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OFFICE OF THE CITY CLERK
OAKLAND

2012 NOV 15 AM 10:01

AGENDA REPORT

TO: Deanna J. Santana
City Administrator

FROM: Howard A. Jordan
Oakland Police Chief

SUBJECT: Report Amending Resolution No. 83756 C.M.S DATE: October 31, 2012

City Administrator Approval		Date	11/12/12
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COUNCIL DISTRICT: City-wide

RECOMMENDATION:

Staff recommends that the City Council adopt this amended Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to amend Resolution No. 83756 C.M.S, which accepted and appropriated State of California Corrections Standards Authority Title II Formula Grant Program Funds for the City of Oakland Youth Court and authorize the City Administrator to amend the services contract with McCullum Youth Court Corporation and 1) authorize a services agreement with CenterForce Corporation (CenterForce) to administer and operate the Youth Court program, in an amount not to exceed Eighty Three Thousand Six Hundred and Thirty Eight Dollars (\$83,638) for the period July 20, 2012 through December 31, 2012; 2) Waive the advertising and request for proposals/qualifications (RFP/Q) process for the proposed 2012 CenterForce agreement.

REASON FOR SUPPLEMENTAL OR REPLACEMENT RESOLUTION

This agenda report is amending the previously approved Resolution No. 83756 and accepted Agenda Report dated March 20, 2012.

The reason for supplement is three-fold:

1. Effective August 6, 2012, the fiscal agent for Oakland Youth Court has changed from McCullum Youth Court to CenterForce. A copy of the Memorandum of Agreement between McCullum Youth Court and CenterForce (*Attachment B*), showing transfer of fiscal agency.
2. Oakland Youth Court program operations may cease immediately if the contract with CenterForce is not approved at least through December, 2012 and the City is required to undertake advertising and RFP/Q process.

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3. Additional language must be added to the resolution to satisfy the contract requirements with the funding authority (State of California, Corrections Standards Authority, Title II Formula Grant Program). Agenda Report dated March 13, 2012 and Resolution No. 83756 C.M.S. (*Attachment A*).

Invoicing for reimbursement of grant funded activities cannot occur until a new resolution is passed and accepted by the funding authority (State of California, Corrections Standard Authority), naming CenterForce as the new fiscal agent and updating the existing resolution to align with the funding authority's requirements.

EXECUTIVE SUMMARY

For the twelfth consecutive year, the Oakland Police Department (Police Department) has partnered with the Oakland Youth Court in its mutual efforts to divert youth offenders from the juvenile justice system. The Oakland Youth Court project is an ongoing project and Title II funds would supplement the current effort to increase the number of youth served.

Specifically, the Oakland Youth Court (OYC) was created several years ago to address the need for strategic early intervention for youth at risk or involved with the juvenile justice system. Oakland youth are the primary target of the program due to the City's high number of juvenile offenders and lack of diversion programs.

OYC also provides intensive short-term, strength-based services that aim to re-orient the youth and connect them with services such as counseling, tutoring, volunteering, sports, etc., which continue after they have completed their sentence, as support for their long term success.

McCullum Youth Court Corporation notified the City that it cannot continue its duties under the Oakland Youth Court contract on June 21, 2012; it has ceased all administration, operation, and management of the Oakland Youth Court for financial reasons and has entered into an agreement with CenterForce, who has become the fiscal agent for operation and administration of the Oakland Youth Court. McCullum Youth Court Corporation proposes that the City of Oakland retain CenterForce to continue the management and operations of the Oakland Youth Court. The funding source, the State of California Corrections Standards Authority, has agreed to accept CenterForce as the Non-Governmental Organization service provider for the Title II Formula Grant Program.

CenterForce has the programmatic experience (see below for list of programs) serving at-risk youth and will maintain the integrity and content of the original program as funded and can support Oakland Youth Court with diverse income streams from public and private sources.

Waiver of the RFP/O Process

As an ongoing partnership, the Police Department currently refers eligible first time offenders to the Youth Court program in an effort to fortify key elements of the Police Department's Delinquency Prevention Plan (DPP). In its DPP, the Department established a set of needs, goals, and strategies that are now embodied in the CenterForce Oakland Youth Court program.

Research for an appropriate Non-Governmental Organization to take over administration and oversight of the Oakland Youth Court Program included consideration of the number of clients served, programmatic aspects as they compared to the Oakland Youth Court goals and objectives outlined in the Title II grant, and experience of organization working with the targeted population.

The McCullum Youth Court staff evaluated four organizations: *Restorative Justice Oakland Youth (RJOY)*, which has limited programmatic experience (pilots serving 19 students; and programs serving 500 students at 3 school sites; *BAYNVC (Non Violent Communication)*, which has some programs directed to the targeted audience include *Leveraging Your Influence: A program designed for creating change in circles of influence; Parent Peer Leadership Program: A 9-month program for parents; and Tools for the 21st Century Educator: A program for teachers, parents and mentors; Catholic Charities*, partnering with Restorative Justice Oakland Youth (RJOY) and the Restorative Justice Task Force of Alameda County which has community-based sentencing alternatives, and circles of support and accountability for youth re-entering their schools and communities after a period of incarceration. Based on conversations with the task force members Sergeant Kevin Wright and Oakland Youth Court Program Director Darren White, who helped create guidelines for this program, this program does not focus on first time offenders, as does the Oakland Youth Court, and puts more emphasis on repeat offenders in the system. *CenterForce* has 30 years of programmatic experience serving at-risk youth and their families (including *Bay Area Network for Positive Health; Peer-Based Health Education Programs; the Inside/Out National Summit Conference* that addresses issues of incarceration and reentry from a multi-dimensional framework; *Project START* an intervention program incorporating features of prevention, case management, motivational interviewing, and incremental risk reduction, *MOMS Program*, a post-release program for parenting mothers, and *Safe Transitions*, a model program for recruitment, identification and transitional case management for re-entry for African American males over 18 years).

