

  
Celso Ortiz (May 1, 2026 18:11:48 PDT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

**INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 1) ENTER INTO AN AGREEMENT WITH THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (DISTRICT) TO ACCEPT FUNDS IN AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) TO IMPLEMENT THE COLLABORATIVE CREEK IMPROVEMENT AND CLEAN CREEKS PROGRAMS (PROGRAMS) OVER A FIVE FISCAL YEAR TERM FROM JULY 1, 2026, THROUGH JUNE 30, 2031 (TERM); 2) APPROPRIATE FUNDS IN AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) FROM THE DISTRICT TO IMPLEMENT THE PROGRAMS FOR THE TERM OF THE AGREEMENT; AND 3) ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.**

**WHEREAS**, pursuant to the state of California District Act, Zone 12 of the Alameda County Flood Control and Water Conservation District (District) was created in 1964 as a State Special District to maintain open creek flow ways and to provide limited debris removal for creeks in the cities of Oakland, Emeryville, and a portion of San Leandro; and

**WHEREAS**, the District owns and maintains flood control facilities within the area designated as Zone 12; and

**WHEREAS**, the District and the City wish to coordinate efforts to more effectively and efficiently protect, and enhance water quality, and to provide for flood control measures within Zone 12; and

**WHEREAS**, Since the 1990s, the District and the City have collaborated to maintain and protect Oakland's waterways by implementing the Collaborative Creek Improvement Program and the Clean Creeks Program (Programs); and

**WHEREAS**, the District seeks to work with the City to implement the Collaborative Creek Improvement and Clean Creeks Programs (Programs) and further seeks to grant the City one million six hundred thousand dollars (\$1,600,000.00) in funds for these programs for the period July 1, 2026 through June 30, 2031; and

**WHEREAS**, the City is authorized by acts governing the City to engage in the proposed activities and is qualified to perform the services funded by the District; and

**WHEREAS**, under Section 504 (l) of the Oakland City Charter, the City Administrator may, when directed by Council “...represent the City in its intergovernmental relations and...negotiate contracts for joint governmental actions, subject to Council approval;” and

**WHEREAS**, this action is exempt from the California Environmental Quality Act (CEQA) on the basis that: (1) it is an action taken for the protection of the environment (CEQA Guidelines Section 15307) and (2) there is no possibility of a negative impact on the environment (CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption); and

**WHEREAS**, procedures established by the City require the City to certify by resolution the approval to enter into an Agreement with the District; now, therefore, be it

**RESOLVED:** That pursuant and subject to all the terms and conditions of the Agreement Related to the Clean Creek Program and the Collaborative Creek Improvement Program (Agreement) between the City and the District, the City Council authorizes the City Administrator, or designee, to accept and appropriate District funds in an amount not to exceed one million six hundred thousand dollars (\$1,600,000.00) over the five fiscal year term from July 1, 2026 through June 30, 2031; and be it

**FURTHER RESOLVED:** That District funds for the Programs for Fiscal Year (FY) 2026, FY 2027, FY 2028, FY 2029, and FY 2030, will be deposited and appropriated as part of the baseline budget for each of those fiscal years as follows, upon Agreement authorization by both the District and the City:

\$240,000.00 per FY to Public Works Grants Fund (2990); Collaborative Creeks Project (1004385); Watershed and Stormwater Organization (30245); Storm Drain Management and Maintenance (IN14), Various Expense Accounts (51xxx – 58xxx), for the Collaborative Creek Improvement Program; and

\$80,000.000 per FY to Public Works Grants Fund (2990); Clean Creeks Project (1004228); Environmental Services: Environmental Remediation (30683); Sustainable Oakland Program (SC26), Various Expense Accounts (51xxx – 58xxx), for the Clean Creeks Program; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said Agreement, should additional funds become available for these Programs, provided that such amendments or extensions shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to negotiate with the District and execute all necessary applications, contracts, agreements, amendments and extensions of the same for the Collaborative Creek Improvement and Clean Creeks Program activities, subject to the review and approval of the City Attorney’s Office; and be it

**FURTHER RESOLVED:** That the City Administrator, when directed by Council, may represent the City in its intergovernmental relations and negotiate contracts for joint governmental actions, subject to Council approval; and be it

**FURTHER RESOLVED:** This action is exempt from the California Environmental Quality Act (CEQA) on the basis that: (1) it is an action taken for the protection of the environment (CEQA Guidelines Section 15307) and (2) there is no possibility of a negative impact on the environment (CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption). Implementation of the Programs enhances the City’s efforts to improve water quality and reduce flooding to protect, restore, and improve Oakland’s creeks and waterways. These efforts also help to meet the following actions in City’s Equitable Climate Change Action Plan: “Expand and Protect Green Infrastructure & Biodiversity,” “Rehabilitate Riparian Areas and Open Space,” and “Expand and Protect Tree Canopy Coverage; and be it

**FURTHER RESOLVED:** That the City Attorney’s Office will review this agreement 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 - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

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

OCA DOCUMENT NUMBER / ATTORNEY INITIALS