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APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

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ORDINANCE NO. _____ C.M.S.

ORDINANCE (A) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT WITH CAMPS IN COMMON, A CALIFORNIA NONPROFIT ORGANIZATION, FOR OUTDOOR PROGRAMMING AT THE OAKLAND FEATHER RIVER CAMP LOCATED IN QUINCY, CALIFORNIA AT A RATE OF ONE DOLLAR (\$1.00) PER YEAR, PLUS ANY FEDERAL LAND USE FEES IN EXCESS OF THREE THOUSAND DOLLARS (\$3,000), FOR A FIVE-YEAR TERM WITH THREE FIVE-YEAR OPTIONS TO RENEW WITHOUT RETURNING TO COUNCIL; (B) MAKING FINDINGS THAT THE LICENSE FOR BELOW FAIR MARKET VALUE IS IN THE BEST INTERESTS OF THE CITY; AND (C) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City has a Special Use permit to operate the Oakland Feather River Camp (OFRC) located on 37.58 acres of U.S. Department of Agriculture, Forest Service real property outside Quincy, California (Property) for the purposes of providing outdoor recreational programming, art and cultural activities in a summer camp environment; and

WHEREAS, the campsite at OFRC has benefitted the City by providing Oakland residents with recreational camping amenities since its founding in 1924 by the City of Oakland's Parks & Recreation Department; and

WHEREAS, Camps in Common (CIC) is a local nonprofit organization that formed in 2003 to operate Oakland Feather River Camp as an alternative to the City closing down camp operations due to budget constraints; and

WHEREAS, since its 2003 inception, CIC has operated, managed, maintained, and improved the Property with progressively more autonomy from the City. City Council approved a one-season agreement with CIC to operate the camp in the summer of 2003 pursuant to Resolution No. 77859 C.M.S., followed by an agreement in 2004 authorizing CIC to continue operating camp for terms spanning through the 2008 summer season, pursuant to Resolution No. 78424 C.M.S.; and

WHEREAS, CIC instituted a fundraising process in 2008 to bring underserved youth to camp; and

WHEREAS, CIC operated the camp in a holdover capacity until 2014, when Council approved an agreement authorizing CIC to continue operating the camp for an additional seven seasons pursuant to Resolution No. 85063 C.M.S.; and

WHEREAS, CIC's operating license expired in 2021 but they have continued to operate OFRC in a holdover capacity, ensuring uninterrupted services to under-represented and at-risk Oakland youth; and

WHEREAS, disadvantaged and underserved Oakland youth benefit from free or discounted enrollment in Oakland Parks, Recreation and Youth Development-led summer camps held each summer at OFRC; and

WHEREAS, the City owns all capital improvements at OFRC as well as several on-site vehicles and no longer directly operates OFRC but supports OFRC and CIC through payment of U.S. Forest Service Special Use Permit (Permit) fees and collaboration on grant development; and

WHEREAS, the annual fee for a 20-year Permit owed by the City would not exceed Six Thousand Dollars (\$6,000) per year, and Camps in Common shall be responsible for any Permit fees in excess of Three Thousand Dollars (\$3,000) per year owed to the U.S. Forest Service pursuant to the proposed license agreement between the City and CIC; and

WHEREAS, in Section 219(6) of the Charter, the license or lease of City-owned real property by the City for longer than one year must be authorized by an ordinance enacted by the City Council pursuant to Oakland Municipal Code Section (OMC) 2.42.100; and

WHEREAS, pursuant to OMC Section 2.42.110, City-owned real property must be licensed or leased for a rent or fee, payable in cash or other consideration, equal to or exceeding the property's fair market value, unless the City Council determines that the license or lease of the property for less than its fair market value is in the best interest of the City; and

WHEREAS, in the case of licensees or lessees who provide in-kind services in lieu of cash rent, the value of such in-kind services to the City or the community at large may be considered in making the required Council finding and determination. In-kind services include benefits or values the provider renders to the City or the community at large as a result of the tenancy in lieu of payment of cash, including, but not be limited to, property security and maintenance, social and cultural benefits to the community, or other appropriate services; and