Out of these four organizations, only *CenterForce* has everything that meets the Department's goals, including the experience with prevention, case management, motivational interviewing, and incremental risk reduction. Trained staff (including the recent hire of the former McCullum Youth Court Program Manager, Darren White as Program Offender Program Coordinator for CenterForce) provide referrals for housing, employment, finances, substance abuse, mental health treatment, and legal issues, parenting groups and the expert knowledge of child

development, parenting and co-parenting, stress and anger management, relationship building, and the impact of substance use, violence, and incarceration on children and families. They are skilled and able to address the wide range scope of problems represented in the population served by McCullum Youth Court. With 30 years of experience in the field, a solid financial foundation, and diversified funding, CenterForce is the best choice, and the only qualified choice, for a stable and sustainable advocate and overseer for the Oakland Youth Court Program that will ensure that this unique youth diversion program will continue without interruption.

The funding agency requires a minimum 10% in-kind match component. An in-kind match in the amount of \$4,214 will be provided by the Police Department fiscal staff salaries. The remaining match (\$13,000) will be provided in-kind by CenterForce, in the form of professional services (the salary and benefits of the Program Manager).

The commander of the Youth and Family Services Division of the Police Department is the project manager of this grant.

OUTCOME

As this project intends to increase referrals, it is anticipated that due to limited Youth and Family Services Division Field Services Section staffing, sworn officer overtime will be funded to review citations and youth field contact reports in order to determine additional youth eligible for referral.

CenterForce will create positions for the Oakland Youth Court Project including a Program Manager, Law and Justice Program Coordinator, and two Youth Offender Case Managers. The Program Manager liaises with the internal and external parties (i.e., Police Department, parents, Law and Justice Program Coordinator, Offender Case Manager, etc). The Youth Offender Case Manager creates monitors, enforces, and evaluates youth court sentencing components.

The resolution amendment will provide language that will align the resolution with the contract requirements of the funding authority (State of California, Corrections Standards Authority), and will allow funds to be released to reimburse the Police Department and CenterForce for expenses related to this grant.

BACKGROUND/LEGISLATIVE HISTORY

The Oakland Youth Court project is an ongoing project and Title II funds would supplement the current effort to increase the number of youth served. Resolution No. 83756 C.M.S., approved March 20, 2012, authorized the City Administrator to accept and appropriate grant funds in an amount not to exceed \$172,141 from the State of California, Corrections Standard Authority, Title II Formula Grant Program to the Police Department; it also waived the competitive request for proposals/qualifications (RFP/Q) process, and entered into a professional services agreement

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with McCullum Youth Court for the period January 1, 2012 – December 31, 2012 (the grant period), with two one year extensions not to exceed \$83,638 annually for continued program implementation of the Oakland Youth Court.

ANALYSIS

The need for this program is supported by the data: approximately five percent of youth nationwide report involvement in a gang and 13% of youth (male and female) in Oakland report involvement in a gang. Youth involved in gangs are disproportionately responsible for delinquency committed by youth. The average age of gang involved youth in Oakland is 14; therefore middle school plays a pivotal role in our community in terms of being able to change the trajectory of a child at risk for delinquency and/or gang involvement.¹

Due to the lack of adequate funding, McCullum Youth Court has ceased all administration, operation, and management of the Oakland Youth Court program and is relinquishing its non-profit tax exempt legal status and will be dissolving. McCullum Youth Court first notified the City that it would not be able to meet its duties pursuant to the proposed 2012 McCullum agreement on June 21, 2012.

This project under the new fiscal agent, CenterForce, intends to increase referrals. In order to accomplish this, sworn officer overtime will be funded to review citations and youth field contact reports in order to determine additional youth eligible for referral, due to limited Youth and Family Services Division Field Services Section staffing, Oakland Youth Court/CenterForce will create positions for a Program Manager, Law and Justice Program Coordinator and two Youth Offender Case Managers.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

COORDINATION

This report was prepared in coordination with the Fiscal Services Division Manager and Commander of the Youth and Family Services Division, who is the project manager of this grant. Additionally, the Program Manager works closely with internal and external parties including police personnel and parents. The Budget Office and the City Attorney's Office were also consulted during the preparation of this report.

