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*Macaulay*  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 85494 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND REALLOCATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FOUR THOUSAND SIXTY-SEVEN DOLLARS (\$204,067) FROM THE EAST BAY REGIONAL PARK DISTRICT LOCAL GRANT PROGRAM UNDER THE MEASURE WW PARK BOND EXTENSION FOR PUBLIC ART AT TWO DESIGNATED OAKLAND PARKS AND OPEN SPACE RENOVATION PROJECT SITES AT DEFREMERY PARK AND CHILDREN'S FAIRYLAND**

**WHEREAS**, the people of the East Bay Regional Park District (the "Park District") have enacted the Measure WW Park Bond Extension that provides funds for the acquisition and development of neighborhood, community, regional parks and recreation lands and facilities; and

**WHEREAS**, the Measure WW Bond provides for a \$19.2 million Local Grant Program fund allocation to the City of Oakland; and

**WHEREAS**, Oakland City Council adopted Resolution No. 81777 which authorized the City Administrator to apply to the Park District for the \$19.2 million in Measure WW funds, and adopted Resolution No. 81586 which authorized the allocation of these funds to 16 Oakland parks and open space improvement projects; and

**WHEREAS**, in February 1989, the City of Oakland adopted a Public Art Ordinance (No. 11086 C.M.S.) authorizing the allocation of 1.5% of City capital improvement project costs for the commissioning of public artwork; and

**WHEREAS**, public art funding in the amount of 1.5% of eligible project costs has been allocated from the budgets of the City of Oakland's Measure WW parks and open space approved capital improvement project list; and

**WHEREAS**, the City has previously entered into a master grant contract with the East Bay Regional Park District; and

**WHEREAS**, the Park District Board of Directors has the responsibility for the administration of the grant program, including approving all fund expenditures and setting up necessary procedures; and

**WHEREAS**, pursuant to the City's Public Art Ordinance, City staff has budgeted the 1.5% for Art allocation within the approved Measure WW project list, and the Park District grant administration procedures require that the City submit a separate project application to the Park District that includes a City Council resolution for use of the 1.5% for Art funds at chosen Measure WW sites; and

**WHEREAS**, the Park District requires that the applicant has the necessary funds to complete the projects for which Measure WW Park Bond funds will be used; and

**WHEREAS**, funding in the amount of \$204,067 for permanent public artwork at DeFremery Park; and Children's Fairyland is available within the Measure WW Fund (2260), Public Art Organization (85521), Measure WW EBRPD Public Art Program Project (C414010); and

**WHEREAS**, the City has the necessary funds to complete these public art projects; now therefore be it

**RESOLVED:** That the City Administrator or his designee is authorized to apply for, accept, and reallocate grant funds in an amount not to exceed \$204,067 from the East Bay Regional Park District Local Grant Program under Measure WW Park Bond Extension to be used for two public art projects; and be it

**FURTHER RESOLVED:** That funding in the amount of \$204,067 for permanent public artwork at DeFremery Park and Children's Fairyland, and related administrative costs, is available within the Measure WW Fund (2260), Public Art Organization (85521), Measure WW EBRPD Public Art Program Project (C414010); and be it

**FURTHER RESOLVED:** That the Measure WW Fund public art allocation of \$204,067 shall be divided as follows: \$155,754 for public art at DeFremery Park, \$7,500 for public art at Children's Fairyland, and \$40,813 for City of Oakland Public Art Program administrative costs to manage the above projects; and be it

**FURTHER RESOLVED:** That the City Council approves the public art projects at DeFremery Park and Children's Fairyland and certifies that the City has or will have sufficient funds to operate and maintain the two public art projects at DeFremery Park and Children's Fairyland; and be it

**FURTHER RESOLVED:** That the City Council certifies that the City, through the City Administrator, has reviewed, understands and agrees to the General Provisions contained in the sample grant contract shown in the Local Grant Procedural Guide; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator or his designee to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments and payment requests that may be necessary for the acceptance of the grant money from the East Bay Regional Park District; and be it

**FURTHER RESOLVED:** That the Office of the City Attorney will approve said grant agreement as to form and legality, and a copy will be filed in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 31, 2015

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, ~~GALEO~~, GUILLEN, KALB, KAPLAN, ~~REID~~, and  
PRESIDENT GIBSON McELHANEY - 6

NOES - 0

ABSENT - 2 *Gatto, Reed*

ABSTENTION - 0

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