

APPROVED AS TO FORM AND LEGALITY

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OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89467 C.M.S.

RESOLUTION AWARDING A TEN (10) YEAR GRANT TO API CULTURAL CENTER, INC. TO SUPPORT THE OPERATION AND PROGRAMS OF THE OAKLAND ASIAN CULTURAL CENTER IN ANNUAL AMOUNTS OF TWO HUNDRED THOUSAND DOLLARS (\$200,000), SUBJECT TO FUNDING AVAILABILITY

WHEREAS, the City of Oakland ("City") owns a condominium unit located at 388 Ninth Street, Suite 290, in the Pacific Renaissance Plaza (the "Premises"); and

WHEREAS, Pacific Renaissance Plaza is subject to certain Declaration of Covenants, Conditions and Restrictions Establishing a Plan for Condominium Ownership of Pacific Renaissance Plaza dated as of August 1, 1992 (the "CC&Rs") and that certain Joint Operating Agreement, Joint Operating Area No. 1 dated as of May 4, 1993 (the "JOA"); and

WHEREAS, the Premises was designated to house a cultural facility known as the Oakland Asian Cultural Center ("OACC"), which has operated in the Premises since at least 1994; and

WHEREAS, on February 27, 2003, the City and API Cultural Center, Inc., a California nonprofit public benefit corporation ("API"), entered into a management agreement ("Management Agreement") to manage the operations of OACC, including funding all costs of its management services and operations of OACC from revenues generated by events and fundraising activities at OACC and various grants from the City; and

WHEREAS, the initial five (5) year term of the Management Agreement expired in March 2008 and has been extended year to year; and

WHEREAS, the City and API desire to replace the Management Agreement with a lease of the Premises, together with a grant agreement, to provide greater stability for API and to address certain operational costs and maintenance of the Premises and OACC; and

WHEREAS, the mission of OACC today, as expressed by API, is to "build vibrant communities through Asian and Pacific Islander arts and cultural programs that foster inter-generational and cross-cultural dialogue and understanding, collaboration, and social justice;" and

WHEREAS, the City has consistently and since at least 2015 provided operating support to API in the form of \$51,000 annual grants to support the mission and programs of OACC, and has paid the escalating monthly assessments for the Premises pursuant to the CC&Rs and the JOA, and the City desires to continue this level of financial support to OACC for an additional ten (10) years; now, therefore, be it

RESOLVED: That the City Council hereby awards a grant to API in an annual amount not to exceed two hundred thousand dollars (\$200,000) for a grant term of up to ten (10) years, commencing in Fiscal Year 2023-2024 and contingent on the availability of funding in the adopted biennial and mid-cycle budgets, to support the operation and programs of OACC; and be it

FURTHER RESOLVED: That the funding should be budgeted in General Purpose Fund (1010), Special Programs Organization (509320), Third Party Grant Contracts Account (54912), Asian Cultural Center Subsidy Project (1001320), Contract Management Program (NB02); and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or his or her designee, without returning to Council, to conduct all negotiations, execute and submit all documents, including but not limited to agreements, amendments, modifications, and related actions, which may be necessary for the above-referenced grant award, without increasing the term or annual amount of the grant award.

IN COUNCIL, OAKLAND, CALIFORNIA,

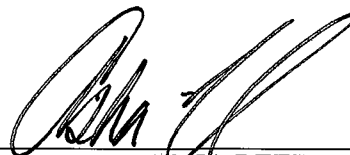
NOV. 1 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:



ASHA REED

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