¹ 2009 National Crime and Delinquency Council report; http://www.nccd-crc.org/nccd/pdf/Youth_gangs_final.pdf

COST SUMMARY/IMPLICATIONS

Approval of the resolution will authorize the application, acceptance and appropriation of a State of California, Corrections Standards Authority grant for the Police Department's Oakland Youth Court Project, which began January 1, 2012 under the auspices of McCullum Youth Court and is now under the auspices of a new fiscal agent, CenterForce, in the amount of \$172,141. Funding will be appropriated to the State of California, Corrections Standard Authority Grant Fund (2152); Youth and Family Services Division Org. (102350); Youth and Family Services Division Program (PS03), in a Project Account to be determined. The funding agency requires a minimum 10% cash match component. Matching funds in the amount of \$4,214 will be drawn from Asset Forfeiture Fund (2910); Youth and Family Services Division Org. (102350); Youth and Family Services Division Program (PS03); Project (H76020); Account (54919).

L AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Project Delivery	\$88,503
CBO Contracts	\$83,638
Total Project Costs	\$172,141

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

Budget line Items	Grant Funds	Cash Match	Total
Salaries and Benefits	\$ 43,303	\$ 17,214	\$ 60,517
Services and Supplies	\$ 5,000		\$ 5,000
Professional Services CBO Contracts	\$ 83,638		\$ 83,638
Indirect Costs	\$ 6,700		\$ 6,700
Project Evaluation	\$ 26,000		\$ 26,000
Other (DMC Workshop)	\$ 7,500		\$ 7,500
TOTAL AGREEMENT CONTRACT AMOUNT	\$ 172,141	\$ 17,214	\$ 189,355

FISCAL/POLICY ALIGNMENT

Funding will be appropriated to the State of California, Cortections Standard Authority Grant Fund (2152); Youth and Family Services Division Org. (102350); Youth and Family Services Division Program (PS03), in a Project Account to be determined.

The funding agency requires a minimum 10% in-kind match component. An in-kind match in the amount of \$4,214 will be provided by the Police Department fiscal staff salaries. The remaining

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match (\$13,000) will be provided in-kind by CenterForce, in the form of professional services (the salary and benefits of the Program Offender Program Coordinator).

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Oakland Youth Court project is an ongoing project and Title II funds would supplement the current effort to increase the number of youth served. Oakland has a population of approximately 409,000 and, it is estimated that about 25% of the population is youth. In 2010, the Police Department processed 2,219 juveniles, which is a 6% increase over the number of juveniles arrested in 2009. Of Oakland youth, young males of African American and Latino background (ages 10-17) have been and continue to be a priority for this program due to the high rates of incarceration. However, in recent years, there has been an increase in the number of female youth offenders in these ethnic groups and consequently the program is now serving more females. As a result, these communities have higher incidences of disproportionate minority contact from law enforcement, lower accountability for youth committing misdemeanor crimes, and higher recidivism rates. Therefore, in order to be the most effective, OYC provides culturally sensitive and gender specific intervention/prevention services to first time misdemeanor youth offenders.

Approximately 5% of youth nationwide report involvement in a gang, and 13% of youth (male and female) in Oakland report involvement in a gang. Youth involved in gangs are disproportionately responsible for delinquency committed by youth. The average age of gang involved youth in Oakland is 14; therefore middle school plays a pivotal role in our community in terms of being able to change the trajectory of a child at risk for delinquency and/or gang involvement.

SUSTAINABLE OPPORTUNITIES

Economic: Oakland Youth Court/CenterForce is based in Oakland and also provides services to clients from the surrounding area. The implementation of the Paragon Project will serve to benefit and reduce youth recidivism into the juvenile justice system at a cost-savings to taxpayers. The Project also makes youth offenders accountable by having them pay restitution as part of its discretionary sentencing components. Regular Project staff also adheres to the provisions of Oakland's Living Wage Ordinance.

Environmental: Some Oakland Youth Court youth sentences will include community service projects as part of the adjudication process. Their primary focus is the promotion of community and environmental awareness. Participating youth learn to respect their surroundings while making measurable improvements in the quality of their ovm environments.

Social Equity: Through an extensive network of community organizations, Oakland Youth Court/CenterForce provides enhanced services aimed at Oakland youth empowerment. In


focused efforts directed to high risk young people who have not entered the juvenile justice system as first time offenders, program goals are centered on building relationships, skills, physical and emotional safety, youth participation, and community involvement.

CEQA

This report is not a project under CEQA.

For questions regarding this report, please contact DYANA CURRERI-ERMATINGER, GRANTS COORDINATOR, at 510-238-7140.

Respectfully submitted,



HOWARD A. JORDAN
Chief of Police
Oakland Police Department

Prepared by:
Dyana Curreri-Ermatinger, Grants Coordinator
Fiscal Services
Oakland Police Department

Attachment A – Agenda Report and Resolution (# 83756)

Attachment B - Memorandum of Agreement between McCullum Youth Court and CenterForce

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ATTACHMENT "A"

PRE-AWARD GRANTS ADMINISTRATION

PARAGON PROJECT

STATE OF CALIFORNIA

CORRECTIONS STANDARDS AUTHORITY

Grant Award Number: CSA #342-08

AWARD TERM: 1/1/12 TO 12/31/12

AWARD AMOUNT: \$172,141



AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Howard A. Jordan

SUBJECT: McCullum Youth Court Grant

DATE: February 7, 2012

City Administrator
Approval

Deanna Santana

Date

2/25/12

COUNCIL DISTRICT City-Wide

RECOMMENDATION

Staff recommends acceptance of this resolution authorizing the City Administrator to 1) accept and appropriate grant funds in an amount not to exceed \$172,141 from the State of California, Corrections Standards Authority, Title II Formula Grant Program to the Oakland Police Department, 2) waive the competitive Request for Proposals/Qualifications (RFP/Q) process, and 3) enter into a professional services agreement with McCullum Youth Court for the period January 1, 2012 through December 31, 2012, with two-one year options to extend, in an amount not to exceed \$83,638 annually for continued program implementation of the Oakland Youth Court.

