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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Mayor Libby Schaaf, Vice
Mayor Annie Campbell
Washington,
Councilmember Noel Gallo

SUBJECT: Oakland Children's Initiative of 2018

DATE: March 29, 2018

RECOMMENDATION

Receive an INFORMATIONAL REPORT ON A PROPOSED RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE NOVEMBER 6, 2018 STATEWIDE ELECTION, A PROPOSED ORDINANCE TO ADOPT A SPECIAL PARCEL TAX TO IMPROVE PRESCHOOL, ELEMENTARY, HIGH SCHOOL, AND COLLEGE SUCCESS AND CAREER READINESS BY EXPANDING ACCESS TO AND QUALITY OF PRESCHOOL, AS WELL AS INCREASE HIGH SCHOOL AND COLLEGE GRADUATION RATES; AND DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE NOVEMBER 6, 2018 STATEWIDE ELECTION.

EXECUTIVE SUMMARY

The Oakland Children's Initiative parcel tax ordinance is an unprecedented collaboration of the city, district, county, nonprofits, elected officials, colleges and community members. Attached to this report is a draft of the proposed ordinance, which we plan to present to the City Council for submission to the voters for the November 2018 ballot. There may be additional changes to this draft. The proposed ordinance, developed in partnership with the community and a concurrent County-level early care and education effort, would authorize a thirty-year special parcel tax that is expected to raise up to \$30 million annually. The revenue would be used for the following purposes:

- **Early Childcare and Education:** 62% would be used to support programs to expand access to and quality of early childcare and education and preschool to increase educational outcomes and reduce educational inequality.
- **Oakland Promise College Access and Completion:** 31% would be used to reduce disparities in postsecondary education outcomes, and increase college awareness and expectations, college savings, family economic well-being, college and career access, college application, enrollment, admission rates, affordability and graduation rates.
- **Oversight, Accountability and Evaluation:** 7% would be used for oversight and accountability costs including the cost of operating the Citizens' Oversight Commission (the "Commission") established by the measure, staffing, operations, audits, implementation planning, and outreach. One-third of this amount would be reserved for independent third-party evaluations of program effectiveness.

The Commission would select for recommendation to the City Council a nonprofit or government agency to administer each Fund as its Implementation Partner. The City Council would approve the selection of the Implementation Partner. This ordinance creates a new City staff position to serve as the Children's Initiative accountability officer to provide oversight and staff the Commission. This ordinance establishes

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funding Guidelines for programs for the first five years. After the first five years, Guidelines would be developed by the accountability officer and approved by the Commission. The ordinance establishes the Commission. Commission members would be appointed by the Mayor following request for recommendations from Council and School Board and subject to City Council confirmation.

After research on various tax options, a parcel tax was determined to be most progressive stable revenue source available. The proposed measure has the strongest low income exemptions to date, with full exemptions for all households earning 60% or less of area median income (AMI), seniors earning less than 80% AMI and affordable housing developments. The tax for each single-family residential parcel is \$198. For non-residential parcels, the tax would vary depending on parcel frontage and square footage, based on the standard formula specified in the measure.

In an October 2017 privately conducted poll, 71% of likely voters said they would vote for a \$198 parcel tax for these purposes, while another 4% stated they were leaning toward a yes vote.

BACKGROUND AND ANALYSIS

Currently, in Oakland:

- 43% of students in Oakland enter kindergarten ready to learn; while 82% of both white students and children from families making above \$100,000 entered kindergarten-ready, just 36% of African American students, 29% of Latino students, and 34% of students from families making below \$35,000 were kindergarten-ready.
- Roughly half of children from low-income families are not enrolled in preschool, and according to a recent Parent Voices study, over 2,200 Oakland families with preschool-aged children are on a waiting list for financial assistance.
- 15% of OUSD 9th graders in 2005 achieved a Bachelor's degree within 6 years of graduating from high school, and just 19% achieved a two-year and/or four-year degree.

The vision of the Oakland Children's Initiative is to eliminate the kinder-readiness gap by significantly increasing both access to and the quality of preschool in Oakland and supporting children cradle-to-career through the Oakland Promise. By supporting children in their early development years and providing targeted supports at critical transition points, the Children's Initiative can ensure every Oakland child gets off to a strong start and that students will then graduate high school and achieve a four-year, two-year college or accredited technical degree at higher rates. Research shows:

- 90% of a child's brain develops during the first five years of life, and this critical period is a window of opportunity to lay the foundation for all of the years that follow. For example, the latest Oakland shows that just 58% of children who did not attend any preschool were 'on track', compared to 78% of children who attended preschool.
- Kindergarten readiness has a demonstrated impact on success in a child's early elementary school years, and research suggests that students who are not reading proficiently by 3rd grade are four times less likely to graduate by age 19 than their peers who are proficient readers.
- Public investment in quality early education programs produces some of the highest returns on investment, with up to \$9 for every public dollar we spend.
- Students at high schools with Oakland Promise programs are enrolling in college at rates higher than their peers, according to an external evaluation by the independent research organization NORC at the University of Chicago:
 - In 2017, students at high schools with Oakland Promise programs reported applying to at least one post-secondary educational institution at a rate of 88%, compared to 77% for their peers at comparison non-Oakland Promise schools.
 - For the 15-16 senior class, there was a 7 percentage point increase in students enrolling in any college or university (2- or 4-year) in the fall after their senior year for students

- from schools with Oakland Promise programs, while rates stayed flat at comparison schools. This included a significant gain of 11 percentage points for Latinx students.
- Enrollment in 4-year colleges for African American students increased by 14 percentage points at schools with Oakland Promise programs, while it stayed flat at comparison schools.

Over a lifetime, college graduates will earn up to \$1 million more than those with a high school diploma, and college graduates are far less likely to suffer from poverty, unemployment, poor health outcomes, or to be involved with the criminal justice system.

The students who lack those foundational skills tend to come from historically underserved communities: over 2,000 children are born into families who are eligible for MediCal in Oakland annually; over two thirds of OUSD kindergarteners are eligible for Free or Reduced Price Lunch; and 43% are English Language Learners. These are also the students entering behind: while 82% of both white students and children from families making above \$100,000 entered kindergarten-ready, just 36% of African American students, 29% of Latino students, and 34% of students from families making below \$35,000 were kindergarten-ready.

There is also a clear disparity of which students are able to access high quality preschool, with half of children from low-income families unenrolled. According to a recent Parent Voices study, over 2,200 Oakland families with preschool-aged children are on a waiting list for financial assistance. In addition to the financial burden, most of these families live in traditionally underserved 'preschool deserts' in East and West Oakland. These early disparities have a compounding effect on students who are from low-income backgrounds as they lag behind their peers in elementary, middle, and high school. Just 15% of OUSD students will have a Bachelor's degree within 6 years of graduating high school, and 19% will have a 2-year college and/or 4-year degree. With this ordinance, students will graduate high school and college at higher rates with additional supports like scholarships and mentors.

At a time when resources for children from state and federal sources are increasingly unreliable, Oakland can lead the nation by creating permanent funding to break the intergenerational cycle of poverty and replace it with opportunity. By focusing strategic resources on students from low-income backgrounds or are traditionally underrepresented in higher education, we can disrupt this vicious cycle. We know that investing in our children works.

This ordinance, developed in partnership with the community and a concurrent County-level early education effort, would authorize a thirty-year special parcel tax that is expected to raise up to \$30 million annually. The revenue would be used for the following purposes:

- **Early Childcare and Education:** 62% of the revenue generated would be deposited in an Early Education Fund to be used to support programs to expand access to and increase quality of early childcare and education and preschool to increase educational outcomes and reduce educational inequality. By significantly increasing funding directed toward early childhood education in Oakland through the Children's Initiative, the ordinance aims to:
 - **Expand Access to High-Quality and Affordable Preschool:** The Oakland Children's Initiative will strive to expand free or affordable high-quality preschool for those families who need it most, while offsetting costs for middle-income families as resources allow. This targeted universal approach will ensure we're supporting all students and providing additional resources to those students furthest from opportunity.
 - **Increase the Quality of Existing Preschool Slots:** Increasing the quality of existing preschool slots requires a multifaceted approach improving financing, quality standards, curriculum and other supports. By increasing the average per-child preschool reimbursement rate tied to certain quality standards, we will allow providers to improve their current quality, with research-backed interventions such as professional development and coaching for teachers, family support and engagement, and improved

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entry-level assistant teacher wages to at least \$15/hour to attract talent and increase retention.

- **Oakland Promise:** 31% would be deposited in an Oakland Promise Fund to be used to reduce disparities in postsecondary education outcomes, and increase college awareness and expectations, college savings, family economic well-being, college and career access, college application, enrollment, admission rates, affordability and graduation rates. By supporting students at key transition points, through targeted interventions along the cradle-to-career continuum, the Oakland Promise builds pathways to postsecondary education outcomes and breaks the cycle of intergenerational poverty, with such strategies and goals as:
 - **Increasing early college awareness and expectations** in children and their families, such as by instilling a college-bound identity in students and college-going culture in schools;
 - **Increasing college savings** and family economic well-being starting early in a child's life, through the creation and seeding of college savings accounts and the provision of financial coaching and supports to families.
 - **Increasing College and career awareness, application, and eligibility**, as measured by increases in completing courses required for College enrollment, such as those required by the University of California, and in College acceptance rates of Oakland Public School students, by providing College access services that are integrated into schools.
 - **Increasing College admission, matriculation, and enrollment rates**, such as increasing the percent of students who enroll in College in the fall directly following high school graduation through a focus on the above strategies.
 - **Increasing College affordability**, including by expanding access to public and private student financial aid, such as by increasing FAFSA or Dream Act Application completion rates, increasing the direct provision of College scholarships including multi-year scholarships, and partnering with educational institutions in order to provide institution-specific scholarships and to reduce tuition, room and board, and/or other college expenses.
 - **Increasing full-time College persistence rates** for students enrolled in College, especially persistence between their first and second year of enrollment, through means such as mentoring, peer advising, and on-campus supports.
 - **Increasing the number of Oakland students** graduating from College within six (6) years of high school graduation.
 - **Reducing disparities in post-secondary education outcomes** for students traditionally underrepresented in post-secondary education
- **Oversight, Accountability, and Evaluation:** 7% would be deposited in the Oversight, Accountability, and Evaluation Fund to be used for oversight and accountability costs including the cost of operating the Citizens' Oversight Commission established by the measure, staffing, operations, audits, implementation planning, and outreach. A minimum of one-third of this amount would be reserved for independent third-party evaluations of program effectiveness.
 - **The Early Education and Oakland Promise Funds will be overseen by an accountability officer**, who is hired by the City Administrator in consultation with the Oakland Unified School District's Superintendent, as well as a Citizens' Oversight Commission. The accountability officer or such person appointed by the City Administrator will be responsible for the management of funds, developing the five-year

Guidelines for how revenue is spent, and overseeing third-party evaluations.

- **The Citizens' Oversight Commission** will approve the five-year guidelines and would make a recommendation to the City Council for the selection of the Implementation Partners to administer the funds. The Commission will have 9-15 members. All of them must live or work in Oakland; a majority must be residents of Oakland. The ordinance establishes funding Guidelines for programs for the first five years. After the first five years, Guidelines would be developed by the accountability officer and approved by the Commission. The City Council would approve the selection of the Implementation Partner to administer the funds.
- **Implementation Partners**, or initiatives within, must have a primary mission consistent with the purposes of the Fund they seek to manage and must be a government agency or non-profit agency in good standing.
- **The Mayor may seek recommendations from the Council for Commission membership**, after which the Commission would be appointed by the Mayor subject to City Council confirmation, to oversee programs funded by this measure.

REVENUE SOURCE

After research on various tax options, a parcel tax was determined to be most progressive stable revenue source available. The proposed measure has the strongest low-income exemptions to date, with full exemptions for all households earning 60% or less of area median income (AMI), seniors earning less than 80% AMI and affordable housing developments. The tax for each single-family residential parcel is \$198. For non-residential parcels, the tax would vary depending on parcel frontage and square footage, based on the standard formula specified in the measure.

PUBLIC OUTREACH / STAKEHOLDER & COMMUNITY INPUT

The proposed ordinance was developed with input from the Department of Finance (Katano Kasaine & Bradley Johnson), Human Services Department (Sara Bedford).

In addition to internal consultation, this proposal involved extensive input from stakeholders like the Oakland Unified School District, and community members beginning in Summer 2017 through March 2018:

- Endorsers¹ of the Oakland Children's Initiative include:
 - Alicia Contreras, Executive Director, East Bay Spanish Speaking Citizens' Foundation
 - Amber Childress, Alameda County Board of Education (Area 2)
 - Assemblyman Rob Bonta (D18)
 - Assemblyman Tony Thurmond (D15)
 - Bishop Bob Jackson, Acts Full Gospel
 - Chris Iglesias, CEO, the Unity Council
 - Congresswoman Barbara Lee
 - Councilmember and Vice Mayor Annie Campbell Washington (D4)
 - Councilmember Noel Gallo (D5)
 - Cynthia Adams, NAACP Oakland, VP & Education Chair
 - David Harris, CEO & President, Urban Strategies Council

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- David Roach, Community Leader
 - Diane Dodge, ED, East Bay College Fund
 - Dr. Bert Lubin, UCSF President Emeritus
 - Emma Roos, Educational Coalition for Hispanics in Oakland
 - George Holland, NAACP Oakland, President
 - Jane Garcia, CEO, La Clinica de la Raza
 - Janis Burger, former CEO, First 5 Alameda
 - Jim Wunderman, President, Bay Area Council
 - Jorge Lerma, Educational Coalition for Hispanics in Oakland
 - Josh Simon, ED, East Bay Asian Local Development Corporation
 - Jowel Laguerre, Chancellor of Peralta Community College District
 - Kristin Spanos, CEO, First 5 Alameda
 - L Karen Monroe, Superintendent of Alameda County Office of Education
 - Leroy Morishita, President of Cal State University East Bay
 - Lieutenant Governor Gavin Newsom
 - Mayor Libby Schaaf
 - Mark Friedman, Board Chair, East Bay Community Foundation and CEO, T.J. Long Foundation
 - Michael McAfee, President, PolicyLink
 - OUSD Director Jumoke Hinton-Hodge (D3)
 - OUSD Director Nina Senn (D4)
 - OUSD Director Roseann Torres (D5)
 - OUSD Student Director Gema Quetzal Cardenas
 - President, Alameda County Board of Supervisors, Wilma Chan (D3)
 - Sanam Jorjani, Co-Director, Oakland Literacy Coalition
 - Scott Moore, CEO, Kidango
 - Senator Nancy Skinner (D9)
 - Ted Lempert, CEO, Children Now
- Organizational endorsements of the vision & goals of the Oakland Children's Initiative include:
 - 4 C's Alameda County
 - ACORN Woodland Elementary School
 - Alternatives in Action
 - Bananas
 - Bay Area Community Services
 - Bay Area Council
 - Child Care Links
 - Children Now
 - East Bay Asian Local Development Corporation
 - East Bay College Fund
 - First 5 Alameda
 - Healthy Havenscourt Collaborative
 - Kidango

¹ Organizational titles for identification purposes only.

