

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR TO: (A) ENTER INTO AN AGREEMENT WITH THE CALIFORNIA GOVERNOR' S OFFICE OF EMERGENCY SERVICES FOR RECEIPT OF HAZARD MITIGATION GRANT FUNDS IN AN AMOUNT UP TO TWO HUNDRED FIVE THOUSAND, TWO HUNDRED FORTY-NINE DOLLARS (\$205,249); (B) ACCEPT AND APPROPRIATE SAID GRANT FUNDS FOR THE FIRE DEPARTMENT, EMERGENCY MANAGEMENT SERVICES DIVISION; (C) EXPEND GRANT FUNDS IN ACCORDANCE WITH HAZARD MITIGATION GRANT PROGRAM AND PREPARE CALIFORNIA MATCH GRANT REQUIREMENTS PROVIDED THE CITY'S HIRING AND CONTRACTING REQUIREMENTS AND PROGRAMS/POLICIES ARE FOLLOWED AND WITHOUT FURTHER COUNCIL APPROVAL; AND (2) WAIVING THE CITY'S ADVERTISING AND COMPETITIVE BIDDING AND PURCHASING REQUIREMENTS WHEN REQUIRED BY THE GRANT PROGRAM TERMS

WHEREAS, The City of Oakland prepares for disasters with the understanding that disasters do not recognize city, county, or special district boundaries; and

WHEREAS, the City of Oakland seeks to maintain and enhance both a disaster-resistant city and promote resilience, by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters; and

WHEREAS, the City of Oakland is subject to various natural and man-made hazards, including but not limited to earthquakes, wildfire, extreme weather events, flooding, landslides, dam failure and tsunami; and

WHEREAS, the City of Oakland anticipates the effects from climate change will include extreme weather, with greater frequency, and sea-level rise; and

WHEREAS, the City of Oakland is committed to increasing the disaster resistance and resiliency of the infrastructure, health, housing, economy, government services, education, environment, and land use systems in the City of Oakland; and

WHEREAS, the City of Oakland is committed to developing the 2026 Local Hazard Mitigation Plan (LHMP) in an equitable manner, ensuring the needs of Oakland's most vulnerable community members are considered; and

WHEREAS, as the California Governor's Office of Emergency Services (CalOES) manages Fiscal Year (FY) 2024 Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program awards and corresponding FY 2024 State matching funds offered through the Prepare California Program; and

WHEREAS, an agreement with CalOES is required for the distribution, administration, and reimbursement of Hazard Mitigation Grant funds to the City of Oakland; and

WHEREAS, the City of Oakland FY 2024 Hazard Mitigation Grant proposal was approved by CalOES and the Federal Emergency Management Agency; and

WHEREAS, the City of Oakland has been awarded a FEMA Hazard Mitigation grant as a sub-grantee of CalOES for the purposes of developing the 2026 LHMP, with an allocation of up to \$156,370.50, under the fiscal management of CalOES, for a performance period from March 20, 2024 to March 20, 2027; and

WHEREAS, the City of Oakland and has been awarded a State matching grant allocation from Prepare California of up to \$48,878.50, for a performance period from March 20, 2024 to March 20, 2027, with a requirement that these funds be expended by March 31, 2026; and

WHEREAS, jointly these two allocations combine for a Hazard Mitigation Fund award of \$205,249 from CalOES; and

WHEREAS, the authorized expenditures are estimated at \$205,249 for consultant services, staffing and other expenses related to the development of a 2026 Local Hazard Mitigation Plan approved by FEMA; and

WHEREAS, staff recommends that the City Administrator be authorized to make all purchases and enter into contracts needed to execute grant deliverables without further review or action by the City Council, including purchases that exceed the City Administrator's purchasing authority, depending on the type of product or service under Oakland's Purchasing Ordinance, Oakland Municipal Code section 2.04.020; and

WHEREAS, Oakland Municipal Code Section 2.04.050.1.5 permits the City Council to waive the City's advertising, bidding and purchasing requirements upon a finding that it is in the best interest of the City to do so; and

WHEREAS, that City staff recommends that the City Council waive the City’s advertising, bidding and purchasing requirements for contracts with consultants when required by the aforementioned grants’ terms a; and

WHEREAS, the City of Oakland is committed to the mission of the Local Hazard Mitigation Plan, stated in relevant part as: *“To equitably reduce risk and increase resilience, the mission of the City of Oakland local hazard mitigation plan is to establish and promote a comprehensive mitigation strategy and efforts to protect the whole community and environment from identified natural and manmade hazards”*; and

WHEREAS, an updated Local Hazard Mitigation Plan is required prior to July 1, 2026 in order for the City to maintain eligibility for certain Federal and State disaster recovery funds; now, therefore be it

RESOLVED: That the City Council authorizes the City Administrator to enter into an agreement with the California Governor’s Office of Emergency Services (CalOES) for receipt of Hazard Mitigation Grant funds in an amount up to two hundred five thousand, two hundred forty-nine dollars (\$205,249); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to accept, appropriate and administer said grant funds from CalOES in Grant Fund(s) to be determined (TBD), Emergency Management Services Division Organization (20711), Project to be determined (TBD); and be it

FURTHER RESOLVED: That up to two hundred and five thousand two hundred and forty nine dollars (\$205,249) of said FY 2024 grant funds shall be deposited into (Federal Emergency Management Agency for the Federal portion) (2124), and (Hazardous Materials Inspections for the non-Federal portion) (1740), Emergency Management Services Division Organization (20711), grant project (To be determine), Emergency Management Services/Homeland Security Program (PS21); and be it

FURTHER RESOLVED: That said grant funds shall be allocated in FY 2024, FY 2025 and FY 2026 in a total estimated amount of \$205,249 for consultant services, staffing and other expenses related to the development of the 2026 Local Hazard Mitigation Plan for the grant period of March 20, 2024 through March 20, 2027, or until funding is exhausted, whichever occurs last; and be it

FURTHER RESOLVED: That the City Administrator is authorized to approve expenditures estimated at \$205,249 for consultant services, staffing and other expenses related to the development of the 2026 LHMP; and be it

FURTHER RESOLVED: That the City Administrator be authorized to make all purchases and enter into contracts needed to execute grant deliverables, including the 2026 LHMP, without further review or action by the City Council, including purchases that exceed the City Administrators purchasing authority, depending on the type of product or service under Oakland’s Purchasing Ordinance, Oakland Municipal Code section 2.04.020; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 2.04.050.1.5 and for the reasons provided above and in the City Administrator’s report accompanying this resolution, that the City Council finds it is in the best interest of the City to waive the City’s bidding and purchasing requirements when required by the terms of the FY 2024 HMGP and FY 2024 CalOES grants; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said agreement as to form and legality and copies of said agreement shall be filed with the Office of 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