OUTCOME

The Paragon Project (a restorative justice partnership between the Oakland Police Department [OPD] and the McCullum Youth Court (MYC) was created several years ago to address the need for strategic early intervention for those youth at risk of involvement within the juvenile justice system. Oakland youth are the primary target of the program due to the City's high number of juvenile offenders and lack of diversion programs. For the 12th consecutive year, the partnership will divert youth offenders from the juvenile justice system. The Paragon Project is an ongoing project and Title II funds would supplement the current effort to increase the number of youth served.

BACKGROUND/LEGISLATIVE HISTORY

The City of Oakland has historically accepted grant funds in support of the McCullum Youth Court initiative, and the restorative justice concept. Oakland youth, particularly young males of African American and Latino background (ages 10-17) have been and continue to be a priority

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for this program due to the high rates of incarceration. In recent years, there has also been an increase in the number of female youth offenders in these ethnic groups and the program is serving more females. These communities have higher incidences of disproportionate minority contact from law enforcement, lower accountability for youth committing misdemeanor crimes, and higher recidivism rates. Therefore, in order to be the most effective, MYC provides culturally sensitive and gender specific intervention/prevention services to first time misdemeanor youth offenders. City Council approved similar legislation by Resolution No. 81719 C.M.S., dated December 9, 2008 and Resolution No. 83492 C.M.S., dated July 19, 2011.

ANALYSIS

Approximately 5% of youth nationwide report involvement in a gang, 13% of youth (male and female) in Oakland report involvement in a gang. Youth involved in gangs are disproportionately responsible for delinquency committed by youth. The average age of gang involved youth in Oakland is 14; therefore middle school plays a pivotal role in our community in terms of being able to change the trajectory of a child at risk for delinquency and/or gang involvement.¹

This project intends to increase referrals; in order to accomplish this, sworn officer overtime will be funded to review citations and youth field contact reports to identify additional youth who are eligible for referral. As a result of limited Youth and Family Services Division Field Services Section staffing, McCullum Youth Court will create positions for a Program Offender Program Coordinator and three Youth Offender Case Managers.

Staff is recommending that the Council waive the Request for Proposal/Qualifications (RFP/Q) process pursuant to Oakland Municipal Code section 2.01.051.B. Staff determined that it is in the best interest of the City to enter into an agreement with McCullum Youth Court because MYC has been partnering with the Oakland Police Department for 12 years and current diversion programs can continue uninterrupted.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

¹ 2009 National Crime and Delinquency Council report; http://www.nccd-crc.org/nccd/pdf/Youth_gangs_final.pdf

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COORDINATION

This report was prepared in coordination with the Fiscal Services Division Manager and Commander of the Youth and Family Services Division, who is the project manager of this grant. Additionally, the Program Offender Program Coordinator works closely with internal and external parties including police personnel, parents, and the Law and Justice Program Coordinator.

COST SUMMARY/IMPLICATIONS

This should include

1.	TITLE II GRANT FUNDS	
	CBO Contracts	\$83,638
	Project delivery	\$88,503
	Total Project Costs	\$172,141
2.	COST ELEMENTS OF AGREEMENT/CONTRACT:	
	Salaries and Benefits	\$43,303
	CBO Contracts	\$83,638
	Indirect Costs	\$6,700
	Services/Supplies	\$5,000
	Project Evaluation	\$26,000
	Other	\$7,500
	TOTAL AGREEMENT/CONTRACT AMOUNT:	\$172,141

3. SOURCE OF FUNDING:

Proposed expense allocations are as follows:

Budget Line Items	Grant Funds	In Kind Match McCullum Youth Court	In Kind Match OPD
Salaries and Benefits	\$ 43,303	\$13,000	4,214
Services and Supplies	\$5,000		
CBO Contracts	\$83,638		
Fixed Assets/Equipment	6,700		
Project Evaluation	\$26,000		
Other	\$7,500		

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FISCAL IMPACT: \$172,141

Funding will be appropriated to the State of California, Corrections Standard Authority Grant Fund (2152); Youth and Family Services Division Org. (102350); Youth and Family Services Division Program (PS03), in a Project Account to be determined. The funding agency requires a minimum 10% cash match component. Matching funds in the amount of \$17,214 will be drawn from Asset Forfeiture Fund (2910); Youth and Family Services Division Org. (102350); Youth and Family Services Division Program (PS03); in a Project Account to be determined.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

- Fifty first time truant and/or substance abuse youth offenders, between the ages of 11-17 years have been served by this program;
- In the past year, 28 youth were referred and 14 completed the program requirements;
- Forty-eight youth participants are currently being tracked for repeat offenses or victimization;
- Four youth had a new arrest or delinquent offense, one was recommitted to a juvenile facility in this period, and two were victimized during this period;
- Behavioral change was noted in 12 participants during this period;
- Twenty-six youth participated in the following restorative justice programs: victim offender mediation/dialogue; family group conferencing; peacemaking circles; restitution; personal services to victims; community service; apologies; victim/community impact panels; community/neighborhood impact statements; victim empathy groups/classes; and
- A holiday celebration was held on December 12, 2011. There was an 80% participation rate of the youth offender population and several family members of youth offenders also attended.