- La Clínica de la Raza
 - Latino Education Network
 - Latino Education Taskforce
 - LitLab
 - Mills College
 - NAACP Oakland
 - New Hope Church
 - Oakland Education Fund
 - Oakland Housing Authority
 - Oakland Housing Authority Resident Advisory Board
 - Oakland Literacy Coalition
 - Oakland Parents Together
 - OUSD All City Council Student Union
 - PG&E
 - PolicyLink
 - SEIU 1021
 - SPAAT
 - The Unity Council
 - Urban Strategies Council
- Over 90 stakeholder meetings hosted by the Mayor's Office with
 - 24 Hour Children's Center; 4 Cs Alameda County; Acts Full Gospel, Bishop Bob Jackson; Akonadi Foundation, Lateefah Simon & Gina Acebo; Alameda Health Services, Sherry Hirota & Julia Liou; Alameda Labor Council; Andrea Youngdahl; APEN, Amado Uno; Arne Duncan, Former Secretary of Education for President Obama; Assemblyman Rob Bonta; Brian Rogers; BANANAS; Bay Area Council, Jim Wunderman & Matt Regan; Bob Friedman (CFED); City of Oakland Head Start; Causa Justa / Just Cause; Chamber of Commerce, Barb Leslie; Chris Chatmon; City of Oakland, DHS Sara Bedford; City Administrator Sabrina Landreth; Councilmember Abel Guillen; Councilmember Dan Kalb; Council President Larry Reid; Councilmember Noel Gallo; Councilmember Rebecca Kaplan; CTA, Rick Wathen; Dave Brown (Supervisor Chan); David Roach; Dr. Bert Lubin (Children's Hospital); East Bay College Fund; East Bay Community Foundation; East Oakland Boxing Association, Solomon Howard; EBAYC; EBALDC; EBHO, Gloria Bruce; Educators for Democratic Schools; First 5 Alameda; First 5 San Francisco; Gary Yee; GO Public Schools; Hamilton Foundation, Tomiquia Moss; Head Start Advisory Board; Healthy Havenscourt Collaborative; JPA, Lisa Villarreal; Kenneth Rainin Foundation; La Clínica de La Raza; Kidango; Latino Education Network; League of Women Voters Oakland; LitLab; NAACP Oakland; Oakland Housing Authority; Oakland Housing Authority Resident Advisory Board; Oakland Public Libraries; Oakland Rising; Oakland Thrives Leadership Council; Oakland Unite, Kevin Grant; OCO; OEA, Trish Gorham; OFCY, Sandy Taylor; OUSD Office of Community Engagement; OUSD ECE Dept; OUSD Office of Equity; OUSD Supt. Johnson Trammell; OUSD Board Director James Harris; OUSD Board President Aimee Eng; OUSD Board Director Jody London; OUSD Board Director Jumoke Hinton Hodge; OUSD Board Director Nina Senn; OUSD Board Director Roseann Torres; OUSD Board Director Shanthy Gonzales; OUSD Chief of Staff, Curtiss Sarikey; OUSD Network Superintendent Monica Thomas; OUSD Office of Linked Learning; Parent Voices Oakland, Clarissa Doutherd; Peralta; PLAN, Pecolia Manigo; Rainin Foundation, Carla Bryant & Paula Ambrose; SEIU 1021, Gary Jimenez; SEIU 1021, Kristin Lynch; SEIU 521, Cheryl Brown; St. Mary's Center; St. Vincent's; Starting

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Smart and Strong; Supervisor Keith Carson; Supervisor Miley's Office; Tasha Henneman, Office of Senator Skinner; Tandem; Unity Council; Through the Looking Glass; Urban Strategies Council; Vice Mayor Annie Campbell Washington; Voqal, Vinny Badolato; YMCA East Bay

- The work of a 20 member Steering Committee, which met every two weeks from September through March 2018 to integrate the feedback from community meetings. We have consciously structured our Steering Committee to represent a diverse range of voices, and Steering Committee members input directly affected policy content in a transparent way. Members include:
 - Cynthia Adams, NAACP Oakland, Education Chair
 - Sondra Aguilera, OUSD, Deputy Chief Student Services
 - Christie Anderson, OUSD, Director of Early Childhood Education
 - Sara Bedford, Department of Human Services
 - Rob Bonta, CA State Assembly
 - Dave Brown, Office of Supervisor Chan
 - Janis Burger, Former CEO First 5 Alameda County
 - Annie Campbell Washington, Vice Mayor, City of Oakland
 - Clarissa Doutherd, Parent Voices Oakland, Executive Director
 - Mark Friedman, CEO T.J. Long Foundation
 - Leroy Gaines, OUSD Principal, ACORN Woodland
 - Caheri Gutierrez, Oakland Promise, Community Engagement Coordinator
 - Carmen Haynes, OUSD, Transitional Kindergarten Teacher
 - Tasha Henneman, Office of Senator Nancy Skinner
 - Chris Iglesias, CEO, The Unity Council
 - Priya Jagannathan, Manager, Oakland Starting Smart and Strong
 - Raquel Jimenez, OUSD Office of Equity, Director of Latino/a Student Achievement
 - Jorge Lerma, Co-Founder,
 - Latino Education Network and former Oakland teacher, Principal, and Preschool Director
 - LeAna Powell, Parent Leader
 - Matt Regan, Bay Area Council
 - Curtiss Sarikey, OUSD Chief of Staff
 - David Silver, Director of Education, Office of Mayor Schaaf
 - Ash Solar, GO Public Schools
 - Kristin Spanos, CEO First 5 Alameda County
- Monthly Community Advisory Councils hosted throughout Oakland to seek input on policy design, with attendance reaching up to 75 community members per meeting. Meetings were held:
 - August 18th: East Bay Community Foundation
 - October 5th: Uptown Oakland
 - November 3rd: East Bay Community Foundation
 - November 13th: San Antonio Fruitvale Center
 - December 11th: La Escuelita
 - January 11th, East Oakland Youth Development Center
 - February 8th: Asian Health Services
 - March 5th: McClymonds High School
 - April 9th: The Unity Council
- House Parties to meet community members in their homes and seek their feedback and input, in East Oakland, West Oakland and Fruitvale in November and January, hosted by members of the Oakland Promise Ambassador network.

In addition, a draft of the legislation was posted online on February 1st for community members to comment interactively on the proposal, while our February 8th and March 5th Community Advisory Councils included small break out groups for community members to discuss the legislative text specifically. Finally, in addition to these City-focused events and outreach, the development of this legislation was supported by the infrastructure of the concurrent County planning process, which over the same time period also conducted nearly 100 stakeholder meetings.

These stakeholder and community meetings have had demonstrated impact on the proposed legislation and have allowed impacted community members to surface their priorities. These group discussions, with hundreds of parents, students, and community members to date, have helped us understand, among other issues:

- **Desires for Community Voice at the Table and Strong Oversight and Accountability.** Consistent input from community members has emphasized the importance of oversight and accountability. In particular, this has pushed us to augment the powers of a Citizens Oversight Commission to include approving the Guidelines for funding, a step beyond the sister County initiative (which limits the Oversight Committee to retrospective analysis), while also ensuring set aside seats on the Commission to ensure that impacted communities have direct representation and control of funding. Specifically, there are seats for parents, teachers, labor organization representative, first generation college students, as well as a seat for someone with financial expertise to help ensure funds are spent according to the guidelines. By ensuring these seats, we hope to increase transparency and ensure the community is involved throughout the process.
- **Community definitions of “quality preschool provision” and ensuring support for families needing family, friend, and neighbor care.** A consistent community message around the importance of defining quality preschool and on support for families who need family, friend and neighbor care, led to us focusing our December 11 Community Advisory Council at La Escuelita on this topic, and ultimately to more specifically define a menu of quality improvements Oakland providers to pursue - which could include such strategies as increased professional development, coaching, dual-language programs, cultural competency, et. - and to explicitly outline support for family, friend, and neighbor care as a priority. Additionally, we heard very clearly from early childhood educators and the union organizations who represent them that raising wages is critical in ensuring high quality preschool and a strong teacher workforce.
- **Prioritizing 3- and 4-year-olds.** Through a series of exercises and group activities during our Steering Committees and Community Advisory Councils, community members emphasized that if asked to prioritize, they would focus on providing free or affordable preschool for families in highest need, but with provision for all families as resources allow. At the same time, learning from other efforts the legislation is flexibly designed to react to developments at the state or county level to also expand to serve children 0 - 3.
- **Defining high-need communities.** In order to ensure the funded programs reach children who are furthest from opportunity, the January 11 Community Advisory Council at the East Oakland Youth Development Center (EOYDC) focused on defining high-need communities. Community members consistently mentioned supporting homeless children and their families as a top priority. Based on this feedback, the legislation specifically calls for increased support, and gives the Oversight Commission the power to approve additional criteria for targeted support, which could include such other categories as mentioned in Community Advisory Council meetings, like: students or families who are systems-impacted, undocumented, first generation, newcomers or ESL, teen/young adult parents, with disabilities.
- **Creating a College-Going Culture at Schools.** We consistently heard throughout the Community Advisory Councils how important it is to involve and engage parents and families throughout the process, and to keep their perspectives at the center. Other activities that could help develop college-going cultures are trips to colleges, on-campus support groups, etc.

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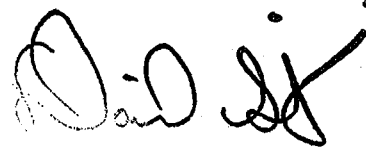
For questions regarding this report, please contact David Silver, Director of Education, Office of Mayor Libby Schaaf at (510)238-3990.

Respectfully submitted,



Mayor Libby Schaaf

Prepared by:



David Silver, Director of Education
Office of Mayor Schaaf

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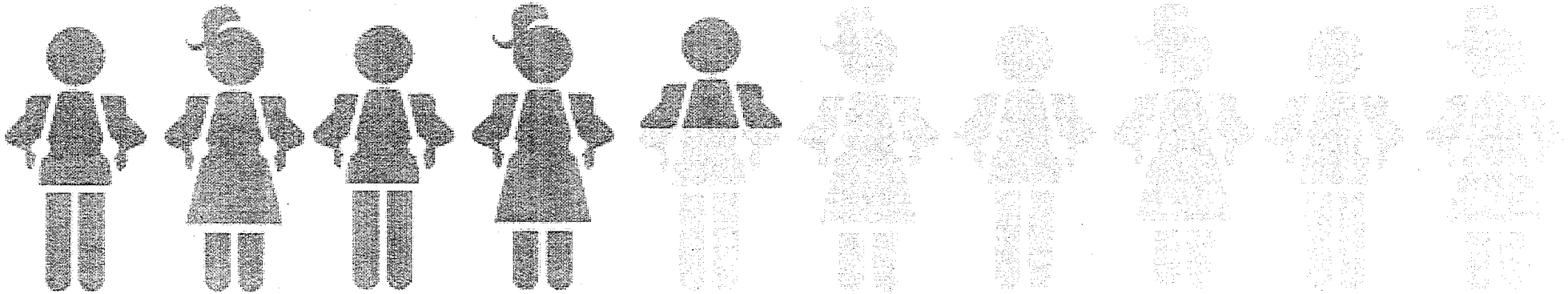
Oakland's Children's Initiative

Increasing Educational Equity across Oakland

Expanding Access to High Quality Early Education and
Supporting Students from Cradle to Career to Ensure College & Career Success



An Access and Equity Gap



Only **43% of assessed OUSD students enter “kindergarten ready,”** as measured by the Kindergarten Observation Form (KOF), administered by First 5 Alameda in 2015.

Specifically, 82% of white students were kindergarten-ready compared to **36%** of African American students and **29%** of Latinx students.

An Access and Equity Gap



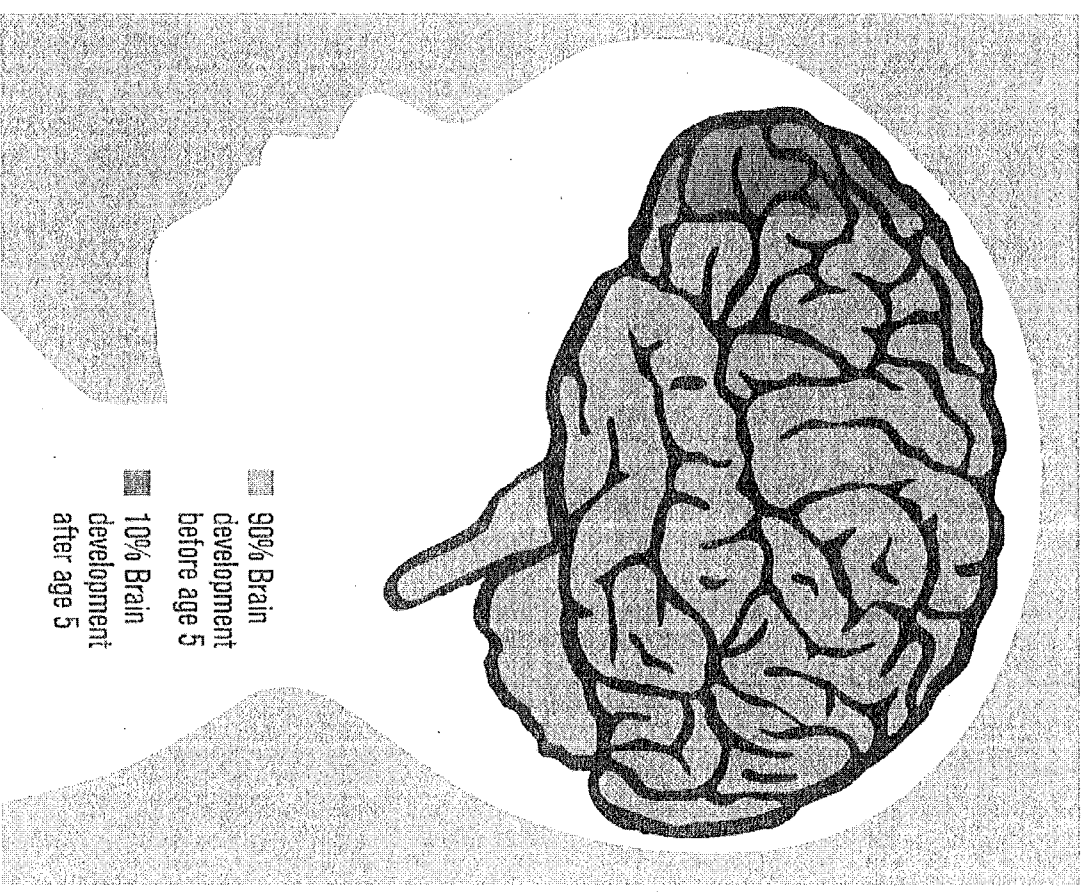
Only about **half** of children from low-income backgrounds are enrolled in preschool, and according to a recent Parent Voices study, **over 2,200** Oakland families with preschool-aged children are on a waiting list for financial assistance.

Many of the families unable to access high-quality preschool live in **East Oakland, Fruitvale, and West Oakland.**

A Clear Window for Deep Investment

90%

of a child's brain
development happens
before age 5



Source: Harvard Center for the Developing Child

A College Completion Gap

Research shows that students who do not complete college are more likely to be unemployed or underemployed.

