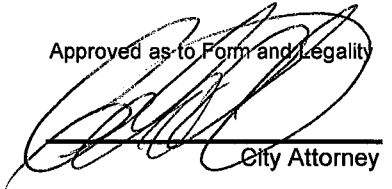


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Approved as to Form and Legality



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 86789 C.M.S.

Introduced by Councilmember _____

**RESOLUTION APPROVING APPROPRIATION OF \$3,782,303 TO SECURE
TIMELY PAYMENTS OF CONTRACTING COSTS INCURRED BY THE CITY
FOR EMERGENCY AND PERMANENT CONSTRUCTION AND REPAIR
WORK THAT RESULTED FROM THE JANUARY AND FEBRUARY 2017
DISASTER-DESIGNATED WINTER STORMS**

WHEREAS, on January 21, 2017, the City Administrator proclaimed a local emergency throughout the City of Oakland as a result of the 2017 winter storms that commenced in January 2017; and

WHEREAS, on January 12, 2017, the State of California declared a similar state of emergency that included Alameda County; and

WHEREAS, on February 23, 2017, a presidential proclamation (DR-4301) was proclaimed for Alameda County damages incurred between January 3, 2017 and January 12, 2017; and

WHEREAS, on April 5, 2017, a second presidential proclamation (DR-4308) was issued for Alameda County damages incurred between February 1 to February 23, 2017; and

WHEREAS, the City is in the process of seeking approval and subsequent reimbursement from the applicable state and federal agencies for flood mitigation work required as a result of the storms occurring during these two disaster periods; and

WHEREAS, the Oakland Public Works (OPW), and Department of Transportation (OakDOT) crews responded to erosion or mudslide problems at 88 locations after these severe storms to remove trees, mud and debris, clean storm drains and creeks, and provide temporary stabilization measures for City roadways within the City's right of way and within easements; and

WHEREAS, such emergency responses fall under the Federal Emergency Management Agency (FEMA) and California Governor's Office of Emergency Services (CalOES) categories of Debris Removal and Protective Measures; and

WHEREAS, OPW/OakDOT applied reimbursement from FEMA for these emergency mitigation expenses; and

WHEREAS, funding for the City's share is available in the Measure B (Fund 2211) and Measure BB (Fund 2216) Emergency Roadway Projects; and

WHEREAS, OPW/OakDOT Maintenance Services subsequently referred twenty of these 88 slide locations to OPW/OakDOT Engineering Services for permanent restoration work such as retaining walls, slope stabilization, storm drain system rehabilitation and environmental mitigation measures; and

WHEREAS, permanent restoration work at the twenty landslide locations is necessary to provide stability to City roads, to restore storm drainage capacity and to provide other mitigation measures; and

WHEREAS, the design, construction and inspection costs for the emergency repairs and permanent restoration work at these twenty landslide locations may cost an estimated \$4,566,260; and

WHEREAS, it the City is in process of performing the storm-related work and has entered into several agreements for 11 of the 20 sites with construction and services providers Bay Construction and McGuire and Hester with prior consent from the City Administrator, Contracts and Compliance Division, the City Attorney, and the Controller's Bureau; and

WHEREAS, the City anticipates additional agreements are necessary for construction and services for repair and permanent work on the remaining storm related disaster sites; and

WHEREAS, City Charter Section 801 requires the Council to establish expenditures and make necessary appropriations for such expenditures as part of the budget process; and

WHEREAS, the expenditure for such disasters are not foreseeable when preparing the two-year budget and emergency work requires rapid turnaround of financial support for incurred or prospective expenditure; and

WHEREAS, it is anticipated that federal and state agencies will reimburse the City up to 93.75% of the approved emergency repairs and permanent restoration work, agreements, and work to be performed within the deadline that FEMA sets after the disaster declarations; and

WHEREAS, OPW/OakDOT needs advance City Council authorization for the City Administrator or her designees to accept funds from the State of California and federal agencies for reimbursable costs; and

WHEREAS, this resolution will authorize the City Administrator or her designees to accept funds from the State of California and federal agencies for reimbursable costs; and

WHEREAS, the appropriation for expenditure amounts related to state and federal- approved OPW/OakDOT emergency reopening and permanent restoration activities should be offset by up to \$3,782,303 of state and federal funding and the fund, organization, account, project, and

program codes would be determined by the appropriate state and/or federal agency requirements and funding sources; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the OPW/OakDOT \$4,566,260 to fund emergency restoration and permanent landslide restoration measures; and, be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to accept funds from State of California and federal agencies for actual emergency reopening and permanent restoration actions and support activities carried out by the OPW/OakDOT as a result of these storms; and, be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to create and activate the FEMA 4301 DR - 2017 Winter Storm Fund (Fund 2063) for federal costs associated with the January 3, 2017 to January 12, 2017 storms under presidential declaration 4301 DR and the FEMA 4308 DR – February Storm Fund (Fund 2063) for federal costs associated with the February 1 to February 23, 2017 storms under presidential declaration 4308 DR; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to accept and appropriate \$3,782,303 into the funds detailed below:

- Fund 2063 - FEMA Winter Storm 2017
- Fund 2146 - California State Emergency Services

This \$3,782,303 appropriation shall be divided into separate project numbers, for each of the storm damaged sites; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designees to budget revenues as detailed below;

Fund 2063	- FEMA Winter Storm 2017	\$3,025,843 (75.00%)
Fund 2146	- California State Emergency Services	\$756,461 (18.75%)

and be it

FURTHER RESOLVED: That if additional funds are received within the timeline set by FEMA and CalOES, funds can be appropriated without returning to Council; and, be it

FURTHER RESOLVED: That if state and federal funds are not reimbursed at the level anticipated and a higher local share is required, staff shall return to Council for additional budget authority; and, be it

FURTHER RESOLVED: That all contracts executed under the authority granted hereunder will be approved for form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 20 2017

PASSED BY THE FOLLOWING VOTE:

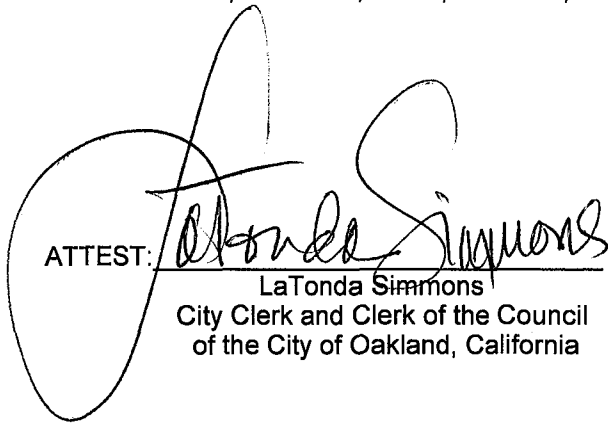
AYES - ~~6~~ CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID -7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California