proposed resolution will authorize the City of Oakland Public Works Department (OPW) to enter into an Agreement (**Attachment A**) to accept \$1,680,000.00 from the Alameda County Flood Control And Water Conservation District (District) for implementation of the Collaborative Creek Improvement And Clean Creeks Programs (Programs) over a six fiscal year term from March 16, 2021, through June 30, 2026, and subsequent appropriation of the funds upon Agreement authorization by both the District and the City.

Through the Programs, staff will implement watershed management, creek protection, and stewardship activities that support the City and the District's efforts to meet flood control objectives, improve water quality, benefit communities, and protect Oakland's creeks and water bodies, and the San Francisco Bay.

The Programs' racial equity goals are to continue to support and enhance creek and watershed clean-up and stewardship activities in neighborhoods most affected by racial disparities to support healthier and cleaner communities. The Programs will engage stakeholders from communities most affected by racial disparities to help develop accessible and community-focused messaging on stormwater pollution prevention, flood protection, erosion prevention, the City's watersheds, and creeks. Program activities will result in healthier and cleaner communities throughout the City.

BACKGROUND / LEGISLATIVE HISTORY

The District and the City of Oakland Public Works Department (OPW) have worked in collaboration since the late 1990s to implement the Collaborative Creek Improvement Program and the Clean Creeks Program, which are carried out by the Bureau of Design and Construction, Watershed and Stormwater Management Division (Watershed Division) and the Bureau of Environment, Environmental Services Division, Stewardship Program (Stewardship Program) respectively.

Since 1996, the City Council has authorized ten consecutive agreements with the District to provide funds to the City of Oakland (City) for staff costs and expenses to implement the Programs. The most recent Agreement between the City and the District for Fiscal Year (FY) 2019-2020 expired on June 30, 2020. The Agreement's scope of work is negotiated between the City and the District and includes semi-annual reporting requirements and billing for reimbursement. The proposed new Agreement is provided in **Attachment A**.

ANALYSIS AND POLICY ALTERNATIVES

Upon Council approval, the Agreement with the District can be fully executed, and acceptance and appropriation of District funding to implement the Programs will help the City and the District achieve the goals of improving water quality, reducing flooding and erosion, enforcing against illegal activities that impact waterbodies including District facilities, leading equitable public outreach, participation, and engagement, benefitting communities, and protecting and enhancing Oakland's creeks, water bodies, and the San Francisco Bay.

Per the Agreement, District funding will be disbursed for costs incurred by the City to implement the Programs, budgeted at \$280,000 annually, and will be deposited into the following funding sources shown in **Table 1**.

Table 1: Program Funding Appropriations

Fund Source	Organization	Account	Project	Program	Amount
2990 - Public Works Grants Fund	30245 - Watershed and Stormwater Organization	Various Expense accounts (51xxx – 56xxx)	1004385 - Collaborative Creeks Project	IN14 - Watershed & Stormwater Program	\$210,000
2990 - Public Works Grants Fund	30683 - Environmental Remediation Organization	Various Expense accounts (51xxx – 56xxx)	1004228 - Clean Creeks Project	SC26 - Sustainable Communities Program	\$70,000
Total Funding Per Fiscal Year					\$280,000
Total Agreement Funding Through FY 2026					\$1,680,000

Acceptance of these funds supports the Council's goals of implementing sound financial management policies by providing an outside funding source to reduce flooding and stormwater runoff pollution and protect Oakland's watersheds and waterbodies.

The funding will help engage volunteers in creek stewardship, write grants to leverage additional funds and resources, respond to illicit discharge complaints and reports of illegal dumping, and initiate creek restoration-based capital improvement projects to protect creeks and storm drainage infrastructure under the City and the District's jurisdiction, and reduce capital costs.

Program activities will advance racial equity by continuing to focus on creek and watershed clean-up and stewardship activities in neighborhoods most affected by racial disparities to support healthier and cleaner communities, and by continuing to engage stakeholders from communities most affected by racial disparities on outreach messaging, stewardship activities, and creek and watershed protection strategies.

