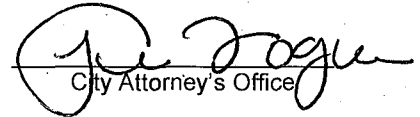


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2020 MAR -5 PM 3:23

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A GRANT AGREEMENT ON BEHALF OF THE CITY WITH OAKLAND PROMISE, A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, IN THE AMOUNT OF ONE MILLION, ONE HUNDRED FIFTY THOUSAND DOLLARS (\$1,150,000) FOR THE KINDERGARTEN TO COLLEGE EARLY COLLEGE SCHOLARSHIP FUND

WHEREAS, the Oakland Promise was initially established as a cross-sector collaboration public private partnership between the City of Oakland, Oakland Unified School District, Oakland Public Education Fund, and East Bay College Fund to support a cradle to career college initiative that works as a community to ensure that all Oakland students will graduate high school with the skills, expectations, resources to complete post-secondary education and succeed in the career of their choice; and

WHEREAS, as of July 1, 2019, Oakland Promise is now a 501c(3) non-profit public benefit corporation with EIN 54-2103707 as recorded by the California Secretary of State with the receipt of the amended and restated Articles of Incorporation filed on June 27, 2019 indicating the name change of East Bay College Fund to Oakland Promise and the broadening of its charitable purposes; and

WHEREAS, the City Council's Fiscal Year 2015-2017 adopted budget appropriated \$150,000 in the General Purpose Fund for the kindergarten to college Oakland Promise initiative commencing Fiscal Year 2016-2017, and thereafter on an ongoing basis each Fiscal Year; and

WHEREAS, the City Council's Fiscal Year 2017-2019 adopted budget appropriated an additional \$350,000 in the General Purpose Fund for Fiscal Year 2017-2018 and for Fiscal Year 2018-2019; and

WHEREAS, based on the foregoing ongoing appropriation of \$150,000 and the additional \$350,000 appropriations, the City Council's total appropriation in grant funding for the kindergarten to college Oakland Promise initiative for Fiscal Year 2017-2018 and for Fiscal Year 2018-2019 was \$500,000 for each such year; and

WHEREAS, the City Council's Fiscal Year 2019-2021 adopted budget appropriated

a total of \$500,000 in the General Purpose Fund for a grant to the Oakland Promise non-profit corporation for Fiscal Year 2019-2020 and a total of \$500,000 in the General Purpose Fund for a grant to the Oakland Promise non-profit corporation for Fiscal Year 2020-2021; and

WHEREAS, on June 24, 2019, City Council passed Resolution No. 87761 C.M.S. authorizing the City Administrator to execute a grant agreement with Oakland Promise in the amount of \$500,000 for Fiscal Year 2019-2020 and \$500,000 for Fiscal Year 2020-2021 in accordance with the grant allocations in the Fiscal Year 2019-2021 adopted budget; and

WHEREAS, City Council has not yet authorized the City Administrator to execute grant agreements with Oakland Promise awarding the \$150,000 grant appropriated in Fiscal Year 2016-2017, the \$500,000 grant appropriated in Fiscal Year 2017-2018, or the \$500,000 grant appropriation in Fiscal Year 2018-2019; and

WHEREAS, the total amount of grant funds that the City Council has not yet authorized the City Administrator to execute grant agreements for is one million, one hundred fifty thousand dollars (\$1,150,000); and

WHEREAS, the City Council now wishes to provide said authorization in accordance with the budget appropriations and allocations; and

WHEREAS, the City Council wishes to require that all grant agreements distributing funds to Oakland Promise include provisions ensuring that: a) the City of Oakland is not liable for any losses over the duration of the investment accounts; b) unused funds for each cohort will continue to be restricted for direct funding to Oakland students and will be distributed according to the determined need of that and future cohorts of students; c) any City representatives operating in their official capacity asked to serve on the Advisory and/or Governing Board of the Oakland Promise are appointed according to the procedures set forth in Rule 6 of the Council Rules of Procedure (Resolution No. 87044 C.M.S.); and that d) any City representatives appointed to serve on the Advisory and/or Governing Board of the Oakland Promise is responsible for providing periodic reports to City Council regarding the management of City funds by Oakland Promise; now therefore be it

RESOLVED: That the City Administrator or her designee is hereby authorized to execute on behalf of the City a grant agreement with Oakland Promise in the amount of \$1,150,000; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, and payment requests, which may be necessary to carry out the basic purpose of this resolution without returning to City Council; and be it

FURTHER RESOLVED: That said agreement is not a professional service contract as defined by City ordinance as it does not provide goods or services to the City but rather a grant to a nonprofit program provider that serves the public at large, and therefore the competitive request for proposal/qualifications process is not required under Oakland Municipal Code section 2.04.015; and be it

FURTHER RESOLVED: That said grant agreement is made for the purpose of providing funding to ensure \$100 early college scholarships for kindergarteners in Oakland public schools from 2016 through 2021, and will be administered by the Oakland Promise, as the City of Oakland's grantee, for the restricted purpose of provision of seed deposits to establish \$100 College Savings sub-accounts of an omnibus program account administered by Oakland Promise; and be it

FURTHER RESOLVED: That all grant agreements distributing funds to Oakland Promise shall include provisions to ensure that a) the City of Oakland is not liable for any losses over the duration of the investment accounts; b) unused funds for each cohort will continue to be restricted for direct funding to Oakland students and will be distributed according to the determined need of that and future cohorts of students, c) any City representatives operating in their official capacity asked to serve on the Advisory and/or Governing Board of the Oakland Promise are appointed according to the procedures set forth in Rule 6 of the Council Rules of Procedure (Resolution No. 87044 C.M.S.); and that d) any City representative appointed to serve on the Advisory and/or Governing Board of the Oakland Promise is responsible for providing periodic reports to City Council regarding the management of City funds by Oakland Promise; and be it

FURTHER RESOLVED: That said agreement shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

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