



City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

---

RESOLUTION AMENDING RESOLUTION NO. 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”) TO:

AUTHORIZE THE CITY ADMINISTRATOR TO APPROPRIATE THE PROPOSITION 64 GRANT FUNDS BY:

- (A) ENTERING INTO AN AGREEMENT AT AN AMOUNT NOT TO EXCEED THREE-HUNDRED AND TEN THOUSAND DOLLARS (\$310,000) WITH YOUTH UPRISING TO PROVIDE PREVENTATIVE AND INTERVENTION ACTIVITIES TO YOUTH IN REGARD TO CANNABIS CONSUMPTION; AND
- (B) ENTERING INTO AN AGREEMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED AND SIXTY-THREE THOUSAND THREE-HUNDRED AND SIX DOLLARS (\$163,306) WITH THE PUBLIC HEALTH INSTITUTE TO DEVELOP AND EXECUTE A YOUTH PUBLIC AWARENESS CAMPAIGN REGARDING CANNABIS CONSUMPTION; AND
- (C) ENTERING INTO AN AGREEMENT WITH LMB CREATIVE GROUP, LLC IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000) TO PROVIDE DATA COLLECTION AND LOCAL EVALUATION REPORTING; AND
- (D) WAIVING THE REQUEST FOR PROPOSAL/QUALIFICATION REQUIREMENTS FOR THE ABOVE-MENTIONED AGREEMENTS WITH YOUTH UPRISING AND PUBLIC HEALTH INSTITUTE

**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 East Oakland Youth Development Center and the Public Health Institute 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 the EOYDC and the PHI, and

**WHEREAS**, on July 6, 2021 the Oakland City Council approved Resolution Number 88735 C.M.S., which authorized professional services agreements with EOYDC for three-hundred and sixty thousand dollars (\$360,000) to provide youth intervention activities, PHI for one-hundred and twenty thousand dollars (\$120,000) to develop the youth education campaign, and Cityspan for thirty thousand dollars (\$30,000) for data management; 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 to provide youth intervention activities; 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 has 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 Request for Proposals process, City staff has 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 recommends 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 recommends 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**, the City Administrator has determined that these agreements for services of a professional, scientific or temporary nature; and

**WHEREAS**, the City Administrator has determined that these agreements will not result in a loss of employment or salary by any person having a permanent status in the competitive services; 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 agreements with Youth Uprising and the PHI because the BSCC has approved the City's grant proposal setting aside funding the above-mentioned education campaigns with Castlemont High School and time is of the essence in completing the multi-year project by 2025; now, therefore, be it

**RESOLVED:** That City Administrator is authorized to re-appropriate Proposition 64 grant funds by entering into an agreement in an amount up to three-hundred and ten thousand dollars (\$310,000) over a three-year period, with Youth Uprising to provide services, to provide youth 12 to 21 years of age with intensive case management, preventative and intervention services for fifty youth per year, 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 appropriate Proposition 64 grant funds by entering into an agreement in an amount up to one-hundred and sixty-three thousand three-hundred and six dollars (\$163,306) over a three-year period, with the Public Health Institute to provide subject matter expertise, research, evaluation, and program management skills to develop and execute youth public awareness campaigns and curriculum development and implementation in conjunction with Oakland Unified School District's Castlemont Health Equity Academy; 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 agreements with Youth Uprising and the Public Health Institute, and so waives those requirements; and be it

**FURTHER RESOLVED:** That City Administrator or designee is authorized appropriate Proposition 64 grant funds in an amount up to fifty thousand dollars (\$50,000) over a three-year period to enter into an agreement with LMB Creative Group, LLC to carry out Local Evaluation Plans and Reports as required by the BSCC; and be it

**FURTHER RESOLVED:** That the City Administrator or designee 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 - GALLO, FIFE, 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