SUSTAINABLE OPPORTUNITIES

Economic: MYC is based in Oakland and also provides services to clients from the surrounding area. The implementation of the Paragon Project will serve to benefit and reduce youth recidivism into the juvenile justice system at a cost-savings to taxpayers. The Project also makes youth offenders accountable by having them pay restitution as one of its discretionary sentencing components.

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Environmental: Some MYC youth sentences will include community service projects as part of the adjudication process. Their primary focus is the promotion of community and environmental awareness. Participating youth learn to respect their surroundings while making measurable improvements in the quality of their own environments.

Social Equity: Through an extensive network of community organizations, MYC provides enhanced services aimed at Oakland youth empowerment. In focused efforts directed to high risk young people who have not entered the juvenile justice system as first time offenders, program goals are centered on building relationships, skills, physical and emotional safety, youth participation and community involvement.

For questions regarding this report, please contact Dyana Curreri-Ermatinger, Grant Coordinator at 510-238-7140.

Respectfully submitted,



Howard A. Jordan
Chief of Police

Reviewed by:
Ms. Cynthia Perkins
Assistant to the Director
Oakland Police Department

Prepared by:
Dyana Curreri-Ermatinger, Grant Coordinator
Fiscal Services Division

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A. Macomber
City Attorney

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. 83756 C.M.S.

2012 FEB 29 PM 2:27

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 1) ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$172,141 FROM THE STATE OF CALIFORNIA, CORRECTIONS STANDARDS AUTHORITY, TITLE H FORMULA GRANT PROGRAM TO THE OAKLAND POLICE DEPARTMENT, 2) WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/Q) PROCESS, AND 3) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MCCULLUM YOUTH COURT FOR THE PERIOD JANUARY 1, 2012 THROUGH DECEMBER 31, 2012, WITH TWO-ONE YEAR OPTIONS TO EXTEND, IN AN AMOUNT NOT TO EXCEED \$83,638 ANNUALLY FOR CONTINUED PROGRAM IMPLEMENTATION OF THE OAKLAND YOUTH COURT

WHEREAS, it is anticipated that the Oakland Police Department will receive State of California Corrections Standards Authority Title II Formula Grant Program funds totaling up to \$172,141 for the Continued Program Implementation of the Oakland Youth Court; and

WHEREAS, this is the 12th consecutive year the Oakland Police Department has partnered with the McCullum Youth Court in its mutual efforts to divert youth offenders from the juvenile justice system; and

WHEREAS, the minimum 10% cash match component required by the grantor for said grant funds in an amount of \$17,214 will be drawn from the Oakland Police Department's existing budget (\$4,214) and the McCullum Youth Court (\$13,000) budget; and

WHEREAS, the continued partnership between the Oakland Police Department and McCullum Youth Court will ensure that youth diversion programming will continue without interruption and continue to evolve based on lessons learned; and

WHEREAS, Oakland Municipal code section 2.04.051.B permits the Council to waive advertising and the request for proposal/qualifications ("RFP/Q") requirements upon a finding that it is in the best interest of the City to do so, and staff recommends that it is in the best interests of the City to waive advertising and RFP/Q requirements so that the Oakland Police Department can continue partnering with McCullum Youth Court to divert youth offenders from the juvenile justice system and so that current diversion programs will not be interrupted; and

WHEREAS, that as required by Oakland Municipal Code 2.04.020.E.3 entering into this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to apply for, accept, and appropriate funds from the State of California, Corrections Standards Authority, and Title II Formula Grant Program to the Oakland Police Department in an amount not to exceed \$172,141, and be it

FURTHER RESOLVED: That said funds shall be deposited in Fund (2152); Youth and Family Services Division Org. (102350); Youth and Family Services Division Program (PS03), in a Project Account to be determined; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to accept and appropriate additional funds without returning to Council, and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code section 2.04.051.B, for the reasons stated above and in the City Administrator's report accompanying this resolution, the Council finds that it is in the best interest of the City to waive the advertising and the RFP/Q requirements for the Youth Court Program services to be provided under the proposed agreement and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designee, on behalf of the City of Oakland to enter into a Professional Services Agreement with McCullum Youth Court for the period of January 1, 2012 through December 31, 2012, plus two one-year extension options, in an amount not to exceed \$83,638 annually for continued uninterrupted program implementation of the Oakland Youth Court for the Oakland Police Department; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator to conduct all negotiations, applications, agreements, and related actions which may be necessary for the completion of the aforementioned grant and professional services agreements; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said agreement with McCullum Youth Court as to form and legality, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

MAR 20 2012

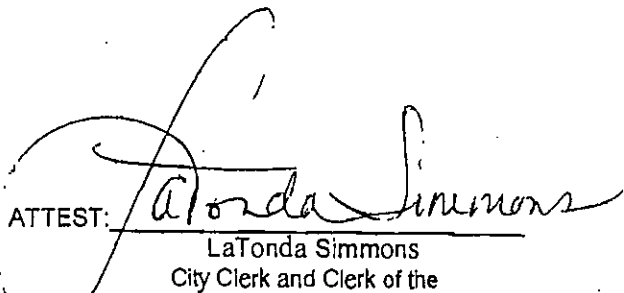
IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE: BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and ~~RESIDENTS~~

AYES- 7
NOES- 0

ABSENT- Reid - 1

ABSTENTION- 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the ...

**AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN
MCGULLUM YOUTH COURT, INC. AND CENTERFORCE**

This Agreement and Memorandum of Understanding (the "MOU") is made between Donald P. McCullum Youth Court, Inc., a California corporation dba "McCullum Youth Court" ("MYC") and Centerforce, a California corporation ("Centerforce"). MYC and Centerforce will enter into this MOU in order to preserve the programming and services offered by MYC and to facilitate an orderly wind down of MYC's operations as a stand alone entity.

OVERVIEW

MYC is a youth centered peer court for first time juvenile offenders. The youth offender acknowledges responsibility for the offense and is willing to accept consequences determined by their peers in a youth driven court process. MYC's programming and services are currently operated by and through the non-profit Donald P. McCullum Youth Court, Inc., a 501(c)(3) tax exempt organization.

Over the course of several years, MYC has experienced significant reductions in its annual budget due to funding losses. Due to the loss of significant government funding streams, the Youth Court has engaged in cost cutting measures, including instituting staff layoffs.

The primary objective of this MOU is to ensure the ongoing viability of MYC's programming and services in order to continue serving the youth of Alameda County. The Board of Directors of MYC and Centerforce have determined that consolidation of MYC's programming and services under Centerforce's operating entity and infrastructure is in the best interests of both organizations and the most likely means of assuring continuing services to the youth of Alameda County of the type provided by MYC. The Board of Directors of MYC have determined that the existing cost structure of MYC is not sustainable given the available resources to support the organization and is disproportionate to the current operational scope of the organization and the minimum needs required to provide the type of service provided by MYC to the youth of Alameda County. Furthermore, the Board of Directors of MYC and Centerforce have determined that there exists significant potential for synergies between MYC's programming and services and the capabilities, infrastructure and mission of Centerforce.

Accordingly, MYC and Centerforce enter into this MOU to memorialize the transfer of operational responsibility and control of MYC's programming and services from MYC to Centerforce. Nothing in this MOU constitutes or is intended to constitute or effect a merger or consolidation of MYC and Centerforce. The parties anticipate that all remaining operations of MYC shall be wound down by the Board of Directors of MYC upon the execution of this MOU.

ROLES AND RESPONSIBILITIES OF MYC

- MYC shall transfer operational responsibility and control of MYC's programming and services from MYC to Centerforce.

- MYC shall layoff the current acting Executive Director Darren White effective immediately and facilitate his employment by Centerforce. MYC shall lay off or otherwise terminate the employment of all other employees.

- MYC shall wind down all current operations, including closing of all active financial and other accounts once all available funds have been utilized to pay outstanding creditors. MYC shall continue to collect and use to pay existing debts any and all funds due and owing to the program for services rendered and invoices submitted to funders prior to the execution of this MOU, including any remaining to be distributed under MYC's Juvenile Accountability Block Grant (JABC). Centerforce shall be entitled to collect any and all funds for program services provided after the date of execution of this MOU and transfer of operational responsibility and control of MYC's programming and services.

- MYC shall reasonably cooperate with Centerforce and coordinate with local governments and other funders to make arrangements for Centerforce to continue to receive funds which MYC would have otherwise been entitled to receive had it continued to provide ongoing services. Said funds principally include those funds that MYC has historically received from funders such as the County of Alameda and the Oakland Police Department. MYC makes no representation or warranty that any such funds or other grants may be eligible for redirection to Centerforce. Centerforce is solely responsible for the administration of any funds and grants provided in connection with any and all services provided after the execution of this MOU and the transfer of operational responsibility and control of MYC's programming and services from MYC to Centerforce.

- MYC shall reasonably cooperate with Centerforce and any third parties to transfer any contracts that Centerforce may deem necessary and appropriate in connection with the transfer of operational responsibility and control of MYC's programming and services from MYC to Centerforce.

ROLES AND RESPONSIBILITIES OF CENTERFORCE

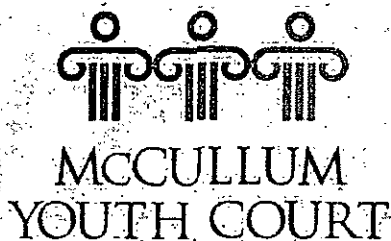
- Centerforce shall operate MYC's programming and services for a period of not less than three years. It is the intent and desire of the parties that MYC's programming and services, in particular Court Night services for Alameda County youth, shall continue in a substantial similar form and fashion for at least this three year period of time. The parties recognize, however, that Centerforce shall have the full and sole discretion to make any and all changes in the operational details of the program, the location for services and other administrative matters as may be determined by Centerforce.

