

Farrah Hussein

Farrah Hussein (Feb 7, 2024 16:19 PST)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AMENDING RESOLUTION NO. 82899 C.M.S. TO AUTHORIZE THE CITY ADMINISTRATOR OR THEIR DESIGNEE TO APPLY FOR, ACCEPT, AND APPROPRIATE FUNDS FROM THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY REGIONAL PAYMENT PROGRAMS, INCLUDING THE USED OIL PAYMENT PROGRAM, AND TO ACT AS THE REGIONAL LEAD JURISDICTION APPLICANT FOR EXECUTION OF RELATED AUTHORIZATIONS AND IDENTIFICATION OF PARTICIPATING ALAMEDA COUNTY JURISDICTIONS BEGINNING WITH FISCAL YEAR 2023/2024 AND EFFECTIVE UNTIL RESCINDED BY THE CITY COUNCIL

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, certain payment programs, including the Used Oil Payment Program (OPP), allow regional participation; and

WHEREAS, CalRecycle's procedures for administering the regional payment programs require, among other things, a regional applicant's governing body to declare by resolution certain authorizations related to the administration of the regional payment programs; and

WHEREAS, the City of Oakland (City) will submit applications for CalRecycle's regional payment programs to fund, among other things, used oil and used oil filter collection and recycling services and public education activities; and

WHEREAS, all jurisdictions in Alameda County are member agencies of the Alameda County Waste Management Authority (StopWaste), a regional Joint Powers Authority that was formed for the purpose of recycling and solid waste project planning and implementation; and

WHEREAS, StopWaste provides services and programs to its member agencies, and may provide and receive funds from its member agencies; and

WHEREAS, the City and other Alameda County jurisdictions have agreed, but are not obliged, to provide a percentage of regional payment program funds to StopWaste to provide regional recycling-related public education; and

WHEREAS, the City desires to have the ability to join certain participating Alameda County jurisdictions in the implementation of regional recycling-related public education programs; and

WHEREAS, Council Resolution No. 82899 C.M.S. authorizes the City Administrator to apply for, accept, and appropriate funds from CalRecycle's OPP without explicitly listing participating Alameda County jurisdictions that may serve as Non-Lead Jurisdictions for a regional OPP application in which the City serves as the Regional Lead Jurisdiction applicant; and

WHEREAS, CalRecycle requires a Regional Lead Jurisdiction applicant to declare by resolution a list of all potential jurisdictions that may serve as Non-Lead Jurisdictions; and

WHEREAS, the City desires to have the ability to continue to act as Regional Lead Jurisdiction for regional payment program applications, including OPP applications, with participating Alameda County jurisdictions; and

WHEREAS, if awarded the City will enter into an agreement with CalRecycle for implementation of said payment programs; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City to submit regional applications for all CalRecycle regional payment programs for which all participants are eligible, including the OPP, on behalf of itself as Regional Lead Jurisdiction and on behalf of all Non-Lead Jurisdictions; and be it

FURTHER RESOLVED: That the City Administrator or their designee is hereby authorized and empowered as Signature Authority to execute in the name of the City all documents required by CalRecycle to implement and secure funds from regional payment programs, including the OPP, including but not limited to, applications, agreements, annual reports including expenditure reports, and any subsequent amendments to or extensions of said documents; and be it

FURTHER RESOLVED: That the City Council authorizes the City to submit regional payment program applications, including the OPP, on behalf of itself as Regional Lead Jurisdiction and designated Non-Lead Jurisdictions in Alameda County including the City of Albany, City of Emeryville, and City of Piedmont that authorize the City to act on their behalf; and be it

FURTHER RESOLVED: That the Signature Authority is hereby authorized to revise the list of participating Alameda County jurisdictions as necessary with each yearly CalRecycle regional payment program application, including the OPP; and be it

FURTHER RESOLVED: That the City Administrator or their designee is hereby authorized to receive and appropriate CalRecycle regional payment program funds, including OPP funds, to the California Integrated Waste Management Fund (2154), and to expend the funds on recycling-related activities including public education; and be it

FURTHER RESOLVED: That, should StopWaste, other Alameda County jurisdictions and the City agree to implement a Countywide public education campaign, the City Council authorizes the expenditure of appropriated funds to be payable to StopWaste for that purpose; and be it

FURTHER RESOLVED: That this authorization is effective until rescinded by the City Council; 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, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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