WHEREAS, Camps in Common is a nonprofit organization that proposes to continue operating, managing, and overseeing the Oakland Feather River Camp and will provide summer camping opportunity to underserved and low-income Oakland youth residents. These camping opportunities include two Oakland Parks, Recreation and Youth Development-sponsored camp programs, Town Camp @Feather River and Art Meets Nature, which brought more than 300 youth to camp in 2023; and Camp It Up!, the first LGBTQIA+ family camp in the United States; and

WHEREAS, the proposed use of the Property for outdoor programming and summer camp opportunities is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 – Existing Facilities, which allows for the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” OFRC’s existing outdoor programming activities are further exempted from CEQA under exemption 15061(b)(3), which states, “The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Administrator is hereby authorized to negotiate and execute a license agreement with Camps in Common, a nonprofit organization, for use of the Property for outdoor programming at the Oakland Feather River Camp at a rate of One Dollar (\$1.00) per year for a five-year term with three additional five-year options to renew at the City's sole discretion.

SECTION 2. The City Council finds and determines that the license of the Property for less than its fair market rental value is in the best interests of the City pursuant to OMC Section 2.42.110, because Camps in Common will continue to operate, manage, and oversee the Oakland Feather River Camp at the Property by providing a summer camping opportunity to underserved and low-income Oakland youth residents.

SECTION 3. Camps in Common shall be responsible for any Permit fees in excess of Three Thousand Dollars (\$3,000) per year owed to the U.S. Forest Service.

SECTION 4. The City Council has independently reviewed and considered this environmental determination, and the City Council, and the City Council finds and determines that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (operation, licensing, and minor alteration of existing public facility) and 15061(b)(3) (common sense exemption, no significant effect on the environment). The City Administrator or designee is hereby directed to file a Notice of Exemption with the appropriate agencies.

SECTION 5. That the license agreement is subject to City Attorney review and approval for form and legality and a copy of this ordinance shall be filed with the City Clerk without returning to Council.

SECTION 6. The recitals contained in this Ordinance are true and correct and are an integral part of the Council’s decision.

SECTION 7. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 8. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

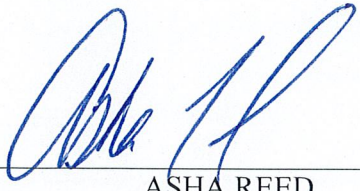
DEC 19 2023

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, ~~REID~~, AND
PRESIDENT FORTUNATO BAS -7

NOES ~~1~~
ABSENT ~~1~~
ABSTENTION ~~1~~
1 Excused-Reid

Introduction Date
DEC 05 2023

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

Date of Attestation: December 22, 2023

NOTICE AND DIGEST

AN ORDINANCE (A) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT WITH CAMPS IN COMMON, A CALIFORNIA NONPROFIT ORGANIZATION, FOR OUTDOOR PROGRAMMING AT THE OAKLAND FEATHER RIVER CAMP LOCATED IN QUINCY, CALIFORNIA AT A RATE OF ONE DOLLAR (\$1.00) PER YEAR, PLUS ANY FEDERAL LAND USE FEES IN EXCESS OF THREE THOUSAND DOLLARS (\$3,000), FOR A FIVE-YEAR TERM WITH THREE FIVE-YEAR OPTIONS TO RENEW WITHOUT RETURNING TO COUNCIL; (B) MAKING FINDINGS THAT THE LICENSE FOR BELOW FAIR MARKET VALUE IS IN THE BEST INTERESTS OF THE CITY; AND (C) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

This Ordinance authorizes the City Administrator to negotiate and execute a license agreement with Camps in Common, a nonprofit organization, for use of a City controlled 37.58 acre U.S. Forest service real property located in Quincy, California and known as Oakland Feather River Camp for outdoor programming at a rate of One Dollar (\$1.00) per year, plus any federal land use fees in excess of Three Thousand Dollars (\$3,000), for a five-year term with three additional five-year options to renew at the City's sole discretion. This Ordinance makes findings that the license for below market rate is in the best interest of the City and makes appropriate California Environmental Quality Act (CEQA) findings.