

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AMENDING RESOLUTION NUMBER 88735 C.M.S., WHICH AMONG OTHER THINGS AUTHORIZED THE ACCEPTANCE AND APPROPRIATION OF NINE-HUNDRED AND NINETY-SEVEN THOUSAND SIX HUNDRED AND NINETY-FOUR DOLLARS (\$997,694) IN STATE OF CALIFORNIA PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT PROGRAM COHORT TWO FUNDS (PROPOSITION 64 GRANT) AND THE CITY'S FUNDING OF SERVICES TO SUPPORT OAKLAND CANNABIS BUSINESSES AND ADDRESS THE PUBLIC HEALTH IMPACTS OF CANNABIS ON YOUTH BY:

(A) AUTHORIZING AN INCREASE IN FUNDING FOR THE CITY'S EXISTING AGREEMENT WITH THE PUBLIC HEALTH INSTITUTE FROM ONE HUNDRED AND SIXTY-THREE THOUSAND THREE HUNDRED AND SIX DOLLARS (\$163,306) TO FOUR-HUNDRED AND FORTY-THREE THOUSAND THREE HUNDRED AND SIX DOLLARS (\$443,306) FOR ADDITIONAL SERVICES TO BE PROVIDED INCLUDING SUBSTANCE USE PREVENTATIVE AND INTERVENTION ACTIVITIES FOR YOUTH; (B) AUTHORIZING AN INCREASE IN FUNDING FOR THE CITY'S EXISTING AGREEMENT WITH LMB CREATIVE GROUP, LLC FROM FIFTY THOUSAND DOLLARS (\$50,000) TO EIGHTY THOUSAND DOLLARS (\$80,000) TO ENSURE SUFFICIENT RESOURCES FOR DATA COLLECTION AND LOCAL EVALUATION REPORTING TO MEET PROPOSITION 64 GRANT REQUIREMENTS; (C) AUTHORIZING AN INCREASE IN FUNDING FOR THE CITY'S EXISTING AGREEMENT WITH MAKE GREEN GO FROM SEVENTY THOUSAND DOLLARS (\$70,000) TO SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) TO PROVIDE A PUBLIC AWARENESS CAMPAIGN FOR SUPPORT OF EQUITY-OWNED CANNABIS BUSINESSES; AND (D) WAIVING THE REQUEST FOR PROPOSAL/QUALIFICATION REQUIREMENTS FOR THE PROPOSED CONTRACT INCREASES WITH THE PUBLIC HEALTH INSTITUTE, LMB CREATIVE GROUP, LLC, AND MAKE GREEN GO

WHEREAS, the voters of the State of California approved Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) in November 2016; and

WHEREAS, Proposition 64 legalized the recreational use of cannabis in California for people 21 and older; and

WHEREAS, part of Proposition 64 directs a portion of tax revenue generated from the cultivation and retail sale of cannabis towards a state grant program that assists in mitigating the impacts due to the legalization of recreational cannabis; and

WHEREAS, the California Revenue and Taxation Code directs the Board of State and Community Corrections (BSCC) to provide state grants to local governments to assist with law enforcement, fire protection, or other local programs addressing public health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act; and

WHEREAS, in December 2020 the BSCC released a Request for Proposals (RFP) for the Proposition 64 Public Health and Safety Grant Program Cohort 2 with applications due January 29, 2021; and

WHEREAS, the RFP limited eligible activities to four Project Purpose Areas (PPAs): (1) Youth Development/Youth Prevention and Intervention, (2) Public Health, (3) Public Safety, and (4) Environmental Impacts; and

WHEREAS, the RFP mandated that all applicants address PPA 1 Youth Development/Youth Prevention and Intervention with at least ten percent of requested grant funds; and

WHEREAS, in January 2021 the City of Oakland submitted a Proposition 64 Cohort 2 grant application to the BSCC in partnership with East Oakland Youth Development Center (EOYDC), the Public Health Institute (PHI), and Castlemont High School; and

WHEREAS, the City of Oakland's grant proposal centered around an Oakland Cannabis Awareness and Safety program, to (1) educate youth, ages 12-21, and parent(s) about the risk of cannabis to delay the onset or reduce cannabis use, (2) inform adults 21 and over about how to responsibly use cannabis and support equity-owned business, and (3) deliver a series of safety workshops for cannabis businesses; and

WHEREAS, the City of Oakland's grant proposal set forth funding allocations for the EOYDC and the PHI to receive funds to conduct the youth and adult education programs regarding cannabis use mentioned above; and

WHEREAS, the City of Oakland's grant proposal also set forth an allocation of \$30,000 to Cityspan, a cloud-based, data management system for tracking social service programs; and

WHEREAS, on April 8, 2021, the BSCC approved funding for all of the proposed uses and projects identified in the City of Oakland Proposition 64 grant proposal; and

WHEREAS, the BSCC's approval of the City of Oakland's grant proposal includes funds specifically for the education and/or information campaigns to be undertaken by EOYDC and the Public Health Institute (PHI), and