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DRAFT

A Comprehensive Children's Initiative

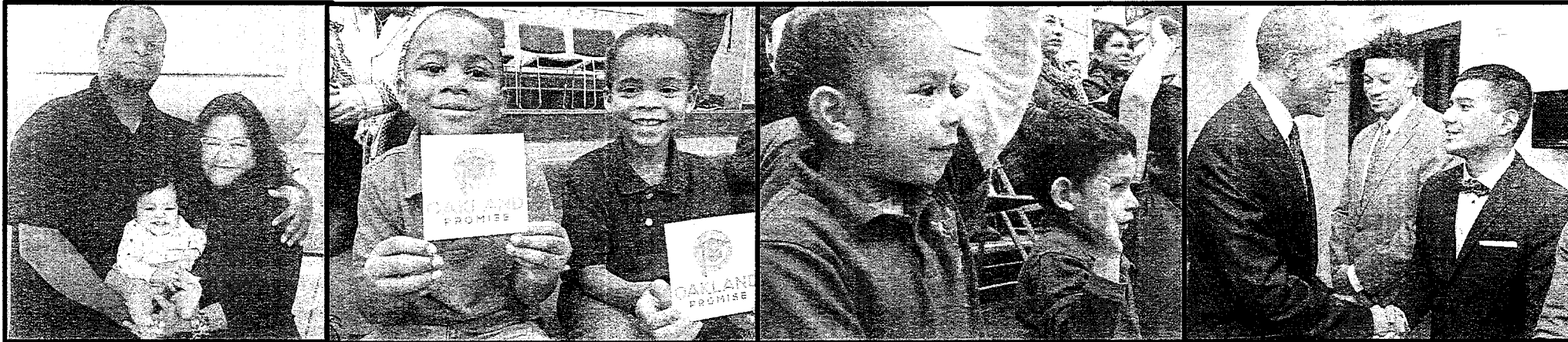


Eliminate the **kinder-readiness gap** by significantly increasing both access to and quality of preschool in Oakland while supporting children **cradle-to-career** through the Oakland Promise

*Vision statement developed in collaboration with Starting Smart & Strong Lead Planning Team

Supporting our Students Cradle to Career

We're deepening our **early investment in children** and supporting them **at each critical step** by expanding funding for cradle-to-career programs, so that students can **equitably access** high quality preschool, and the 4-year, 2-year or accredited technical degree they need.



Birth

Preschool

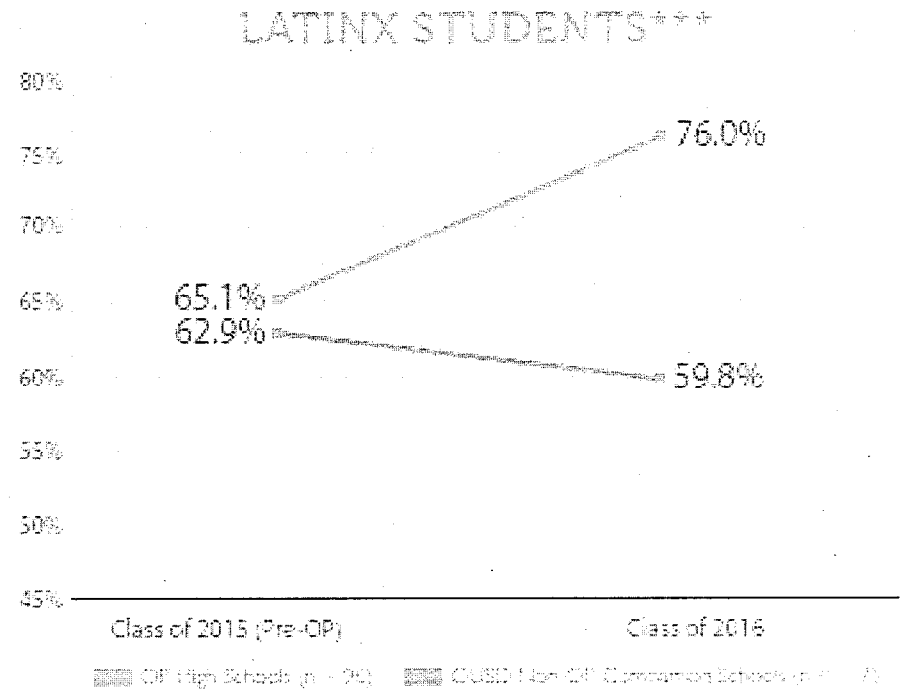
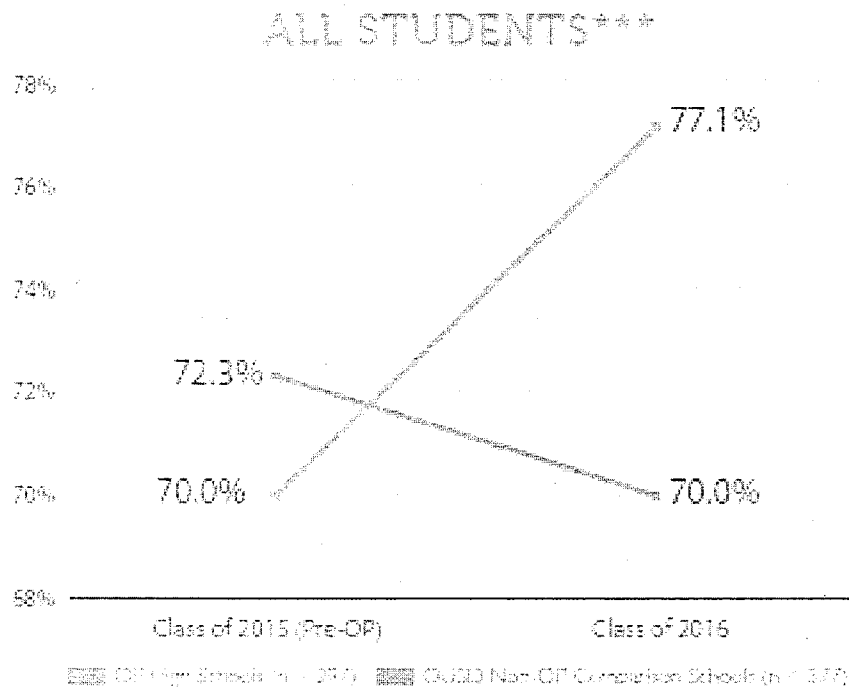
Elementary
School

College
Access

College
Success

Oakland Promise External Evaluation

Enrollment in 2- or 4-Year College

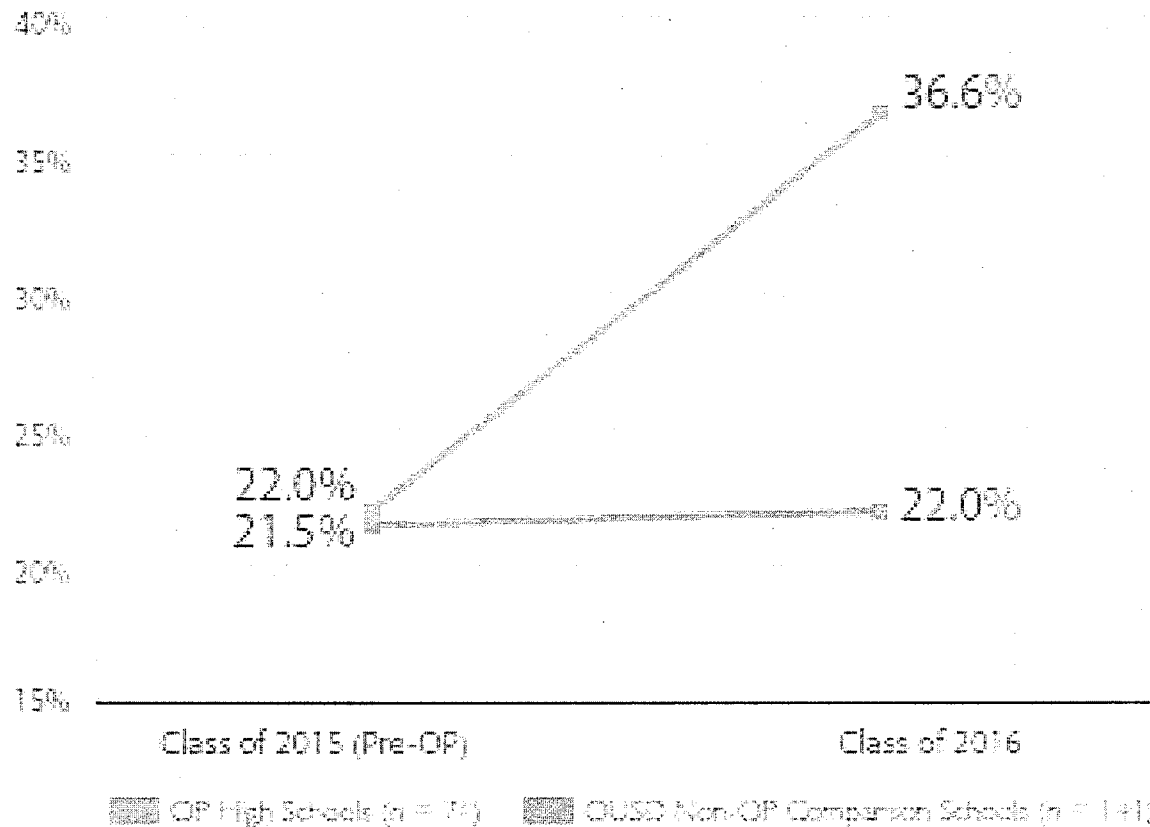


For the 2015-2016 senior class, there was a **7 percentage point increase in students enrolling in any college or university (2-year or 4-year)** in the fall after their senior year for students from OP schools, while rates stayed flat at comparison schools. This included **significant gains of 11 percentage points for Latinx students.**

Oakland Promise External Evaluation

Enrollment in 4-Year College

AFRICAN AMERICAN STUDENTS***



Enrollment in 4-year colleges for African American students increased by 14 percentage points at OP schools, while it stayed flat at comparison schools.

Our Strategy

The Children's Initiative is a proposed **November 2018 ballot measure** that would raise revenue from a **parcel tax** (with low-income, senior, and affordable housing exemptions). Combined with funding from a **June 2018 county initiative** and **private funding** the Oakland Promise Implementation Partner must raise, it aims to:

Increase **quality and access** to preschool for **3,500 - 4,500 children annually at scale**:

- *Improving quality*: Professional development and coaching for teachers, family support and engagement, and improving assistant teacher wages to at least \$15/hour to attract talent and increase retention
- *Increase access by*: Expanding preschool for 3- & 4-year-olds from low-income backgrounds, serving thousands of children annually, and offsetting pre-school costs for thousands of middle-income families.
- *Prioritizing high-need families throughout*: Focusing resources on children furthest from opportunity, such as for families suffering from homelessness, or other similar challenges (e.g. trauma, interaction with criminal justice system)

Dramatically increase college graduation across Oakland by expanding access to **cradle-to-career programs** to support over **17,000 students annually** at critical transition points. This will be accomplished by strategies such as providing early college savings for Oakland babies, starter scholarships and building college-bound identity for kindergartners, college access supports for high school students, and scholarships & persistence supports for students underrepresented in college, ensuring that over 1,000 Oakland students graduate college each year.

POTENTIAL ANNUAL IMPACT AT SCALE

Annually, assumed Oakland Promise implementation partner with additional annual budget of ~\$2 million/year

1,500

College Savings
Accounts Opened for
Children ages 0-10

3,500 -

4,500

Children attending
quality preschool

4,500

Elementary school
students awarded
starter scholarship &
building college-bound
identity

10,000

HS Students
receiving College
Access Supports

1,000

Students enrolled in
college with
scholarships and
persistence supports

1,000

Oakland Students
Graduating from
College each year

>20,000

students and families served

Over 90 1:1 or Small Group Meetings to Date

24 Hour Children's Center
4 Cs Alameda County
Acts Full Gospel, Bishop Bob Jackson
Akonadi Foundation, Lateefah Simon & Gina Acebo
Alameda Health Services, Sherry Hirota & Julia Liou
Alameda Labor Council
Andrea Youngdahl
APEN, Amado Uno
Arne Duncan, Former Secretary of Education for President Obama
Assemblyman Rob Bonta
Brian Rogers
BANANAS
Bay Area Council, Jim Wunderman & Matt Regan
Bob Friedman (CFED)
City of Oakland Head Start
Causa Justa / Just Cause
Chamber of Commerce, Barb Leslie
Chris Chatmon
City of Oakland, DHS Sara Bedford
City Administrator Sabrina Landreth
Councilmember Abel Guillen
Councilmember Dan Kalb
Council President Larry Reid
Councilmember Noel Gallo
Councilmember Rebecca Kaplan
CTA, Rick Wathen
Dave Brown (Supervisor Chan)
David Roach
Dr. Bert Lubin (Children's Hospital)
East Bay College Fund

East Bay Community Foundation
East Oakland Boxing Association, Solomon Howard
EBAYC
EBALDC
EBHO, Gloria Bruce
Educators for Democratic Schools
First 5 Alameda
First 5 San Francisco
Gary Yee
GO Public Schools
Hamilton Foundation, Tomiquia Moss
Head Start Advisory Board
Healthy Havenscourt Collaborative
JPA, Lisa Villarreal
Kenneth Rainin Foundation
La Clínica de La Raza
Kidango
Latino Education Network
League of Women Voters Oakland
LitLab
NAACP Oakland
Oakland Housing Authority
Oakland Housing Authority Resident Advisory Board
Oakland Public Libraries
Oakland Rising
Oakland Thrives Leadership Council
Oakland Unite, Kevin Grant
OCO
OEA, Trish Gorham
OFCY, Sandy Taylor
OUSD Office of Community Engagement
OUSD ECE Dept

OUSD Office of Equity
OUSD Supt. Johnson Trammell
OUSD Board Director James Harris
OUSD Board President Aimee Eng
OUSD Board Director Jody London; OUSD Board Director Jumoke Hinton Hodge
OUSD Board Director Nina Senn
OUSD Board Director Roseann Torres
OUSD Board Director Shanthy Gonzales
OUSD Chief of Staff, Curtiss Sarikey
OUSD Network Superintendent Monica Thomas
OUSD Office of Linked Learning
Parent Voices Oakland, Clarissa Doutherd Peralta
PLAN, Pecolia Manigo
Rainin Foundation, Carla Bryant & Paula Ambrose
SEIU 1021, Gary Jimenez
SEIU 1021, Kristin Lynch
SEIU 521, Cheryl Brown
St. Mary's Center
St. Vincent's
Starting Smart and Strong
Supervisor Keith Carson
Supervisor Miley's Office
Tasha Henneman, Office of Senator Skinner
Tandem
Unity Council
Through the Looking Glass
Urban Strategies Council
Vice Mayor Annie Campbell Washington
Voqal, Vinny Badolato
YMCA East Bay

Key Themes from Stakeholder Meetings

Overall High Excitement for Initiative

“Tremendous opportunity to take control of the resources in our community to do what’s most important for the most vulnerable.”

“The Children’s Initiative is a direction that Oakland has needed to move in for a very long time. It will have great benefit for the children and families of Oakland.”