- Centerforce shall hire the current acting Executive Director Darren White to oversee the transition of MYC's programming and services to Centerforce and to oversee such programming and services for not less than one year.

- Centerforce shall appoint at least one member of the current Board of Directors of MYC to the Board of Directors of Centerforce to serve at least one regular term as a board member and otherwise in accordance with the current bylaws of Centerforce.

- Centerforce shall pay the sum of \$750 to MYC as consideration for the transfer of any and all assets necessary to effect the transition of MYC's programming and services to Centerforce. Said amount is hereby agreed as reasonable and adequate consideration for the value of all such assets.

- Centerforce shall not use the corporate name or identity of "Donald P. McCullum Youth Court, Inc." in connection with the operation and control of MYC's programming and services or for any other purpose and shall not represent to any person that it is authorized to act on behalf of or do business in the name of such entity. Centerforce may, in its sole discretion, use the name "McCullum Youth Court" in connection with MYC's programming and services which Centerforce shall operate and control. Centerforce, in its sole discretion, may maintain and utilize the website and domain www.youthcourt.org. MYC shall cooperate in the transfer of such domain to Centerforce. Centerforce may, in its sole discretion, use the following logo in connection with MYC's programming and services which Centerforce shall operate and control and MYC hereby relinquishes any trademark, trade dress, copyright or other rights it may have in such logo:



- Centerforce shall take custody and control of all MYC records relating to MYC's programming and services, including the files of youth offenders. Centerforce is solely responsible for the preservation and security of all such files transferred to Centerforce. Any electronic data on MYC's computers or servers not transferred to Centerforce shall be disposed of by MYC.

MYC LIABILITIES

Nothing in this MOU shall obligate Centerforce for the past, present or future liabilities of MYC. This MOU is not intended to be a general assignment of all assets from MYC to Centerforce or an assumption of liabilities by Centerforce, including, but not limited to, that certain copier equipment lease entered into between MYC and US Bank, Contract No. 500-0221281-000 (the "Copier Lease").

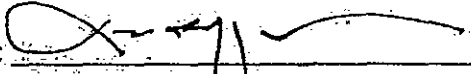
CONSIDERATION AND INTENT

The parties intend to be bound by this MOU and specifically agree that their respective covenants set forth herein constitute adequate consideration for the obligations stated in this MOU.

[SIGNATURES ON NEXT PAGE]

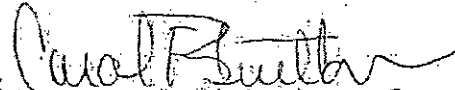
August 6, 2012

DONALD P. MCCULLUM YOUTH COURT,
INC., a California corporation dba "McCullum
Youth Court"

By: 
Its: Leonard E. Marquez, President

August 6, 2012

CENTERFORCE, a California corporation

By: 
Its: Carol F. Bullen, Executive Director

OFFICE OF THE CITY CLERK
OAKLAND**OAKLAND CITY COUNCIL***Priscilla Hynes*
City Attorney

RESOLUTION No. _____

C.M.S.

2012 NOV 15 AM 10:09

RESOLUTION AMENDING RESOLUTION NUMBER 83756 C.M.S., WHICH ACCEPTED AND APPROPRIATED STATE OF CALIFORNIA CORRECTIONS STANDARDS AUTHORITY TITLE H FORMULA GRANT PROGRAM FUNDS (TITLE II GRANT FUNDS) IN THE AMOUNT OF ONE HUNDRED SEVENTY TWO THOUSAND ONE HUNDRED FORTY ONE DOLLARS (\$172,141) FOR THE OAKLAND YOUTH COURT AND AUTHORIZED A PROFESSIONAL SERVICES AGREEMENT WITH MCCULLUM YOUTH COURT CORPORATION TO ADMINISTER AND OPERATE THE PROGRAM, TO:

- 1) **AUTHORIZE A SERVICES AGREEMENT WITH CENTERFORCE CORPORATION (CENTERFORCE), IN AN AMOUNT NOT TO EXCEED EIGHTY THREE THOUSAND SIX HUNDRED AND THIRTY EIGHT DOLLARS (\$83,638) FOR THE PERIOD JULY 20, 2012 THROUGH DECEMBER 31, 2012 FOR THE ADMINISTRATION AND OPERATION OF THE OAKLAND YOUTH COURT PROGRAM; AND**
- 2) **WAIVE THE ADVERTISING AND REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/Q) PROCESS FOR THE PROPOSED 2012 CENTERFORCE AGREEMENT;**

WHEREAS, on March 20, 2012, via Resolution Number 83756 C.M.S. (Resolution 83756), Council authorized the City Administrator to accept and appropriate State of California Corrections Standards Authority Title II Formula Grant Program funds (Title II grant funds) in an amount of one hundred seventy two thousand one hundred forty one dollars \$172,141) for the continued administration and operation of the Oakland Youth Court; and

WHEREAS, also by Resolution 83756, Council waived the advertising and Request for Proposals/Qualifications (RFP/Q) requirements and authorized a Professional Services Agreement with the McCullum Youth Court Corporation (McCullum Youth Court), a non-profit organization for the period of January 1, 2012 through December 31, 2012, with two one-year options to extend, in an amount not to exceed eighty-three thousand six hundred and thirty-eight dollars (\$83,638) to administer and operate the Oakland Youth Court program; and