FISCAL IMPACT

Approval of the proposed Resolution will authorize the acceptance of one million six hundred eighty thousand dollars (\$1,680,000.00) from the District over the Agreement term of six fiscal years, from March 16, 2021, through June 30, 2026, and subsequent appropriation upon Agreement authorization by both the District and the City.

Per the Agreement, District funding will be disbursed for costs incurred by the City to implement the Programs, budgeted at \$280,000 annually, and will be deposited into the funding sources shown in **Table 1** above.

PUBLIC OUTREACH / INTEREST

Through these Programs that have been in existence for nearly a decade and a half, significant public outreach and engagement has and will continue to occur, with a continued focus on reaching and working collaboratively with Oakland's frontline communities. Dedication to public outreach or related activities that increase awareness of and participation in stormwater pollution prevention, flood protection, creek restoration and preservation, water quality protection, and improvement and enhancement of watershed-related volunteerism and stewardship is a primary goal of the Programs.

Watershed Division and Stewardship Program staff will refer to the City's Department of Race and Equity (DRE) Inclusive Public Engagement Planning Guide, and the Department of Transportation's Geographic Equity Toolbox, to develop effective strategies for further improving inclusive engagement and equitable implementation of the Programs. These tools will guide the Programs' efforts to enhance outreach and engagement strategies in neighborhoods most affected by racial disparities to support cleaner, healthier, and safer communities. In addition, various measures implemented under the Programs will be designed to provide and track benefits to the 25 most burdened census tracts, many with over 85% Black and Latinx residents, according to their share of Oakland's population.

For example, City staff will engage with community members to develop accessible, equitable, and community-focused outreach and education materials for East and Deep East Oakland

residents. These outreach and education materials will focus on connecting residents to City services, including, but not limited to, Oakland's Adopt a Creek Volunteer Program, trash and illicit discharge abatement services, opportunities for youth engagement, and resources for creek care.

Through the implementation of these Programs, communities will also be engaged in opportunities to protect, restore, and enhance urban green space, increase nature-based recreation and educational opportunities, and address safety concerns. Community members will be engaged through equitable collaboration in the development of these opportunities and initiatives.

COORDINATION

The work to be implemented under the Programs will continue to be coordinated with the District, Oakland Parks and Recreation and Youth Development, Department of Race and Equity, the Department of Planning and Building, the Oakland Fire Department, and appropriate divisions within Oakland Public Works.

This report and resolution have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.

SUSTAINABLE OPPORTUNITIES

Economic: Continued implementation of the Programs, including volunteer activities, increasing public awareness and engagement, and guiding appropriate creekside development and management activities, protects stormwater infrastructure, including and creeks and waterways. Implementation also reduces the need for City resources in responding to stormwater management issues such as flooding, erosion, illicit discharge, dumping, etc.

Environmental: 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."

Race & Equity: Implementation of the Programs will result in cleaner, healthier, and safer communities throughout the city and will benefit neighborhoods impacted by racial disparities by providing stewardship opportunities and access to natural amenities, reduced trash levels, and opportunities to help develop accessible, equitable, and community-focused outreach and education materials and campaigns on stormwater pollution prevention and protection of watersheds and creeks throughout Oakland. In addition, various efforts implemented under the Programs will be designed to provide and track benefits to the 25 most burdened census tracts according to their share of Oakland's population. These census tracts include Oakland's highest percentages of Black and Latinx residents and have the highest cumulative environmental pollution burden, according to CalEnviroScreen 3.0.¹

¹ See page 12 of the 2030 Equitable Climate Action Plan's Racial Equity Impact Assessment & Implementation Guide, accessible online: https://cao-94612.s3.amazonaws.com/documents/FINAL_Complete_EF-Racial-Equity-Impact-Assessment_7.3.2020_v2.pdf.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a 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

For questions regarding this report, please contact Kristin Hathaway, Watershed and Stormwater Division and DD Program Manager at khathaway@oaklandca.gov or 510 238-7571.

Respectfully submitted,



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Attachments (1):

A: Agreement Related To The Clean Creek Program And The Collaborative Creek Improvement Program