Champions of the Children's Initiative

Individual Endorsements*

- Assemblyman Rob Bonta (D18)
- Assemblyman Tony Thurmond (D15)
- Congresswoman Barbara Lee
- Alicia Contreras, ED, East Bay Spanish Speaking Citizens Foundation
- Amber Childress, Alameda County Board of Education (Area 2)
- Assemblyman Tony Thurmond (D15)
- Bishop Bob Jackson, Antioch Full Gospel
- Christ Iglesias, CEO, The Unity Council
- Congresswoman Barbara Lee
- Council Member and Vice Mayor Annie Campbell, Washington (D4)
- Council Member, Nola Gallo (D5)
- Gabriela Adams, NAACP Oakland, VP & Education Chair
- Diane Dodge, Co-Head of East Bay College Fund
- David Roach, Community Leader
- David Harris, CEO & President, Urban Strategies Council
- Dr. Bert Lubin, OUSB President Emeritus
- Emma Roos, Educational Coalition for Hispanics in Oakland
- George Holland, NAACP Oakland, President
- Jane Garcia, CEO, La Clinica de la Raza
- James Burgen, former CEO, First 5 Alameda
- Josh Smith, ED, East Bay Asian Local Development Corporation
- Jim Wunderman, President, Bay Area Council
- Jorge Leizaola, Educational Coalition for Hispanics in Oakland
- Jewel Laduene, Chancellor of Peralta Community College District
- Kusan Spangos, CEO, First 5 Alameda
- L. Karen Monroe, Superintendent of Alameda County Office of Education
- Leroy Morshub, President of Cal State University East Bay
- Lieutenant Governor Gavin Newsom
- Mayor Libby Schaaf
- Mark Friedman, Board Chair, East Bay Community Foundation
- Michael McAfee, President, PolicyLink
- OUSD Director Junoke Hinton-Hodge (D3)
- OUSD Director Nina Sehn (D4)
- OUSD Director Roseann Torres (D5)
- OUSD Student Director Gema Quetzal Cardenas
- President, Alameda County Board of Supervisors, Wilma Chan (D3)
- Shafiq Jarrari, Co-Director, Oakland Literacy Coalition
- Scott Moore, CEO, Kidango
- Senator Nancy Skinner (D9)
- Treck Tempert, CEO, Children Now

Supporters of our Vision

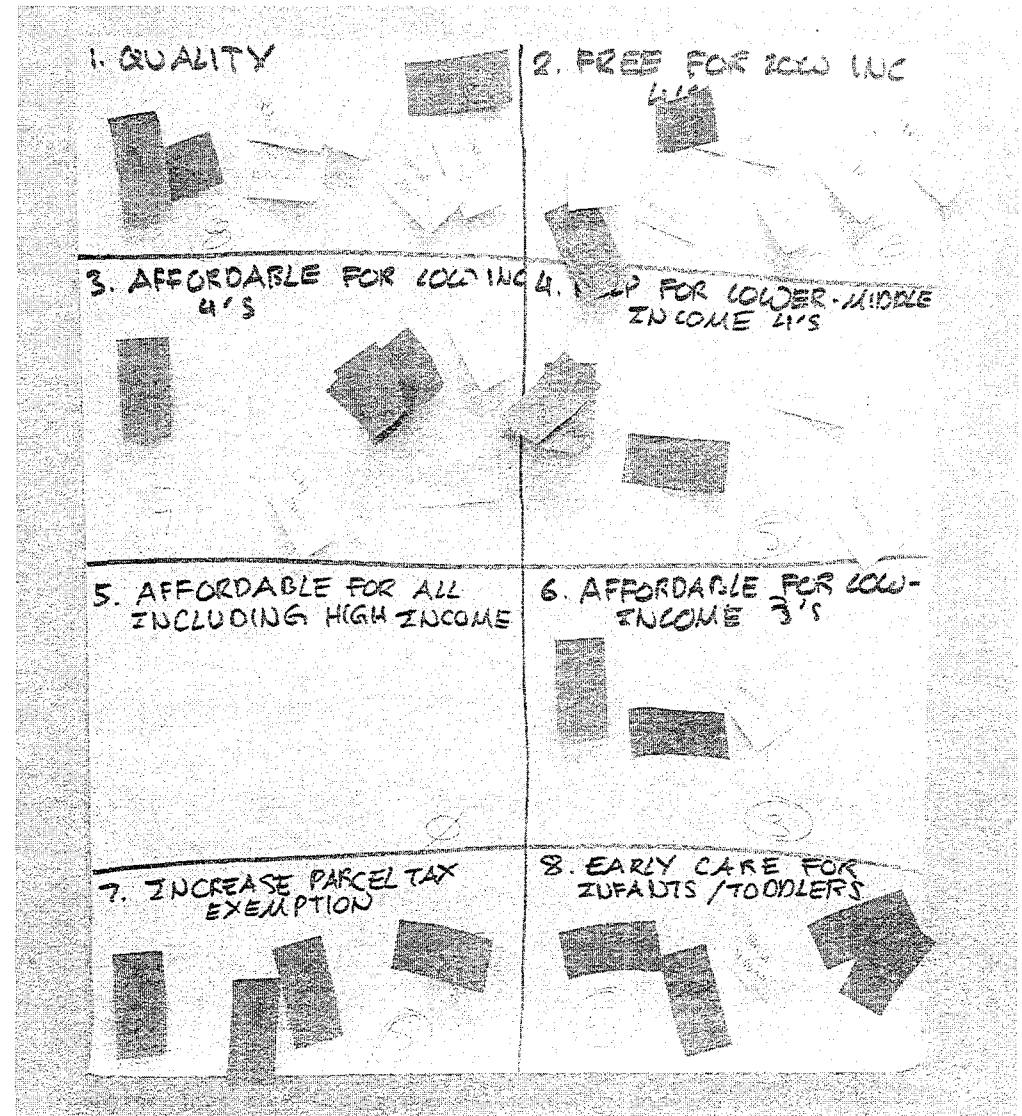
- Latino Education Network
- NAACP Oakland
- The Unity Council
- First 5 Alameda
- FC's Alameda
- Alternatives in Action
- Bay Area Council
- Kidango
- Baranas
- Bay Area Community Services
- Child Care Links
- Children Now
- East Bay College Fund
- East Bay Asian Local Development Corporation
- Latino Education Taskforce
- La Clinica de la Raza
- LitLab
- Mills College
- ACORN Woodland
- New Hope Church
- Healthy Havensour, Collaborative
- Oakland Literacy Coalition
- Oakland Education Fund
- Oakland Housing Authority
- PG&E
- OUSD All City Council Student Union
- Oakland Housing Authority Resident Advisory Board
- Oakland Parents Together
- SPAAT
- SEID 1021
- Urban Strategies Council
- PolicyLink

*Organizational Rules to
identification only

Community Advisory Council on 11/13

Community members at the San Antonio Fruitvale Senior Center prioritized among several options, and focused on ensuring:

- **Quality preschool provision,**
- **Free or affordable** full day preschool for 4 year olds from low-income backgrounds, and
- Helping **lower-middle income** families.



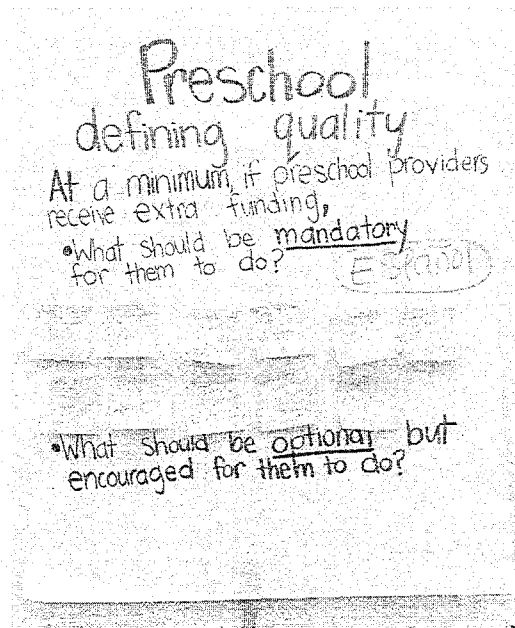
Community Advisory Council on 12/11

~60 community members, including teachers, educators and parents at the East Oakland Youth Development Center:

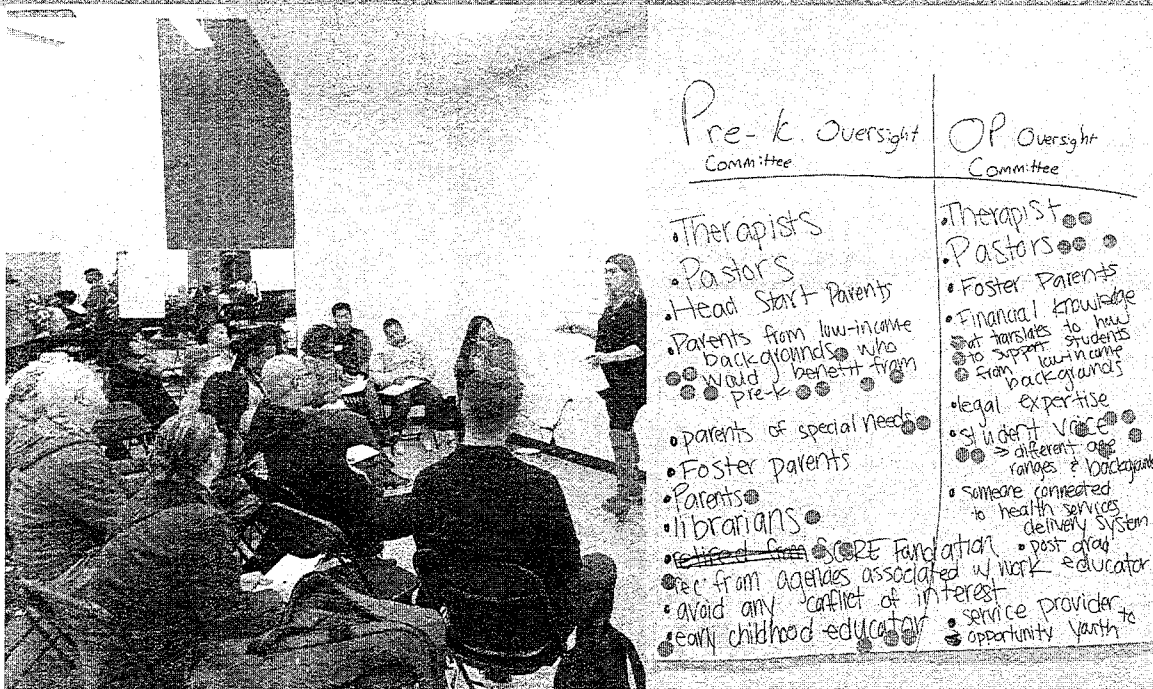
Average Excitement: 9.3/10

In small group breakout sessions, community members focused on:

- **Early Education:** Improve teacher quality with culturally responsive or bilingual professional development and training for mental health and trauma; ensure parental/family input;
- **College Access Scholarships:** Make sure teachers are supported and understand student and family perspectives; support trips to colleges and on-campus support groups; emphasize community outreach.



Community Advisory Council on 1/11



~70 community members, including teachers, educators and parents at La Escuelita:

Average Excitement: 9.4 / 10

In small group breakout sessions, community members focused on:

- **Families in high need:** Emphasis on homeless, low income, undocumented and/or first generation, ESL students, teen/young adult parents, and students with disabilities
- **Support for them could include:** Emphasis on healthcare needs, counseling services, newsletters with updated information on services, financial coaching, and emphasis on college/career preparedness.



House Parties: Fruitvale and East Oakland 1/21



Governance: Who should be on the Citizens Oversight Committees?

- Pre-K directors
- Parents without college degrees
- Parents with students with special needs
- People from low-income communities
- People from each district in Oakland
- High school students
- Educators
- Faith Community
- Bilingual community members
- Community Leaders

Community Advisory Council on 2/8



~35 community members at Asian Health Services:

Average Excitement: 9.4 / 10

In small group breakout sessions, community members focused on:

1. **Draft Legislation**
2. **Questions and Answers**
3. **College Savings Account programs**



Community Feedback

- Major emphasis on providing quality education to children, versus focusing on a large quantity of preschool slots
- Excitement around the new initiative and hope that we maintain transparency in our decision-making process
- Desire to simplify some of the communication so that all constituents can understand the process and impact of this legislation

Community Advisory Council on 3/5



~30 community members, including teachers, educators and parents at McClymonds High School

Average Excitement: 9.4 / 10

In small group breakout sessions, community members focused on:

- **Draft Legislation**
- **OCI Q & A**
- **Kindergarten to College**

Community Feedback:

- High excitement!
- Major emphasis on ensuring community voice throughout the process, especially in areas that are traditionally left out of the conversation (e.g. West Oakland)
- Hope that we maintain transparency and develop mechanisms to ensure equity throughout decision-making process



Early Childcare & Education Programs

Two-thirds of the programming revenue (62% of the total) would be used to support programs to expand access to and increase quality of early childcare and education and preschool to increase educational outcomes and reduce educational inequality. By significantly increasing funding directed toward early childhood education in Oakland through the Children's Initiative, the ordinance aims to:

- **Expand Access to High-Quality and Affordable Preschool:**
 - The Oakland Children's Initiative will strive to expand free or affordable high quality preschool for those families who need it most, while offsetting costs for middle-income families as resources allow.
 - This targeted universal approach will ensure we're supporting all students and providing additional resources to those students furthest from opportunity.
- **Increase the Quality of Existing Preschool Slots:**
 - Increasing the quality of existing preschool slots requires a multifaceted approach improving financing, quality standards, curriculum and other supports.
 - By increasing the average per-child preschool reimbursement rate tied to certain quality standards, we will allow providers to improve their current quality, with research-backed interventions such as professional development and coaching for teachers, family support and engagement, and improved entry-level assistant teacher wages to at least \$15/hour to attract talent and increase retention.

Oakland Promise College Access Programs

One-third of the programming revenue (31% of the total) would be used to reduce disparities in postsecondary education outcomes, and increase college awareness and expectations, college savings, family economic well-being, college and career access, college application, enrollment, admission rates, affordability and graduation rates. By supporting students at key transition points, through targeted interventions along the cradle-to-career continuum, the ordinance builds pathways to postsecondary education outcomes and breaks the cycle of intergenerational poverty, with such strategies and goals as:

- **Increasing early college awareness and expectations** in children and their families, such as by instilling a college-bound identity in students and college-going culture in schools;
- **Increasing college savings** and family economic well-being starting early in a child's life, through the creation and seeding of college savings accounts and the provision of financial coaching and supports to families.
- **Increasing College and career awareness, application, and eligibility**, as measured by increases in completing courses required for College enrollment, such as those required by the University of California, and in College acceptance rates of Oakland Public School students, by providing College access services that are integrated into schools.
- **Increasing College admission, matriculation, and enrollment rates**, such as increasing the percent of students who enroll in College in the fall directly following high school graduation through a focus on the above strategies
- **Increasing College affordability**, including by expanding access to public and private student financial aid, such as by increasing FAFSA or Dream Act Application completion rates, increasing the direct provision of College scholarships including multi-year scholarships, and partnering with educational institutions in order to provide institution-specific scholarships and to reduce tuition, room and board, and/or other college expenses.
- **Increasing full-time College persistence rates** for students enrolled in College, especially persistence between their first and second year of enrollment, through means such as mentoring, peer advising, and on-campus supports.
- **Increasing the number of Oakland students** graduating from College within six (6) years of high school graduation.
- **Reducing disparities in post-secondary education outcomes** for students traditionally underrepresented in post-secondary education

Oversight, Accountability, and Evaluation

7% of the total revenue would be used for oversight and accountability costs including the cost of operating the Citizens' Oversight Commission established by the measure, staffing, operations, audits, implementation planning, and outreach. A minimum of **one-third of this amount** would be reserved for independent third-party evaluations of program effectiveness.