WHEREAS, Title II grant fund terms prohibit the grantees from entering into Professional Services Agreements where such funds will be appropriated to organizations that are not tax exempt non-profit entities; and

WHEREAS, this is the 12th consecutive year the Oakland Police Department has participated with the Oakland Youth Court program in the shared effort to divert youth offenders from the juvenile justice system; and

WHEREAS, in May 2012 the City of Oakland and McCullum Youth Court were poised to enter into a professional services agreement (proposed 2012 McCullum agreement) whereby McCullum would have administered and operated the Oakland Youth Court Program and the City would have dispersed Title II grant funds to McCullum for reimbursement of services provided; and

WHEREAS, due to lack of adequate funding, McCullum Youth Court has ceased all administration, operation and management of the Oakland Youth Court program and is relinquishing its non-profit tax exempt legal status and will be dissolving; and

WHEREAS, the McCullum Youth Court first notified the City that it would not be able to meet its duties pursuant to the proposed 2012 McCullum agreement on June 21, 2012; and

WHEREAS, to date McCullum Youth Court has not carried out any services pursuant to the proposed 2012 McCullum agreement and the City has not reimbursed any amount of the total \$83,638 allocated Title II grant funds to McCullum Youth Court; and

WHEREAS, staff was not provided with sufficient advance notice of the McCullum Youth Court Corporation's dissolution to conduct the advertising and RFP/Q process to award a new Professional Services Agreement with another entity to carry out the work that McCullum Youth Court had agreed to provide pursuant to the 2012 McCullum agreement; and

WHEREAS, the Oakland Youth Court program operations will cease immediately if the proposed contract with CenterForce is not approved at least through the end of December 2012; and

WHEREAS, Oakland Municipal Code section 2.04.051.B permits the Council to waive the request for proposal/qualifications ("RFP/Q") requirements upon a finding that it is in the best interest of the City to do so; and

WHEREAS, Oakland Municipal Code section 2.04.050.1.5 permits the Council to waive the advertising and bidding requirements upon a finding that it is in the best interest of the City to do so; and

WHEREAS, staff recommends that the City enter into an agreement with the CenterForce Corporation (CenterForce) in an amount not to exceed \$83,638 to administer and operate the Oakland Youth Court program through the end of this year in order to avoid interruption of the Oakland Youth Court program; and

WHEREAS, CenterForce has been a national leader that develops and delivers innovative programs geared towards incarcerated individuals and their families that aim to foster transformative experiences during incarceration, promote successful re-entry, and help reduce the risk of re-incarceration; and

WHEREAS, CenterForce has the temporal and programmatic experience serving at-risk youth (including *Bay Area Network for Positive Health*; *Peer-Based Health Education Programs*; *the Inside/Out National Summit Conference* that addresses issues of incarceration and reentry from a multi-dimensional framework; *Project START* an intervention program incorporating features of prevention, case management, motivational interviewing, and incremental risk reduction, *MOMS Program*, a post-release program for parenting mothers, and *Safe Transitions*, a model program for recruitment, identification and transitional case management for re-entry African American males over 18 years); and

WHEREAS, CenterForce will maintain the integrity, content and continuity of the preexisting Oakland Youth Court program; and

WHEREAS, CenterForce also maintains a diverse funding streams sources from both public and private sources; and

WHEREAS, staff recommends that it is in the best interests of the City to waive the advertising and the RFP/Q process so that the City Administrator can enter into a Professional Services Agreement with CenterForce for the period of July 20, 2012 through December 31, 2012; and

WHEREAS, entering into the proposed Professional Services Agreement with CenterForce shall not result in the loss of employment or salary by any person having permanent status in the competitive services, as required by Oakland Municipal Code 2.04.020.E.3; now, therefore be it

RESOLVED: That the City of Oakland desires to continue to participate in the Federal Title II Formula Block Grant Program supported by federal Formula Grant funds and administered by the Corrections Standards Authority (CSA); and be it

FURTHER RESOLVED: That the City Council finds that pursuant to Oakland Municipal Code sections 2.04.050.1.5 and 2.04.051.B, for the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the advertising and bidding requirements and the request for proposal/qualifications (RFP/Q) for the services to be provided pursuant to the proposed 2012 agreement with CenterForce Corporation; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designee, on behalf of the City of Oakland to enter into a Professional Services Agreement with CenterForce Corporation (CenterForce) from July 20, 2012 through December 31, 2012 for the administration and operation of the Oakland Youth Court program; and be it

FURTHER RESOLVED that federal grant funds received hereunder shall not be used to supplant expenditures controlled by this body; and be it

FURTHER RESOLVED that the implementing agency (Oakland Police Department) and partnering entity (CenterForce) agree to abide by the statutes and regulations governing the federal Formula Grants Program as well as the terms and conditions of the Grant Agreement as set forth by the CSA; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to conduct all negotiations, applications, agreements, and related actions which may be necessary for the completion of the aforementioned grant and professional services agreements, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk; and be it

FINALLY RESOLVED: That the City Attorney shall review and approve said agreement with CenterForce as to form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,
SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California