

2003 MAY 15 PM 4:28

OAKLAND CITY COUNCIL
RESOLUTION NO. 77844 C.M.S.

Introduced by Councilmember _____



RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT FOR \$290,000 WITH THE OPTION FOR TWO ONE-YEAR EXTENSIONS FOR A TOTAL AMOUNT NOT TO EXCEED \$580,000 WITH THE EAST BAY CONSERVATION CORPS TO PROVIDE RECYCLING AND CREEK RESTORATION AND MONITORING SERVICES

WHEREAS, the California Integrated Waste Management Act of 1989 mandated that every city and county in the state reduce the quantity of solid waste disposed within their jurisdiction and disposed in landfills by fifty percent by 2000; and

WHEREAS, the Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D) enacted in 1990 established a countywide goal of 75% reduction of waste going to landfills and required the Alameda County Source Reductions and Recycling Board to set a date to achieve the goal; and

WHEREAS, in 1996 the Alameda County Source Reduction and Recycling Board established 2010 as the year the 75% countywide goal for reduction of waste going to landfills should be met; and

WHEREAS, the Council of the City of Oakland passed Resolution No. 77500 on October 29, 2002 which established a goal of 75% waste reduction going to landfills for the City of Oakland in alliance with the countywide 75% waste reduction goal; and

WHEREAS, the City of Oakland, Public Works Agency, Environmental Services Division receives Used Oil Recycling Block Grant funding from the California Integrated Waste Management Board to implement and continue programs addressing the recycling of used oil; and

WHEREAS, the Open Space, Conservation and Recreation Element (OSCAR) was adopted as part of the City of Oakland General Plan on June 11, 1996 setting forth Objectives, Policies and Actions to be undertaken to further the goals of the General Plan; and

WHEREAS, the Conservation of Natural Resources section of OSCAR sets forth Policy CO-6.1: To protect Oakland's remaining natural creek segments by retaining creek vegetation, maintaining creek setbacks, and controlling bank erosion; and

WHEREAS, OSCAR recommends that Oakland promote and support community-organized restoration and clean up projects along creeks; and

WHEREAS, the City of Oakland's Watershed Improvement Program goals include creek restoration and monitoring; and

WHEREAS, the City desires to enter into an agreement with the East Bay Conservation Corps (EBCC) for recycling and watershed related services including: (1) provide interns to assist with the City's Recycling Hotline; (2) support grant-funded oil recycling activities; (3) provide grant-funded recycling collection service to nine large City facilities; and (4) provide grant-funded creek restoration and monitoring services provided that EBCC obtains any and all contractor's license, including landscape contractor's license, which may be required to conduct this work; and

WHEREAS, the activities included in the agreement will help meet Council goal #1 to make Oakland a safe City; Council goal #2 to develop a sustainable City; Council goal #4 to ensure that all Oakland youth and seniors have the opportunity to be successful; and Council goal #6 to maintain and enhance Oakland's physical assets; and

WHEREAS, the activities included in the agreement with EBCC will be funded by a combination of sources including the Recycling Fund 1710; and grants from: California Integrated Waste Management Board; State of California Department of Conservation; Alameda County Waste Management Authority; Collaborative Creek Improvement Program; Arroyo Viejo Watershed Awareness Program; and Clean Creeks Campaign; and

WHEREAS, the City will require that preference be given to Oakland residents for employment for the services covered under this agreement; and

WHEREAS, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

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

WHEREAS, the City may, in its discretion, elect to complete the work or portions of the work required under this agreement with City forces to avoid a violation of state labor laws, City of Oakland Charter, Article IX, Section 902(e) or of any City of Oakland labor agreement or Memorandum of Understanding and, in such instance, may only be responsible to pay for work already completed, invoiced and approved by the City; now, therefore, be it

RESOLVED: That the City Manager is hereby authorized to enter into a two-year agreement for \$290,000 with the option for two one-year extensions for a total amount not to exceed \$580,000 with the East Bay Conservation Corps to provide recycling and creek restoration and monitoring services, provided that EBCC obtains all contractor's licenses required, if any, to do the work; and, be it

FURTHER RESOLVED: That this agreement would be subject to the City's standard "no cause" termination provision, limiting the City's obligations to payment of undisputed amounts due and owing at termination; and, be it

FURTHER RESOLVED: That the City Manager or his/her designee is hereby authorized and empowered 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; and be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 03 2003, 2003


PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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