- **The Early Education and Oakland Promise Funds will be overseen by an accountability officer**, who is hired by the Oakland City Administrator in consultation with the Oakland Unified School District's Superintendent, as well as a Citizens' Oversight Commission. The accountability officer will be responsible for the management of funds, developing the five-year Guidelines for how revenue is spent, and overseeing the third-party evaluations.
- **The Citizens' Oversight Commission** approves the five-year guidelines and the selection of the Implementation Partners to administer the funds. It will have 9-15 members. All of them must live or work in Oakland; a majority must be residents of Oakland. The ordinance establishes funding Guidelines for programs for the first five years. After the first five years, Guidelines would be developed by the accountability officer and approved by the Commission. The City Council would approve the selection of the administering agency.
- **Implementation Partners** must have a primary mission consistent with the purposes of the Fund they seek to manage and must be a government agency or non-profit agency in good standing.
- **The Mayor must seek recommendations from the Council for Commission membership**, after which the Commission would be appointed by the Mayor subject to City Council confirmation, to oversee programs funded by this measure.

Alignment with City Outcomes & Goals

1. **Building access to wealth and earnings in Oakland:**

- Eliminating student debt for those making < \$50,000 would reduce the Black-White wealth gap by 37%
- 71% of children born to high-saving, low-income parents move up from the bottom income quartile over a generation

2. **Public Safety/Incarceration**

- On any given day, 22% of African American men who dropped out of high school are in prison
- Male dropouts are 47 times more likely to be incarcerated than those who graduated from a 4-year university.

3. **Housing**

- College graduates are 23% more likely to own a home than those with a high school diploma.
- Students who went to quality preschool were 23% more likely to own a home than those who did not.

4. **Improving Health Outcomes:**

- Childhood health outcomes, including asthma rates, obesity, & toxic stress, are linked to family wealth.
- African American and Latino children are most impacted by these types of health issues in Oakland.
- College savings accounts have been proven to improve child socio-emotional development and parental mental health.

**Thank you for your partnership in
improving educational equity
across Oakland**

Questions & Answers

18 MAR 29 PM 3:57 CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE NOVEMBER 6, 2018 STATEWIDE ELECTION, A PROPOSED ORDINANCE TO ADOPT A SPECIAL PARCEL TAX TO IMPROVE PRESCHOOL, ELEMENTARY, HIGH SCHOOL, AND COLLEGE SUCCESS AND CAREER READINESS BY EXPANDING ACCESS TO AND QUALITY OF PRESCHOOL AS WELL AS INCREASE HIGH SCHOOL AND COLLEGE GRADUATION RATES; AND DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE NOVEMBER 6, 2018 STATEWIDE ELECTION

WHEREAS, regardless of the zip code of their birth, the children of Oakland are our future and will provide the leadership, creativity, and productivity to strengthen and sustain the quality of life in our City; and

WHEREAS, research shows that 90% of a child's brain develops during the first five years of life, and this critical period is a window of opportunity to lay the foundation for all of the years that follow; and

WHEREAS, only 43% of assessed Oakland Unified School District (OUSD) students entered school "kindergarten-ready," and more specifically, while 82% of white students and 82% of children from families making more than \$100,000 entered kindergarten-ready, just 36% of African American students, 29% of Latino students, and 34% of students from families making less than \$35,000 were ready for kindergarten in 2015; and

WHEREAS, parents and caregivers and support for them are crucial to a child's development, but many marginalized families, including the working poor, are unable to access quality child care, early education services, particularly in preschool deserts, and post-secondary educational support; and

WHEREAS, the homeless population in Oakland in particular includes hundreds of children who cannot equitably access the educational system; and

WHEREAS, studies have shown that workforce compensation for early educators is one of the most effective guarantees of quality early education, and low compensation for early educators combined with a lack of outreach to immigrant and newcomer communities drives turnover and hampers the ability to attract and retain skilled educators, which in turn undermines stable, continuous relationships that are essential to children; and

WHEREAS, kindergarten readiness has a demonstrated impact on success in a child's early elementary school years, and research suggests that students who are not reading proficiently by third grade are four times less likely to graduate by age 19 than their peers who are proficient readers; and

WHEREAS, poverty compounds the effect of third grade literacy on high school graduation rates, and students who face poverty and are not proficient readers are 13 times less likely to graduate than proficient readers from wealthier families; and

WHEREAS, research demonstrates that public investment in quality early education programs produces some of the highest returns on investment, with up to \$8.90 for every public dollar we spend, with reduced costs for special education, welfare, and public safety; and

WHEREAS, over a lifetime, college graduates will earn up to \$1 million more than those with a high school diploma, and college graduates are far less likely to suffer from poverty, unemployment, poor health outcomes, or to be involved with the criminal justice system; and

WHEREAS, in 2016, only 51% of OUSD graduates completed the comprehensive course requirements for enrollment in a California state university, including just 33% of African American graduates and 53% of Latino graduates, compared to 71% of white graduates; and

WHEREAS, according to OUSD's latest data, only 15% of OUSD high school students will have a Bachelor's degree within six years of graduating from high school, and just 19% will have a two-year college and/or four-year college degree; and

WHEREAS, 63.4% of the OUSD class of 2016, including just 54% of African American students and 59% of Latino students, enrolled in two-year or four-year colleges the fall after graduating, compared to 79% of white students; and

WHEREAS, educational achievement is a strong social determinant of health -- at age 25, U.S. adults without a high school diploma can expect to die nine years sooner than college graduates, and by 2011, the prevalence of diabetes had reached 15 percent for adults without a high school education, compared with seven percent for college graduates; and

WHEREAS, professionals in many industries have long recognized the value of joining together in professional organizations to facilitate their participation in training opportunities, provide a collective voice to improve their professions, and make it easier for them to jointly provide feedback to policymakers; however, early educators face barriers to participating in professional organizations, including low pay, high turnover, and isolation of the workforce; and

WHEREAS, facilitating early educators' participation in professional organizations would help to strengthen and professionalize the workforce, which would in turn improve the quality and stability of early education paid for with City funds, including for City employees; and

WHEREAS, low- and moderate-income students with as little as \$500 in dedicated savings for post-secondary education are three times more likely to attend college and four times more likely to graduate from college than youth without college savings; and

WHEREAS, all students have the capacity to learn and be successful, but current systems, policies, and norms cumulatively benefit certain populations and disadvantage others, and thus

reinforce and perpetuate inequities, such as those related to race, income, wealth, and language background, which ultimately affect educational, health, wealth, and general life outcomes; and, as a result, the City has a fundamental interest in working across traditional silos to comprehensively support educational equity from a child's earliest days; now therefore be it

RESOLVED: That the Oakland City Council finds and determines the forgoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: That the Oakland City Council does hereby submit to the voters, at the November 6, 2018, Statewide Election, an Ordinance, which reads as follows:

The people of the City of Oakland do ordain as follows:

SECTION 1. Title.

This Ordinance shall be known and may be cited as "The Children's Initiative of 2018."

SECTION 2. Purpose and Intent.

The taxes imposed under this Ordinance are solely for the purpose of raising revenue necessary to expand support for children from their earliest years until their successful completion of a two-year college, four-year college, accredited technical degree, and/or certificate. The Initiative will accomplish this by expanding access to early care and education and high quality preschool; increasing early college awareness and expectations in children and their families; instilling a college-bound identity in students and a college-going culture in schools; increasing college savings and family economic well-being starting early in a child's life; aligning preschool, TK-12 education, and postsecondary education systems; coordinating federal, state and local funding streams to increase impact; removing barriers to college access in elementary, middle, and high school; increasing college and career awareness and success, access, planning, and eligibility, as well as college eligibility, application, admission, and enrollment rates; making college more affordable, including by expanding access to public and private student financial aid and direct scholarships to students; increasing college retention, persistence and graduation rates, such as by expanding access to mentoring; and ultimately reducing disparities in both kinder-readiness and college completion, such as those related to income and wealth or for children traditionally underrepresented in higher education.

Because the proceeds of the parcel tax will be deposited in a special fund restricted for the services and programs specified in Section __ herein, the tax is a special tax.

SECTION 3. Findings

This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), since in accordance with CEQA Guidelines Section 15061(b)(3), it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

SECTION 4. Definitions.

- (a) "Act" shall mean the Children's Initiative of 2018.
- (b) "Citizens' Oversight Commission" shall mean the Children's Initiative Citizens' Oversight Commission created by Section 5.1 of this Act.
- (c) "College" shall mean a not-for-profit post-secondary educational institution, including a two-year or four-year postsecondary institution and an institution offering accredited career technical educational degrees, and/or certificates.
- (d) "Early Education Fund" shall mean the Oakland Early Education Fund established by Section 6.1 of this Act.
- (e) "Early Education Implementation Partner" shall mean the body selected to implement the early education program, either directly or through subcontracts, pursuant to Section 6.2 or Section 6.3 of this Act.
- (f) "First 5 Alameda County" shall mean the independent county agency established by the County of Alameda pursuant to Section 130140 of the California Health and Safety Code.
- (g) "Guidelines" shall mean strategic guidelines developed by the accountability officer, or such other person as may be designated by the City Administrator, and adopted by the Citizens' Oversight Commission every five (5) years for the Early Education and Oakland Promise Funds to outline the priorities for programs supported by the Funds in support of the Purpose and Intent and consistent with the Act.
- (h) "High need" shall mean a child experiencing homelessness, or other criteria as recommended by the accountability officer, or such other person as may be designated by the City Administrator, and approved by the Citizens' Oversight Commission, such as homelessness as broadly defined by the McKinney Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), child abuse or neglect, trauma, interaction with the foster care system, interaction with the criminal-justice system including incarceration or deportation, linguistic isolation, domestic violence, a child or family with disabilities or special needs, or children living in areas of high concentrated poverty, or children facing other similar challenges.
- (i) "Preschool" shall mean a developmentally-appropriate and evidence-based educational program for children prior to kindergarten.
- (j) "Oakland Promise Fund" shall mean the Oakland Promise Fund established by Section 7.1 of this Act.
- (k) "Oakland Promise Implementation Partner" shall mean the body selected to implement the Oakland Promise program, either directly or through subcontracts, pursuant to Section 7.2 of this Act.
- (l) "Oakland Public School" shall mean a K-12 educational institution in Oakland that is supported with public funds and that is authorized by action of and operated under the oversight of a publicly constituted local or state educational agency.

(m) "Oversight, Accountability, and Evaluation Fund" shall mean the Oversight, Accountability and Evaluation Fund established by Section 5.5 of this Act.

(n) "Proceeds of the parcel tax" shall mean all revenue derived from the parcel tax imposed by this Act net of Alameda County's cost of collection.

(o) "Transitional Kindergarten" or "TK" shall have the same meaning as in the Kindergarten Readiness Act of 2010

SECTION 5. The Children's Initiative Oversight, Evaluation and Accountability.

To ensure the proper revenue collection, spending, and implementation of the programs mandated by this Ordinance, the City shall impose the following requirements:

SECTION 5.1. The Children's Initiative Citizens' Oversight Commission.

(a) **Establishment.** There is hereby established the Children's Initiative Citizens' Oversight Commission.

(b) **Membership; Appointment Process.** The Citizens' Oversight Commission shall be composed of nine (9) to fifteen (15) members. Members of the Citizens' Oversight Commission shall be appointed by the Mayor and confirmed by the Council pursuant to Section 601 of the Charter. The Mayor shall request recommendations from members of the City Council and the Oakland Unified School District Board of Education and Superintendent at least fourteen (14) days prior to City Council confirmation.

(c) **Qualifications.** The composition of the Citizens' Oversight Commission should be reflective of the diversity of Oakland and shall include the following members:

- (1) At least one (1) member with professional expertise in early childhood education policy;
- (2) At least one (1) member with professional expertise in, or who is a provider of, early childhood care or education;
- (3) At least one (1) member with at least two (2) years of experience teaching in early childhood education;
- (4) At least one (1) member with at least two (2) years of experience teaching TK-12, or who has professional expertise in TK-12 education or College access;
- (5) At least one (1) member with professional expertise in College completion, College or university leadership, or support for traditionally underrepresented College students;
- (6) At least one (1) member with experience in budgeting, auditing, finance, or early asset building;
- (7) At least one (1) member of a union or labor advocacy group who is employed by the City of Oakland Head Start, the Oakland Unified School District, or a participating early care and education provider;
- (8) At least one (1) homeowner who is subject to the parcel tax imposed by Section 5 of the Act;

DRAFT

(9) At least one (1) parent, who presently has, or has had within five (5) years from the time of appointment, a child of preschool age who attended a preschool program benefiting from public subsidy, or who was on a waitlist for such a program; and

(10) At least one (1) member who is, or who within five (5) years from the time of appointment was, enrolled in an Oakland Public School, or who has graduated from an Oakland Public School and enrolled in College within five (5) years from the time of appointment, or who is the first in their immediate family to graduate from College.

A majority of the members of the Citizens' Oversight Commission must be residents of Oakland. The members in paragraphs (7) through (10) must be residents of Oakland. The members set forth in paragraphs (1) through (6) must reside and/or work in Oakland. At least one (1) member in paragraphs (1) or (2) must be an employee of the Oakland Unified School District. One member may satisfy more than one of the requirements set forth in paragraphs (1) through (10) of subdivision (b).

(d) **Conflicts.** Members may not receive income from or serve as an officer, director, or employee of an Implementation Partner.

(e) **Terms.** A member may serve no more than four (4) full, consecutive terms. For the initial nine (9) appointments only, one-third (1/3) of the members shall be appointed to serve for four (4) years, one-third (1/3) shall be appointed to serve for three (3) years, and one-third (1/3) shall be appointed to serve for two (2) years. Subsequently, all terms shall be for three (3) years.

(f) **Removal.** A member may be removed for cause pursuant to Section 601 of the Charter. Among other things, the failure to attend three (3) consecutive meetings of the Citizens' Oversight Commission or more than fifty percent (50%) of the meetings in a twelve-month period may constitute cause for removal.

(g) **Quorum.** A majority of the appointed and confirmed members of the Citizens' Oversight Commission shall constitute a quorum, but in no case shall a quorum be fewer than five (5) members.

(h) **Compensation.** Members shall serve without compensation, provided that members may request and receive reimbursement for actual transportation and childcare expenses, not to exceed five hundred dollars (\$500) per member annually.