WHEREAS, on July 6, 2021 the Oakland City Council approved Resolution No. 88735 C.M.S., which authorized professional services agreements with EOYDC for three-hundred and sixty thousand dollars (\$360,000), PHI for one-hundred and twenty thousand dollars (\$120,000), and Cityspan for thirty thousand dollars (\$30,000); and

WHEREAS, the reimbursable BSCC 2021 grant funding was appropriated in Oracle under Other State of California Fund (2159), Special Activities Organization (85611), BSCC 2021 Grant Project (1006191), BSCC 2021 Grant Award (24079); and

WHEREAS, in the Fall of 2021, EOYDC advised City staff that they lacked the capacity to carry out their portion of the Proposition 64 Grant; and

WHEREAS, subsequently City staff identified Youth Uprising as an East Oakland non-profit in close proximity to the site of the youth prevention effort at Castlemont High School with capacity to carry out the services initially assigned to EOYDC; and

WHEREAS, City staff also identified a need for a third-party organization to provide required Local Evaluation Plans and Reports to the BSCC; and

WHEREAS, after carrying out an informal RFP process, City staff identified LMB Creative Group, LLC as a qualified firm with experience with Oakland Unified School District to carry out the Local Evaluation Plans and Reports as well as any data management responsibilities previously assigned to Cityspan; and

WHEREAS, staff recommended re-allocating the thirty-thousand dollars (\$30,000) initially allocated towards Cityspan to PHI to increase their staff time, printing costs, and software needs for the youth prevention campaign; and

WHEREAS, staff recommended allocating fifty thousand dollars (\$50,000) initially allocated for EOYDC towards LMB Creative Group, LLC to carry out Local Evaluation Plans and Reports as required by the BSCC; and

WHEREAS, on May 3, 2022 the Oakland City Council adopted Resolution No. 89164 C.M.S. authorizing the City Administrator to enter into a contract with Youth Uprising, PHI and LMB Creative Group, LLC as described above; and

WHEREAS, after the adoption of Resolution No. 89164 C.M.S., staff learned that Youth Uprising was unavailable to carry out the youth case management component of the BSCC grant; and

WHEREAS, staff has developed a plan for an existing project partner, PHI, in collaboration with Castlemont High School to implement the youth case management component in the remaining grant time period; and

WHEREAS, staff has also identified additional funding is needed for LMB Creative Group LLC to effectively carry out the BSCC grant reporting requirements; and

WHEREAS, after undergoing a formal RFP process, staff selected Make Green Go to implement an adult public awareness campaign to support Oakland equity businesses; and

WHEREAS, staff has identified additional funding is needed for Make Green Go to cover the costs of the adult public awareness campaign to support Oakland equity businesses; and

WHEREAS, staff has identified available existing BSCC grant funding to support Make Green Go's costs and the City's support of Oakland equity businesses; and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.40.B requires a Request for Proposals/Qualifications process for all professional services contracts of more than \$50,000 and

WHEREAS, Pursuant to OMC Section 2.04.051.B, the City Council may waive the Request for Proposals/Qualifications requirements for contracts and contract increases upon a finding that it is in the best interest of the City to do so; and

WHEREAS, that City staff recommends that the City Council waive the Request for Proposals/Qualifications process for the proposed increases in funding for the agreements with PHI, LMB Creative Group LLC, and Make Green Go because the BSCC has approved the City's grant proposal setting aside funding for the above-mentioned adult public awareness as well as youth education and case management campaigns and time is of the essence in completing the project on time; now, therefore be it

RESOLVED: That City Administrator is authorized to use Proposition 64 grant funds to increase the existing three-year contract with PHI from one-hundred and sixty-three thousand three hundred and six dollars (\$163,306) to four-hundred and forty-three thousand three-hundred and six dollars (\$443,306) to: (1) to provide subject matter expertise, research, evaluation, and program management skills for the public awareness campaigns and curriculum development and implementation in conjunction with Oakland Unified School District's Castlemont Health Equity Academy; and (2) provide services to youth 12 to 21 years of age with intensive case management, preventative and intervention activities, to meet the education campaign for youth purpose of the City of Oakland's grant proposal; and be it

FURTHER RESOLVED: That City Administrator is authorized to use Proposition 64 grant funds to increase the existing three-year agreement with LMB Creative Group, LLC from fifty thousand dollars (\$50,000) to eighty thousand dollars (\$80,000) to carry out Local Evaluation Plans and Reports as required by the BSCC; and be it

FURTHER RESOLVED: That City Administrator is authorized to use Proposition 64 grant funds to increase the existing three-year agreement with Make Green Go from seventy thousand dollars (\$70,000) to seventy-five thousand dollars (\$75,000) to design and implement a comprehensive marketing strategy to promote adults' responsible use of cannabis and support of Oakland equity-owned cannabis businesses; and be it

FURTHER RESOLVED: That pursuant to OMC 2.04.051(B), for the reasons provided above and in the City Administrator's report accompanying this resolution, that the City Council

finds it is the best interest of the City to waive the Request for Proposals/Qualifications Process for the proposed increased funding for the existing agreements with Make Green Go, LMB Creative Group, LLC and PHI, and so waives those requirements; and be it

FURTHER RESOLVED: That the City Administrator is authorized to take any other action necessary consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

