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OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

Armani Sott

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 901793 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

- (1) APPLY FOR, ACCEPT, AND APPROPRIATE THREE MILLION DOLLARS (\$3,000,000) IN STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT (GO-BIZ) EQUITY ACT GRANT FUNDS; AND
- (2) EXPEND AND ADMINISTER THE GO-BIZ GRANT BY:
- (A) PROVIDING GRANTS FOR BUSINESS START-UP AND ONGOING COSTS IN AN AMOUNT NOT TO EXCEED TWO-HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000) PER GRANT FOR CANNABIS BUSINESS EQUITY APPLICANTS AND LICENSEES, TO BE DETERMINED AND WITHOUT RETURN TO COUNCIL; AND
- (B) COVERING STAFFING AND OTHER ADMINISTRATIVE COSTS FOR THE CITY'S CANNABIS EQUITY PROGRAM.

WHEREAS, the City of Oakland (City) conducted the nation's first race and equity analysis of the cannabis industry and adopted the nation's first Equity Program in the Spring of 2017 with the goal of promoting equitable ownership and employment opportunities in the cannabis industry to address the disproportionate impacts of the war on drugs in marginalized communities of color; and

WHEREAS, the California Legislature has recognized the need for cannabis equity grant funding and funding has been provided for the Governor's Office of Business and Economic Development (Go-Biz) to provide grant funds to local governments; and

WHEREAS, the City has adopted and operates a local equity program for commercial cannabis activity; and

WHEREAS, in the Fall of 2023 the City applied for grant funding from Go-Biz through the Cannabis Equity Grants Program for Local Jurisdictions; and

WHEREAS, the City has determined that it will use grant funds from the Go-Biz to assist equity applicants and licensees through its local equity program for commercial cannabis activity as described in its application for grant funds; and

WHEREAS, Go-Biz has awarded the City three million dollars (\$3,000,000) to assist local equity applicants and licensees gain entry to and successfully operate in the state's regulated cannabis marketplace as employees or business owners; and

WHEREAS, the City has identified providing access to capital in the form of grants as the most helpful strategy to support cannabis equity applicants' participation in the regulated cannabis marketplace; and

WHEREAS, the Go-Biz grant terms require that the City include the following provisions to this resolution and/or the grant agreement:

- That the City Administrator authorized to execute by electronic signature on behalf of the City of Oakland the grant agreement with the Governor's Office of Business and Economic Development, including any extensions or amendments thereof and any subsequent grant agreement with the Governor's Office of Business and Economic Development in relation thereto;
- That any liability arising out of the performance of this grant agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The Governor's Office of Business and Economic Development and the State of California disclaim responsibility for any such liability;
- That Grantee shall defend, indemnify, and hold Go-Biz and its agents or assigns, harmless from and against all claims, damages, and liabilities (including reasonable attorneys' fees) arising from this Agreement due to Grantee's breach of this Agreement, or the result of Grantee's negligence or willful misconduct. Under no circumstances will the State of California, the Bureau of Cannabis Control, Go-Biz, its agents or employees, be liable to grantee for any direct, indirect, incidental, special or consequential damages that arise from this agreement; and

WHEREAS, the City will incur up to three hundred thousand dollars (\$300,000) administering the equity program, including the processing of grants as well as providing Go-Biz with required reports regarding the use of funds; now, therefore, be it

RESOLVED: That the City Administrator is authorized to apply for, accept, and appropriate up to three million dollars (\$3,000,000) in State of California, Governor's Office of Business and Economic Development (Go-Biz) Equity Act Grant funds; and be it

FURTHER RESOLVED: That it is agreed that any liability arising out of the performance of the grant agreement authorized by this resolution, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The Governor's Office of Business and Economic Development and the State of California disclaim responsibility for any such liability; and be it

FURTHER RESOLVED: That the City shall defend, indemnify, and hold Go-Biz and its agents or assigns, harmless from and against all claims, damages, and liabilities (including reasonable attorneys' fees) arising from the grant agreement authorized by this resolution due to

Grantee's breach of this Agreement, or the result of Grantee's negligence or willful misconduct. Under no circumstances will the state of California, the Department of Cannabis Control, Go-Biz, its agents or employees, be liable to grantee for any direct, indirect, incidental, special or consequential damages that arise from this agreement; and be it

FURTHER RESOLVED: That the City Administrator authorized to execute by electronic signature on behalf of the City of Oakland the grant agreement with the Governor's Office of Business and Economic Development, including any extensions or amendments thereof and any subsequent grant agreement with the Governor's Office of Business and Economic Development in relation thereto;

FURTHER RESOLVED: That the Three Million Dollars (\$3,000,000) in Local Equity Act Grant funding from the State of California, Office of the Governor shall be deposited in the following funds: State of California Grant Fund (2159), Cannabis Organization (85621), in Go Biz 5 Project (TBD), Administration Program Code (IP03); and be it

FURTHER RESOLVED: That City Administrator is authorized to award Go-Biz grants in an amount up to \$250,000 per grant to local equity licensees and applicants to be determined and without return to City Council, in a cumulative amount not to exceed three million dollars (\$3,000,000); and be it

FURTHER RESOLVED: That the City Administrator is authorized to use a portion of the Go-Biz Grant Funding to support City staff's administration of the City of Oakland's Equity program, including staff in Special Activity Permits Division in the Department of Economic and Workforce Development, in a cumulative amount not to exceed three hundred Thousand dollars (\$300,000); and be it

FURTHER RESOLVED: That the cumulative amount of administrative costs and grants to equity applicants and licensees shall not exceed three million dollars (\$3,000,000); 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, APR 16 2024

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:  _____
ASHA REED

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