(i) **Responsibilities.** It shall be the responsibility of the Citizens' Oversight Commission to:

(1) Approve subsequent five-year Guidelines for the Early Education and Oakland Promise Funds after the expiration of the initial five-year Guidelines, which are set forth in Sections 6.3 and 7.3 of this Act;

(2) Review the analysis and recommendations of the accountability officer, or such other person as may be designated by the City Administrator, for the selection of Implementation Partners, ensure that the selection is consistent with the Act, and make a recommendation for the selection of Implementation Partners for the Early Education and Oakland Promise Funds, to the Oakland City Council for approval;

- (3) After considering the recommendation of the accountability officer, or such other person as may be designated by the City Administrator, approve for recommendation to the City Council, any extensions of the term of an Implementation Partner, by a majority vote, or any termination of an Implementation Partner for reasons as specified in Sections 6.2 and 7.2, by a two-thirds (2/3) vote, if extension or termination would further the purposes of the Act;
 - (4) Review and approve the results of annual independent financial audits of the Early Education Fund, the Oakland Promise Fund, and the Oversight, Accountability, and Evaluation Fund;
 - (5) Review the performance appraisals of the implementation of the Early Education and Oakland Promise programs presented by the accountability officer, or such other person as may be designated by the City Administrator,;
 - (6) Review the external evaluations of the implementation of the Early Education and Oakland Promise programs presented by the accountability officer, or such other person as may be designated by the City Administrator; and
 - (7) Perform such other functions and duties as may be prescribed by the City Administrator.
- (j) **Administrative Support.** The City Administrator shall provide administrative support and technical assistance to the Citizen's Oversight Committee.

SECTION 5.2. The Children's Initiative Accountability Officer.

(a) **Establishment.** A position that serves as accountability officer for the Children's Initiative is hereby established at a classification and at a salary scale commensurate with the duties of the position, as determined by the City Administrator. The City Administrator shall appoint staff for the accountability officer position, in consultation with the Superintendent of the Oakland Unified School District, and shall oversee the work of the accountability officer for the Children's Initiative. The City Administrator may appoint an interim Children's Initiative accountability officer to carry out the duties set forth in subdivision (b) until such time as a permanent appointment is made or if the position is vacant.

(b) **Responsibilities.** The City Administrator shall assign duties to the accountability officer, or such other person as may be designated by the City Administrator, such as:

- (1) Overseeing the Early Education and Oakland Promise programs and ensuring that the programs further the Purpose and Intent of the Act, supporting and providing recommendations to the Citizens' Oversight Commission, and bringing any required items to City Council;
- (2) Preparing subsequent five-year Guidelines for the Early Education and Oakland Promise Funds after the expiration of the initial five-year Guidelines set forth in Sections 6.3 and 7.3. The subsequent five-year Guidelines shall be created through an assessment of the local context and needs, as well as national evidence-based best practices in the field, and shall identify metrics for each program to assess the achievement of outcomes central to the identified goals in support of the statement of Purpose and Intent and consistent with the Act;
- (3) Leading the selection process and contracting for the Early Education and Oakland Promise Implementation Partners, consistent with the Act, making a recommendation to the Citizens'

Oversight Commission for the selection of the Implementation Partners, and developing the scope of services, including performance standards and mechanisms for monitoring and reporting progress to the Citizens' Oversight Commission at least every two (2) years;

(4) Ensuring that independent financial audits of expenditures from the Funds for the implementation of the Early Education and Oakland Promise programs are conducted, and presenting the audits to the Citizens' Oversight Commission;

(5) Monitoring the performance of the Implementation Partners through a formal performance appraisal, consistent with the metrics established in the five-year Guidelines and scope of services for the Implementation Partners, and reporting at least once every two (2) years regarding the Implementation Partners' performance to the Citizens' Oversight Commission;

(6) Overseeing a rigorous and reliable external evaluation or evaluations of the Implementation Partners' performance, including the selection of external evaluation partners or the utilization of existing external evaluations as applicable, and presenting the results of such evaluations to the Citizens' Oversight Commission;

(7) Work with relevant City departments to create terms deemed to be in furtherance of the Act as stated in section 6.2(c);

(8) Providing or coordinating training for members of the Citizens' Oversight Commission; and

(9) Carrying out such other duties as may be delegated by the City Administrator.

SECTION 5.3. Annual Audit. The City Auditor or an independent auditor shall perform an audit annually to ensure accountability and proper disbursement of the proceeds of the parcel tax in accordance with the objectives stated herein and in compliance with State law.

SECTION 5.4. External Evaluation. An external evaluation shall be performed including evaluation of the Implementation Partner's performance, and of child outcomes data that will facilitate assessment of how the Early Education and Oakland Promise programs can be improved in order to achieve the goals of the Act, such as how to mitigate socioeconomic disparities including those by wealth and income

SECTION 5.5. Funding for Oversight, Accountability, and Evaluation.

(a) **The Fund.** There is hereby established the Oakland Children's Initiative Oversight, Accountability, and Evaluation Fund.

(b) **Revenue.** For each fiscal year, seven percent (7%) of the proceeds of the parcel tax imposed pursuant to Section 5 of this Act shall be deposited in the Children's Initiative Oversight, Accountability, and Evaluation Fund, and shall be appropriated, together with any interest that accrues thereon, for the purposes specified in subdivision (c) of this Section.

(c) **Eligible Uses.** Moneys in the Children's Initiative Oversight, Accountability and Evaluation Fund shall be used to support the oversight and accountability costs of the Citizens' Oversight Commission, including but not limited to the costs of Commission and accountability officer staff, operations and meetings, financial management, audits, strategic and implementation planning, and communications and outreach. At least one-third (1/3) of the moneys deposited in the

Oversight, Accountability and Evaluation Fund shall be appropriated for independent third-party evaluations.

(d) **Transfer to Program Funds.** To the extent that at the end of each two-year budget period, any unspent and unencumbered or undesignated funds remain in the Oversight, Accountability, and Evaluation Fund, fifty percent (50%) of the funds remaining shall be transferred to the Early Education Fund and shall be available for appropriation to achieve the goals of the Early Education Fund, twenty-five percent (25%) shall be transferred to the Oakland Promise Fund and shall be available for appropriation to achieve the goals of the Oakland Promise Fund, and twenty-five percent (25%) shall remain in the Oversight, Accountability and Evaluation Fund as a reserve for the eligible uses set forth in subdivision (c) of this Section.

SECTION 6. The Oakland Early Education Program.

SECTION 6.1. Early Education Fund.

(a) **The Account.** There is hereby established the Oakland Early Education Fund.

(b) **Revenue.** For each fiscal year, sixty-two percent (62%) of the proceeds of the parcel tax imposed pursuant to Section 8 of this Act shall be deposited in the Early Education Fund, and shall be appropriated, together with any interest that accrues thereon, for the purposes specified in subdivision (c) of this Section.

(c) **Objectives.** Moneys in the Early Education Fund may be used only to expand access to, or to enhance the quality of, early care and education and preschool for children who reside in Oakland or whose parents resided in Oakland at the time of their enrollment in such programs, in order to increase educational outcomes, such as kinder-readiness, and to reduce educational inequality, such as by disparities related to income and wealth or for children traditionally underrepresented in higher education, as further specified in the five-year Guidelines.

(d) **Eligible Uses.** Moneys in the Early Education Fund may be used only in connection with programs and services that further the objectives set forth in section (c), such as but not limited to:

(1) Programs and services that increase the availability of free or affordable preschool, the quality of such programs, or the duration of such programs, including expanded hours;

(2) The collection and maintenance of data to enable evaluation of program effectiveness;

(3) Family support services, navigation or outreach services;

(4) Staffing costs for educators or professional development, training and coaching for educators;

(5) Programs to expand or enhance transitional kindergarten or expanded transitional kindergarten, or related services.

(6) Acquisition of equipment and supplies, or costs associated with facilities, such as upkeep or leasing;

(7) Staffing, programmatic, administrative and operational costs to deliver the programs and services; and

(8) Child development services for children below age three.

(e) **Non-Supplantation.**

(1) Moneys in the Early Education Fund may only be used to expand access to, or enhance the quality of, early care and education, provided, however, that if federal, state, non-City, or restricted Oakland Unified School District funding was committed for the purpose of providing such services and subsequently ceases to be provided and is not replaced by other federal, state, non-City, or restricted Oakland Unified School District funding committed for that same purpose, then moneys in the Early Education Fund may be expended to the extent necessary for such services to continue.

(2) Moneys in the Early Education Fund may not be used for K-12 school day services, except for the purpose of expanding Transitional Kindergarten eligibility to additional four-year old children.

SECTION 6.2. Early Education Implementation Partner.

(a) **Selection.** Subject to paragraph (1) of subdivision (b) of Section 6.3, a single Early Education Implementation Partner shall be selected, for recommendation to the Citizens' Oversight Committee and City Council, through a request for proposals or pursuant to the alternative selection process set forth in subdivision (b) of this Section. If the requirement in paragraph (1) of subdivision (b) of Section 6.3 is deemed not to apply pursuant to subdivision (c) of Section 6.3, then the accountability officer, or such other person as may be designated by the City Administrator, shall recommend and the Citizens' Oversight Commission shall select an Early Education Implementation Partner pursuant to a request for proposals or pursuant to subdivision (b) of this Section. The Early Education Implementation Partner shall meet the following minimum criteria:

(1) The Implementation Partner must have a mission consistent with the purposes of the Early Education Fund and the capability to implement all of the Guidelines of the Early Education Fund, through direct provision or through partnership agreements;

(2) The Implementation Partner must have expertise in early education or a record of successfully implementing programs or services for children age zero to five; and

(3) At the time of application and while acting as Early Education Implementation Partner, the Implementation Partner must not be a private preschool provider in the City of Oakland.

(b) **Alternative Selection Process.** As an alternative to the selection process through a request for proposals set forth above:

(1) The accountability officer, or such other person as may be designated by the City Administrator, may recommend First 5 Alameda County as the Early Education Implementation Partner to the Citizens' Oversight Commission and the City Council, without issuing a request for proposals, provided that:

(A) The voters of Alameda County have approved a tax to fund child care and early education in June 2018 and First 5 Alameda County is the entity selected to implement the child care and early education programs funded by such tax; and

(B) First 5 Alameda County is willing, and has the capacity, to serve as the Early Education Implementation Partner.

; or

(2) The accountability officer, or such other person as may be designated by the City Administrator, may recommend administering the program through a City of Oakland department, which shall serve as the Early Education Implementation Partner, without issuing a request for proposals.

(c) Term of the Early Education Implementation Partner.

(1) The initial Early Education Implementation Partner shall act as the Early Education Implementation Partner for a period of five (5) years with an opportunity for renewal, subject to City Council approval, for additional terms of up to five (5) years, provided that it remains in good standing and continues to carry out the requirements specified in this Act and is not terminated prior to the expiration of its term pursuant to paragraph (2).

(2) The Citizens' Oversight Commission may recommend to the City Administrator, by a vote of two-thirds (2/3) of its members, the termination of the Early Education Implementation Partner before the expiration of the Early Education Implementation Partner's term, if, among other things, the Early Education Implementation Partner breaches its agreement with the City, is unwilling or unable to carry out the purposes of this Act, or engages in gross negligence, fraud, or unlawful activity. In the event of termination, the accountability officer, or such other person as may be designated by the City Administrator, shall recommend an Early Education Implementation Partner in accordance with this Section to serve until the expiration of the then-current five-year Guidelines.

(3) At the expiration of the first five-year period, the accountability officer, or such other person as may be designated by the City Administrator, may recommend, based on the Early Education Implementation Partner's performance, that the Citizens' Oversight Commission approve for recommendation to the City Council renewal of the contract for an additional term of up to five (5) years, without issuing a request for proposals, or if the requirement in paragraph (1) of subdivision (b) of Section 6.3 is deemed not to apply, select, subject to City Council approval, an Early Education Implementation Partner in accordance with subdivision (a) or (b) of this Section for a period of up to five years. The terms of the Early Education Implementation Partner shall be aligned with the five-year Guidelines and there shall be no limit on the number of years an Implementation Partner may serve.

(d) Requirements for the Early Education Implementation Partner. The selected Implementation Partner shall enter into contracts with the City of Oakland that include terms deemed to be in furtherance of the purpose and intent of this Act, such as but not limited to the following:

(1) Performance metrics and benchmarks;

- (2) Plans for consultation or engagement with experts, community members, and program beneficiaries;
- (3) Annual independent financial audits;
- (4) Data sharing agreements including disaggregation by race and income of program beneficiaries; and
- (5) Accounting practices that securely segregate Early Education Fund revenues and expenditures in order to ensure appropriate accounting of receipts and expenditures.

SECTION 6.3. The First Five Years of the Early Education Fund.

(a) **Early Education Guidelines for the First Five Years.** For the first five (5) years following the appointment and confirmation of a quorum of the Citizens' Oversight Commission, in order to expedite implementation and ensure the people of Oakland begin to benefit from the approval of the Act, the Guidelines for the Early Education Fund, which are based upon an assessment of the local context and needs and national evidence-based best practices in the field, shall be as follows and shall not be amended:

(1) Increase overall attainment and reduce socioeconomic and/or other demographic disparities in child educational outcomes, such as kinder-readiness, and provide family support services, to achieve the following outcomes prioritized as follows, such that plans to fund a lower priority outcome may only be implemented if the Early Education Implementation Partner has determined that the next highest priority goal is reasonably achievable within the five-year period:

(A) Make available free or affordable and high-quality early education and/or preschool for four-year old children from low- income families, such as those who make less than eighty-five-percent (85%) of the state median income, with a priority on serving the children of families with the lowest incomes and/or those who are in high need, while also supporting such families who need family, friend, and neighbor care.

(B) Increase the availability of free or affordable and high-quality early education and/or preschool for three-year-old children from low-income families, with a priority on serving the children of families with the lowest incomes or those who are in high need, while also supporting such families who need family, friend, and neighbor care.

(C) Increase the affordability and/or quality of preschool for all four-year-old children, with a priority on serving the children of families with the lowest incomes or those in highest need, while also supporting such families who need family, friend and neighbor care.

(D) Increase the affordability and/or quality of preschool for three-year-old children, with a priority on serving the children of families with the lowest incomes or those in highest need, while also supporting such families who need family, friend and neighbor care.

(E) Increase the availability and/or quality of child development support services for children and families from low-income backgrounds with children from birth through age three, while also supporting such families who need family, friend, and neighbor care.

(2) Provide for a rigorous external evaluation of the impact of the early education programs, such as on child outcomes data including kindergarten-readiness, that will facilitate assessment of whether the early education programs are achieving the goals of the Act and provide information on how to mitigate disparities, such as those by wealth and income or for children in high-need.

(3) Ensure that professional development and coaching are generally available for educators, and that participating center-based preschool programs generally are able to do the following within a reasonable timeframe:

(A) Achieve a baseline rating of at least three (3) or higher on the regional Quality Rating and Improvement System (QRIS), or a successor system;

(B) Utilize a developmentally-appropriate curriculum aligned with California Department of Education standards, and in addition that is also evidence-based and/or has demonstrated success in improving preparation for kindergarten;

(C) Conduct formative assessments to shape instruction; and

(D) Participate in valid, regular, and reliable assessments of early education quality in order to foster continuous improvement and to reduce disparities, such as those by income and wealth, in child outcomes.

(4) Ensure that funding streams from federal, state and local sources, including Head Start, are coordinated to reduce the administrative burden of program beneficiaries in accessing services, and to ensure that existing high-quality early education programs are not made financially unviable.

(5) Give priority consideration to expanding higher quality programs and/or facilities for children who are in the highest need, from the lowest-income backgrounds, live in areas of high unmet early education need, and/or who are traditionally underserved, as resources allow, which could include enhanced services, such as bilingual or dual-language instruction, supports to enhance cultural competency, or a higher rating on the QRIS or a successor system.

(b) Additional Requirements for the Early Education Fund for the First Five Years. For the first five (5) years following the appointment and confirmation of a quorum of the Citizens' Oversight Commission, the following shall apply:

(1) Administration by a Public Agency.

First 5 Alameda County or another public entity will be selected pursuant to a request for proposal process by the Citizens' Oversight Commission for recommendation to the City Council for approval to be the Early Education Implementation Partner and to administer the program.

(2) Expanding Existing Public Services.

First funding priority shall be given to public agencies to expand public programs in all areas of the City that meet a baseline quality level and can accommodate more children using empty classrooms and/or filling vacancies, particularly programs at Oakland Unified School District and

City of Oakland Head Start. This could include converting part-day OUSD preschool to full-day OUSD preschool at OUSD sites, hiring additional OUSD staff, or expanding the hours of service to better meet the needs of working families, subject to capacity limitations determined by OUSD and City of Oakland Head Start in consultation with the Implementation Partner. After OUSD and Head Start sites have reached agreement with the Implementation Partner on ensuring funding to reach capacity as outlined above, the Early Education Fund may contract with private nonprofit agencies that show a commitment to and interest in serving low income children, and adhere to the privatization requirements set forth in paragraphs (3) and (4) of this subdivision.

(3) Private Contractor Requirements.

(A) Maintenance of Wage Standards: All contracted non-profit agencies receiving Early Education Fund dollars must pay all employees at least fifteen dollars (\$15) or the Oakland Living Wage rate or the Oakland, state or federal minimum wage, whichever is higher, irrespective of whether the contracted nonprofit agency offers benefits, to be adjusted annually by the San Francisco-Oakland- San Jose Consumer Price Index (CPI). No reduction in total compensation that existed prior to the contract shall occur. Nothing in this Ordinance is intended to modify or supersede the City of Oakland Living Wage Ordinance or City, state or federal minimum wage laws.

(B) All contracted agencies must present as a part of the contracting process: (i) a list of current employees with employee names and job classifications, on a biannual basis; the contractor will also provide length of continuous employment of those employees provided that employer tracks length of employment; (ii) the annual rate of current staff turnover for early educators and teaching assistants; (iii) the number of hours of training planned for each employee in subject matters directly related to providing services to state residents and clients; (iv) a self-certification which requires the contractor report whether the contractor has or has not violated any applicable federal, state or local rules, regulations or laws, including laws governing employee safety and health, labor relations and other employment requirements, and any citations, court findings or administrative findings for violations of such federal, state or local rules, regulations or laws. In the case where a contractor has violated aforementioned laws or regulations, contractor must disclose the date, enforcement agency, the rule, law or regulation involved and any additional information the contractor may wish to submit; and (v) any collective bargaining agreements or personnel policies covering the employees who provide services.

(C) (i) Union Neutrality: Moneys from the Early Education Fund shall not be used to support or oppose unionization, including but not limited to, preparation and distribution of materials which advocate for or against unionization; hiring or consulting legal counsel or other consultants to advise the contractor about how to assist, promote or deter union organizing or how to impede a union which represents the contractor's employees from fulfilling its representational responsibilities; holding meetings to influence employees about unionization; planning or conducting activities by supervisors to assist, promote, or deter union activities; or defending against unfair labor practice charges brought by federal or state enforcement agencies.

(ii) Contractors are prohibited from retaliating against early educators for participating in or contributing to a professional organization. Violation of this provision shall constitute a breach of contract.

(4) Worker Organization and Payroll Deduction.

(A) The Early Education Implementation Partner will regularly convene organizations representing parents and/or early educators, as appropriate, to receive input on program development and implementation. They will collaborate with parent and early educator organizations and providers and other stakeholders to disseminate information in public meetings or other means, such as pamphlets, to families, child care providers and early educators and others about initiative-funded programs and to support robust involvement in Guideline components.

(B) Funding agreements with participating child care and early education programs paid for with Early Education Fund dollars will require these programs to honor their early educator employees' written, voluntary requests to contribute part of their pay via payroll deduction to a professional organization of their choosing. Funding agreements will require the participating child care and early education program operators to notify early educators about the programs' contractual obligation to honor their written request to contribute.

(C) Early educators will be informed about their rights under this program during an orientation. The Early Education Implementation Partner or a contracted third party will convene regular in-person orientation sessions for family child care center providers and their assistants, family, friend and neighbor providers, and center early educator employees who work in programs receiving funding from the initiative. These staff at participating programs will be required to attend an informational orientation session within a certain period of time after programs are contracted to participate in initiative funded components. For agencies who are unable to document full participation of staff, information may be shared in alternative formats on a case-by-case-basis. Effort will be made to ensure that this information will include program overview, quality and other guidelines, and information on other city-related resources and programs will not deter participation in these initiative-funded activities. These information sessions shall also include presentations by qualified professional early childhood education organizations and other stakeholders with goals, missions, or resources related to the initiative's goals, including training and professional development at which qualified professional organizations will be invited to participate. Attendance sheets for orientation sessions and qualifying staff rosters will be made available twice per year upon request in order to allow professional organizations to monitor participation.

(D) Professional organizations will be required to meet minimum criteria, including nonprofit status, connecting early educators to professional development and training opportunities, and improving the ability of early educators to advocate for improvement to the child care system.

(c) Applicability of Requirements After Five Years.

(1) The requirements set forth in subdivision (b) of this Section shall remain in effect for a minimum of five (5) years; and shall remain in effect thereafter unless the Citizens' Oversight Commission recommends, and the City Council determines that any of the requirements set forth in subdivision (b) shall not apply.

(2) Prior to the Citizens' Oversight Commission's consideration of the requirements set forth in subdivision (b) of this Section for each five-year period, the Early Education Implementation Partner shall convene a meeting of stakeholders, including organizations representing parents and early educators, to assess whether the requirements set forth in subdivision (b) are serving the purposes of the Act and to consider whether the requirements should be deemed not to

apply for the purposes of the next five-year funding period. The Early Education Implementation Partner shall present any recommendations that the requirements should be deemed not to apply that it considers necessary to further the purposes of the Act to the Citizens' Oversight Commission for its consideration, and if the Citizens' Oversight Commission recommends adoption of any recommendations, the recommendations shall be presented to the City Council for approval so that the changes are in place for the next five-year period. In addition, upon a finding of a fiscal emergency by the Citizens' Oversight Commission, the Early Education Implementation Partner shall follow the process outlined above and present any recommendations that the requirements should be deemed not to apply that it considers necessary to address the fiscal crisis to the Citizens' Oversight Commission for its consideration, and if the Citizens' Oversight Commission recommends adoption of any recommendations, they shall be presented to the City Council for approval.

(3) Notwithstanding paragraph (1) of this subdivision, the requirement in subparagraph (A) of paragraph (3) of subdivision (b) of this Section that all contracted nonprofit agencies receiving Early Education Fund dollars pay all employees at least fifteen dollars (\$15) per hour or the City of Oakland Living Wage rate or the Oakland, state or federal minimum wage rate, whichever is higher, may not be amended. In addition, if, in any fiscal year, the percentage increase in the San Francisco-Oakland-San Jose Consumer Price Index (CPI) is greater than the percentage increase in the proceeds of the parcel tax, or if the proceeds of the parcel tax decline, the requirements in subparagraph (A) of paragraph (3) of subdivision (b) of this Section that the minimum wage be adjusted annually by the San Francisco-Oakland-San Jose Consumer Price Index (CPI) and that no reduction in total compensation occur shall not apply for that fiscal year.

(4) When considering whether the requirement set forth in paragraph (2) of subdivision (b) of this Section should be deemed not to apply, the Citizens' Oversight Commission and the City Council shall consider the ability and the capacity of public agencies to serve the early care and education needs of children age three and below in determining whether the funding priority is consistent with achieving the purposes and intent of the Act.

SECTION 7. The Oakland Promise Program.

SECTION 7.1. The Oakland Promise Fund.

(a) **The Account.** There is hereby established the Oakland Promise Fund.

(b) **Revenue.** For each fiscal year, thirty-one (31%) of the proceeds of the parcel tax imposed pursuant to Section 5 of this Act shall be deposited in the Oakland Promise Fund, and shall be appropriated, together with any interest that accrues thereon, for the purposes specified in subdivision (c) of this Section.

(c) **Objectives.** Moneys in the Oakland Promise Fund shall be used exclusively to achieve the following public purposes for Oakland residents and children who attend Oakland Public Schools, as further specified by the five-year Guidelines, and including the collection and maintenance of data to enable evaluation over time:

(1) Increase early College awareness and expectations in children and their families, such as by instilling a College-bound identity in students and College-going culture in schools;

(2) Increase College savings and/or family economic well-being starting early in a child's life;

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(3) Increase College- and/or career- access, such as by increasing awareness, preparedness, planning, and/or eligibility;

(4) Increase College enrollment rates, and application and/or admission rates;

(5) Increase College affordability, such as by expanding access to public and private student financial aid, and direct scholarships to students for tuition, room and board, and/or other College expenses;

(6) Increase College persistence and graduation rates, such as by expanding access to mentoring; and

(7) Reduce disparities in post-secondary education outcomes for students traditionally underrepresented in post-secondary education.

(d) **Eligible Uses.** Moneys in the Oakland Promise Fund may be used only for programs and services that achieve the objectives set forth in section (c) such as:

(1) Programs and services, that enable the creation and seeding of College savings accounts and the provision of financial coaching and support, such as financial incentives, literacy materials, and supplies to families;

(2) School-based or other programming to build College-bound identities of students and a College-going culture in elementary, middle, and high schools and that support College access opportunities;

(3) Programs or services to directly provide College scholarships including multi-year scholarships, and that enable partnerships with educational institutions in order to provide institution-specific scholarships and to reduce tuition, room and board, and/or other College expenses;

(4) Collection and maintenance of data to enable evaluation of program effectiveness;

(5) Staffing, programmatic, administrative, and operational costs; and

(6) Programs or services that provide College completion support to College students, such as mentoring, peer advising, and other on-campus support

SECTION 7.2. Oakland Promise Implementation Partner.

(a) **Selection.** Pursuant to a request for proposals, the accountability officer, or such other person as may be designated by the City Administrator, shall recommend to the Citizens' Oversight Commission and the Citizens' Oversight Commission shall recommend for approval by the City Council, a single Oakland Promise Implementation Partner. The Implementation Partner must meet the following minimum criteria:

(1) The Implementation Partner must be an Oakland-based nonprofit organization in good standing or a government agency, or an entity, project, or program within such a body;

(2) The Implementation Partner must be a non-profit organization, government agency, or entity, or project, program or program project within in such a body, with a mission consistent with the purposes of the Oakland Promise Fund and the capability to implement all of the Guidelines, including the initial Guidelines set forth in Section 7.3, and the eligible uses of the Oakland Promise Fund, as set forth in paragraphs (1) through (7) of subdivision (c) of Section 7.1, through direct provision or through partnership agreements;

(3) The Implementation Partner must have the capability to successfully implement, either directly or through subcontracts, evidence-based programs or services for children from birth through College graduation and experience serving populations reflective of the diversity of Oakland, in service of all Oakland Promise Fund eligible uses as set forth in paragraphs (1) through (7) of subdivision (c) of Section 7.1;

(4) The Implementation Partner must have the ability to leverage other funding sources, such as private philanthropy, grants, and/or an endowment or quasi-endowment, to achieve the purposes of the Oakland Promise Fund; and

(5) The Implementation Partner must have the ability to enable the external evaluation of programs, demonstrated through means such as having an existing data-evaluation system or an existing relationship with a credible external evaluator.

(b) Term of the Oakland Promise Implementation Partner.

(1) The initial Oakland Promise Implementation Partner shall act as the Oakland Promise Implementation Partner for a period of five (5) years with opportunity for renewal, subject to City Council approval, for additional terms of up to five (5) years, provided that it remains in good standing and continues to carry out the requirements specified in this Act and is not terminated prior to the expiration of its term pursuant to paragraph (2) of this subdivision.

(2) The accountability officer, or such other person as may be designated by the City Administrator, may recommend, and Citizens' Oversight Commission may approve, by a vote of two-thirds (2/3) of its members, the termination of the Oakland Promise Implementation Partner before the expiration of the Oakland Promise Implementation Partner's term, if the Oakland Promise Implementation Partner breaches its agreement with the City, is unwilling or unable to carry out the purposes of this Act, or engages in gross negligence, fraud, or unlawful activity. In the event of termination, the accountability officer, or such other person as may be designated by the City Administrator, shall recommend a new Oakland Promise Implementation Partner in accordance with subdivision (a) of this Section to serve until the expiration of the then-current five-year Guidelines.

(3) At the expiration of the first five-year period, the accountability officer, or such other person as may be designated by the City Administrator, may recommend, based on the Oakland Promise Implementation Partner's performance, that the Citizens' Oversight Commission recommend for approval by the City Council, renewal of the contract for additional terms of up to five (5) years, without issuing a request for proposals. In the event an existing contract is not extended, the Oakland Promise Implementation Partner shall be selected in accordance with subdivision (a) of this Section for a period of up to five years. The terms of the Oakland Promise Implementation Partner shall be aligned with the five-year Guidelines and there shall be no limit on the number of years an implementation partner may serve. In any event, the Oakland Promise Implementation Partner must be selected pursuant to a request for proposals

at least once every ten (10) years, and the Oakland Promise Implementation Partner selected pursuant to the decennial request for proposals shall act as the Oakland Promise Implementation Partner for a period of five years, unless terminated pursuant to paragraph (2) of this subdivision.

(c) **Requirements for the Oakland Promise Implementation Partner.** The selected Implementation Partner shall enter into contracts with the City, either directly or through a fiscal sponsor, that include terms deemed to be in furtherance of the purposes of this Act, such as but not limited to the following:

- (1) Performance metrics and benchmarks;
- (2) Plans for consultation or engagement with experts, community members, and program beneficiaries;
- (3) Annual independent financial audits;
- (4) Data sharing agreements including disaggregation by race and income of program beneficiaries;
- (5) Accounting practices that securely segregate Oakland Promise Fund revenues and expenditures in order to ensure appropriate accounting of receipts and expenditures; and
- (6) Ensuring that students who received a financial benefit through a program funded by the initiative are not deprived of that financial benefit for as long as they are eligible to participate in the program, even if the program is discontinued.

SECTION 7.3. Oakland Promise Guidelines for the First Five Years.

For the first five (5) years following the appointment of a quorum of the Citizens' Oversight Commission, in order to expedite implementation and ensure the people of Oakland begin to benefit from the approval of the Act, the Guidelines for programs supported by the Oakland Promise Fund, which are based upon an assessment of the local context and needs and national evidence-based best practices in the field, shall be consistent with the public purposes expressed in the Act, as follows and shall not be amended:

- (a) Reduce socioeconomic and/or demographic disparities, such as those related to wealth and income, for children from an early age, in College readiness, access, affordability, applications, enrollment, retention and completion, particularly for students in high-need or who are traditionally underrepresented in post-secondary education.
- (b) Increase early College savings and asset building for families with children ranging in age from zero to grade five, such as through the creation and seeding of College savings accounts and the provision of financial coaching and supports to families.
- (c) Increase the expectations and resources to attend College among children and families of all socioeconomic backgrounds in Oakland public schools, with a priority for students from low-income backgrounds and/or traditionally underrepresented in College, through strategies, such as increasing school-based programming that builds the College-bound identity of students and

a College-going culture in elementary, middle, and high schools.

(d) Increase College awareness, application, and eligibility, as measured by increases in completing courses required for College enrollment, such as those required by the University of California, and in College acceptance rates of Oakland Public School students, through means such as providing College access services that are integrated into schools.

(e) Increase College affordability, including by expanding access to public and private student financial aid, such as by increasing FAFSA or Dream Act Application completion rates, increasing the direct provision of College scholarships including multi-year scholarships, and partnering with educational institutions in order to provide institution-specific scholarships and to reduce tuition, room and board, and/or other College expenses.

(f) Increase College admission, matriculation, and enrollment rates, such as increasing the percent of students who enroll in College in the fall directly following high school graduation through a focus on the above strategies.

(g) Increase full-time College persistence rates for students enrolled in College, especially persistence between their first and second year of enrollment, through means such as mentoring, peer advising, and on-campus supports.

(h) Increase the number of Oakland students graduating from College within six (6) years of high school graduation.

SECTION 8. Parcel Tax

SECTION 8.1 Definitions.

For purposes of Section 8 only, the following terms shall be defined as set forth below:

(a) "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "Building" includes the word "structure."

(b) "City" shall mean the City of Oakland, California.

(c) "Family" shall mean one (1) or more persons related by blood, marriage, domestic partnership, or adoption, legal guardianship, who are living together in a single residential unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Residential Unit and maintain a common household.

(d) "Hotel" shall be as defined by Oakland Municipal Code Section 4.24.020.

(e) "Multiple Residential Unit Parcel" shall mean a parcel zoned for a Building, or those portions thereof, that accommodates or is intended to contain two (2) or more residential units, whether or not developed.

(f) "Non-Residential" shall mean all parcels that are not classified by this Act as Single Family Residential or Multiple Residential Unit Parcels, and shall include, but not be limited to, parcels for industrial, commercial and institutional improvements, whether or not developed.

(g) "Occupancy" shall be as defined by Oakland Municipal Code Section 4.24.020.

- (h) "Operator" shall be as defined by Oakland Municipal Code Section 4.24.020.
- (i) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.
- (j) "Parcel" shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.
- (k) "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (l) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, shall mean possession of, claim to, or right to the possession of, land or Improvements and shall include any exclusive right to the use of such land or Improvements.
- (m) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.
- (n) "Single Family Residential Parcel" shall mean a parcel zoned for single-family residences, whether or not developed.
- (o) "Transient" shall mean any individual who exercises Occupancy of a Hotel or is entitled to Occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any individual so occupying space in a Hotel shall be deemed to be a Transient until the period of thirty (30) consecutive days has elapsed.
- (p) "Tax Administrator" shall mean the Director of Finance of the City of Oakland or such other person as may be designated by the City Administrator.

SECTION 8.2. Imposition of Parcel Tax

For each year beginning in fiscal year 2019-2020 and ending in 2048-49, there is hereby imposed a special tax on all Owners of parcels in the City of Oakland for the privilege of using municipal services and the availability of such services. The tax imposed by this Section shall be assessed on the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of any Possessory Interest in such parcel, unless such holder is also by law exempt from taxation. The tax is imposed as of July 1 of each year on the person who owned the parcel on that date. The tax shall be collected at the same time, by the same officials, and pursuant to the same procedures as the one percent (1%) property tax imposed pursuant to Article XIII A of the California Constitution.

The tax hereby imposed shall be set as follows subject to adjustment as provided in Section 5.4 of this Act:

- (a) For owners of all Single Family Residential Parcels, the tax shall be at the annual rate of one hundred ninety-eight dollars (\$198) per Parcel.
- (b) For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of one hundred thirty-five dollars and twenty-five cents (\$135.25) per occupied Residential Unit.

(c) The tax for Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total single family residential unit equivalents (SFE). A frontage of eighty (80) feet for a commercial institutional parcel, for example, is equal to one (1) single family residential unit equivalent. (See matrix.) An area of six thousand four hundred (6,400) square feet for the commercial institutional parcel is equal to one (1) single family residential unit equivalent. For tall buildings (more than five (5) stories), the single family residential unit equivalent computation also includes one (1) single family residential unit equivalent for every five thousand (5,000) square feet of net rentable area. The tax is the annual rate one hundred ninety-eight dollars (\$198) multiplied by the total number of single family residential unit equivalents (determined by the frontage and square footage).

LAND USE CATEGORY	FRONTAGE	AREA (SF)	BUILDING AREA (SF)
Commercial/Institutional	80	6,400	N/A
Industrial	100	10,000	N/A
Public Utility	1,000	100,000	N/A
Golf Course	500	100,000	N/A
Quarry	1,000	250,000	N/A
Tall Buildings > 5 stories	80	6,400	5,000

Example: assessment calculation for a Commercial Institutional Parcel with a Frontage of one hundred sixty (160) feet and an Area of 12,800 square feet:

Frontage 160 feet ÷ 80 = 2 SFE

Area 12,800 square feet ÷ 6,400 = 2 SFE

2 SFE + 2 SFE = 4 SFE

4 SFE X \$198 = \$792 tax

(d) The tax imposed by this Act shall be imposed on each Hotel within the City as follows:

(1) **Residential Hotels.** Rooms in a Hotel occupied by individuals who were not Transients for eighty percent (80%) or more of the previous fiscal year shall be deemed Residential Units and the parcel on which they are located shall be subject to the Parcel tax imposed on Multiple Residential Unit Parcels. The remainder of the Building shall be subject to the applicable tax computed in accordance with the single family residential unit equivalent formula set forth in Section 5.2(c) of this Act.

(2) **Transient Hotels.** Notwithstanding paragraph (1) of this subdivision, if 80% or more of the Operator's gross receipts for the previous Fiscal Year were reported as rent received from Transients on a return filed by the Operator in compliance with Section 4.24.010 of the Oakland

Municipal Code (commonly known as the Uniform Transient Occupancy Tax of the City of Oakland), such Hotel shall be deemed a Transient Hotel. The entire Building shall be deemed a Non-Residential Parcel, categorized as commercial/institutional, and shall be subject to the applicable tax computed in accordance with the single family residential unit equivalent formula set forth in Section 5.2(c) of this Act, and the parcel tax imposed on Multiple Residential Units shall not apply.

SECTION 8.3. Exemptions.

(a) **Low income household exemption.** The following is exempt from this tax: an Owner of a Single Family Residential Unit (1) who resides in such unit and (2) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as sixty percent (60%) of area median income for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.), or successor legislation, for such year. The Tax Administrator shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2 forms of owner occupants eligible for the exemption, or procedures for an alternative process.

(b) **Senior household exemption.** The following is exempt from this tax: an Owner of a single family residential unit (1) who resides in such unit, (2) who is sixty-five (65) years of age or older and (3) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as eighty percent (80%) of area median income for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.), or successor legislation, for such year. The Tax Administrator shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2 forms of owner occupants eligible for the exemption, or procedures for an alternative process.

(c) **Exemption for affordable housing projects.** Rental housing owned by nonprofit corporations and nonprofit-controlled partnerships for senior, disabled, or low-income households that are exempt from ad valorem property tax pursuant California Revenue and Taxation Code Sections 214(f), (g) and (h) are exempt from this tax.

(d) **Rebate to tenants in foreclosed single family homes.** The City will provide a rebate of one-half (1/2) of the tax and subsequent increases thereto to tenants in single family homes that have been foreclosed upon who have paid a passed-through Parcel Tax. To qualify for this rebate, a tenant must: (1) have lived in the unit before foreclosure proceedings commenced; and (2) be at or below the income level qualifying as sixty percent (60%) of area median income for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.), or successor legislation, for such year. The City will provide this rebate for every month that the tax was applied and the tenant occupied the unit. The City will provide this rebate at the end of each year, or when the tenant vacates the unit, whichever is earlier. The City Administrator will promulgate regulations to effectuate this subdivision.

(e) Real property owned by a religious organization or school that is exempt from property taxes under California law is exempt from this tax. To qualify for this exemption, each religious organization or school seeking such exemption shall submit such information required to determine eligibility for such exemption.

SECTION 8.4. Reduction in Tax Rate; Rate Adjustment.

Beginning in the Fiscal Year 2020-2021, and each year thereafter, the City Council may increase the tax imposed hereby only upon making one of the following findings:

(a) That the cost of living in the immediate San Francisco Bay Area, as determined by the twelve-month (12) month Annual Percentage Change in the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased; or

(b) That the fiscal year change in California per capita personal income, as determined by the California State Department of Finance and shown in the Price Factor and Population Information Report issued each May, has increased.

The increase of the tax imposed hereby shall not exceed the verified increase in either (1) the cost of living in the immediate San Francisco Bay Area, using 2019 as the index year, or (2) California per capita personal income, using Fiscal Year 2018-2019 as the index year, whichever is greater.

SECTION 8.5. Duties of the Tax Administrator; Notice of Decisions.

It shall be the duty of the Tax Administrator to collect and receive all taxes imposed by this Act. The Tax Administrator is charged with the enforcement of this Act and may adopt rules and regulations relating to such enforcement.

SECTION 8.6. Examination of Books, Records, Witnesses; Penalties.

The Tax Administrator or the Tax Administrator's designee is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of Parcels and computation of the tax imposed by this Act.

The Tax Administrator or the Tax Administrator's designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this Act, including any person who claims an exemption, for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The Tax Administrator, or the Tax Administrator's designee is hereby authorized to examine any person, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this Act and for this purpose may compel the production of books, papers and records, whether as parties or witnesses, whenever the Tax Administrator believes such persons have knowledge of such matters. The refusal of such examination by any person subject to the tax shall be deemed a violation of this Act and of the Oakland Municipal Code and subject to any and all remedies specified therein.

SECTION 8.7. Collection of Tax; Interest and Penalties.

The tax shall be delinquent if the City does not receive it on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the Alameda County Tax Collector; and the tax shall be collected in such a manner as the City Council may decide. The City may place delinquencies on a subsequent tax bill.

A one-time penalty at a rate set by the City Council, which in no event shall exceed twenty-five percent (25%) of the tax due per fiscal year, is hereby imposed by this Act on all taxpayers who

fail to timely pay the tax provided by this Act. In addition, the City Council may assess interest at the rate of one percent (1%) per month on the unpaid tax and the penalty thereon.

Every penalty imposed and such interest as accrues under the provisions of this Act shall become a part of the tax herein required to be paid.

The City may authorize the County of Alameda to collect the taxes imposed by this Act in conjunction with and at the same time and in the same manner as the County collects property taxes for the City. If the City elects to authorize the County of Alameda to collect the tax, penalties and interest shall be those applicable to the nonpayment of property taxes.

SECTION 8.8. Collection of Unpaid Taxes.

The amount of any tax, penalty, and interest imposed under the provisions of this Act shall be deemed a debt to the City. Any person owing money under the provisions of this Act shall be liable to an action brought in the name of the City for the recovery for such amount.

SECTION 8.9. Refund of Tax, Penalty, or Interest Paid More than Once, or Erroneously or Illegally Collected.

Whenever the amount of any tax, penalty, or interest imposed by this Act has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified written claim for refund, stating the specific ground upon which such claim is founded, is received by the Tax Administrator within one (1) year of the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator, or the executor of her or his estate. No representative claim may be filed on behalf of a taxpayers or a class of taxpayers. The claim shall be reviewed by the Tax Administrator and shall be made on forms provided by the Tax Administrator. If the claim is approved by the Tax Administrator, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person, or such person's administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

SECTION 9. Special Fund.

All funds collected by the City from the special tax imposed by this Ordinance shall be deposited into special funds in the City treasury and appropriated and expended only for the purposes and uses authorized by this Ordinance.

SECTION 10. Savings Clause.

If any provision, sentence, clause, Section or part of this Act is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, Section or part of this Act and shall not affect or Act any of the remaining provisions, sentences, clauses, Sections or parts of this ordinance. It is hereby declared to be the intention of the city, that the City would have adopted this Act had such unconstitutional, illegal or invalid provision, sentence, clause Section or part thereof not been included herein.

If any tax or surcharge imposed by this Act is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel required to be funded from such taxes and surcharges shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.

SECTION 11. Amendment.

Except as otherwise provided herein, this Act may not be amended by action of the City Council without voter approval.

SECTION 12. Challenge to Tax.

Any action to challenge the taxes imposed by this ordinance shall be brought pursuant to Government Code section 50077.5 and Code of Civil Procedure section 860 et seq.

SECTION 13. Conflicting Initiatives.

(a) In the event that this measure and another measure addressing the educational development and potential of Oakland children and youth shall appear on the same City ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by the voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

SECTION 14. Liberal Construction.

This Act shall be liberally construed to effectuate its purposes.

SECTION 15. Effective Date.

The taxes imposed by this Ordinance shall be effective only if approved by two-thirds of the voters in the election held on November 6, 2016 and shall go into effect ten (10) days after the vote is declared by the City Council.

SECTION 16. Reimbursement.

At the discretion of the City Council, special tax revenue collected by the City pursuant to this Ordinance may be used to reimburse the City for costs incurred in connection with the election seeking voter approval of this Ordinance.

; and be it

FURTHER RESOLVED, that each ballot used at said election shall have printed therein, in addition to any other matter required by law, the following:

AN ORDINANCE APPROVING A PARCEL TAX TO IMPROVE PRESCHOOL, ELEMENTARY, HIGH SCHOOL, AND COLLEGE SUCCESS AND CAREER READINESS BY EXPANDING ACCESS TO AND QUALITY OF PRESCHOOL AS WELL AS INCREASE HIGH SCHOOL AND COLLEGE GRADUATION RATES THROUGHOUT OAKLAND.

Measure ____. "Shall the measure to improve preschool, elementary, high school, college success and career readiness for Oakland students by: expanding access to high-quality preschool/early childhood education; increasing high school/college graduation rates; making college affordable; providing mentoring; establishing a 30 year parcel tax, \$198 for single-family parcels, other parcels at specified rates; providing about \$30,000,000 annually, with audits, citizens' oversight, and exemptions for seniors, low-income residents, affordable housing, be adopted?"

YYes

No

; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Clerk of the City of Oakland (the "City Clerk") at least 88 days prior to November 6, 2018, to file with the Alameda County Clerk certified copies of this Resolution; and be it

FURTHER RESOLVED: That the City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots recitals and measure language to be voted on by the voters of the qualified electors of the City of Oakland; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Oakland, Chapter 3 of the Oakland Municipal Code, the Government Code and the Election Code of the State of California; and be it

FURTHER RESOLVED: That the City Council does hereby request that the Registrar of Voters of the County of Alameda perform necessary services in connection with said election; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 11 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Ordinance and rebuttals, and said date shall be posted in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Clerk and City Administrator are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the 2018 state election and appropriate all monies necessary for the City Administrator and City Clerk to prepare and conduct the November 6, 2018 state election, consistent with law.

DRAFT

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN,
KALB, KAPLAN AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS

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