


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1) **AMENDING RESOLUTION NO. 89376 C.M.S. TO ADD BUILDING OPPORTUNITIES FOR SELF-SUFFICIENCY (BOSS) AS THE FISCAL SPONSOR FOR GRANTEE “FAMILY SUPPORT ADVOCATES” AND TO ADD THE SOCIAL GOOD FUND INC. AS THE FISCAL SPONSOR FOR GRANTEE “HOMIES EMPOWERMENT”;**
- 2) **RATIFYING RESOLUTION NOS. 88678, 88921, 89245 AND 89376 C.M.S., WHICH AUTHORIZED GRANT AGREEMENTS BETWEEN THE CITY OF OAKLAND AND THE EAST OAKLAND YOUTH DEVELOPMENT CENTER (“EOYDC”), TO THE EXTENT NECESSARY TO RESOLVE ANY POTENTIAL CONFLICTS OF INTEREST RELATED TO COUNCILMEMBER TREVA REID’S REMOTE INTEREST IN EOYDC; AND**
- 3) **RATIFYING SUCH GRANT AGREEMENTS BETWEEN THE CITY OF OAKLAND AND EOYDC**

WHEREAS, on July 26, 2022, the City Council adopted Resolution No. 89376 C.M.S., which, among other things, awarded a grant (1) to Family Support Advocates in the amount of Seventy-Five Thousand Dollars (\$75,000) for support for victims of violent crime and their families through healing education, advocacy and training; (2) to Homies Empowerment in the amount of Fifty Thousand Dollars (\$50,000) for youth development, mentoring and violence prevention; and (3) to East Oakland Youth Development Center in the amount of Fifty Thousand Dollars (\$50,000) for youth serving education and training; and

WHEREAS, Family Support Advocates is a nonprofit engaged in community services that requires a fiscal sponsor in order to accept these grant funds and Building Opportunities for Self-Sufficiency (BOSS), a registered 501(c)(3) nonprofit corporation (California Corporation No. 734086, EIN 51-0173390), has agreed to be the fiscal sponsor for Family Support Advocates for this purpose; and

WHEREAS, Homies Empowerment is a nonprofit engaged in community services that requires a fiscal sponsor in order to accept these grant funds and Social Good Fund, Inc., a registered 501(c)(3) nonprofit corporation (California Corporation No. 3507406, EIN 46-1323531), has agreed to be the fiscal sponsor for Homies Empowerment for this purpose; and

WHEREAS, East Oakland Youth Development Center (“EOYDC”) is a registered 501(c)(3) nonprofit corporation (California Corporation No. 679982, EIN: 23-7334590) located at 8200 International Blvd, Oakland, CA 94621; and

WHEREAS, Councilmember Treva Reid is a board member of EOYDC and Councilmember Reid commenced service as an EOYDC Board member before the commencement of the Councilmember’s term as a City Councilmember in January 2021; and

WHEREAS, Councilmember Reid advised that (1) she serves as an unpaid, volunteer community board member of EOYDC; (2) EOYDC has not contributed money, goods, or services related to the Councilmember’s campaigns for City Council or for Mayor and (3) the Councilmember does not receive an honorarium or travel expenses for serving on the EOYDC board; and

WHEREAS, the City Council, has passed resolutions authorizing grant funds and authorizing the City Administrator to execute grant agreements between the City and EOYDC both before and after Councilmember Reid commenced her term as a City Councilmember in January 2021; and

WHEREAS, Councilmember Reid brought to the City’s attention that she believed she voted on City resolutions authorizing the award of grant funds to EOYDC and requested advice regarding how to proceed in light of the Councilmember’s membership on the EOYDC Board; and

WHEREAS, Councilmember Reid’s role as a volunteer community board member of EOYDC results in no apparent direct financial interest in the grant agreements, but may be deemed a “remote interest” under California Government Code section 1091 which provides that an officer of a nonprofit entity exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) or a nonprofit corporation has a “remote interest;” and

WHEREAS, California Government Code section 1091(a) provides in pertinent part:

An officer shall not be deemed to be interested in a contract entered into by a body or board of which the officer is a member within the meaning of this article if the officer has only a remote interest in the contract and if the fact of that interest is disclosed to the body or board of which the officer is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

; and

WHEREAS, Councilmember Reid recused herself from voting on the following City resolutions, that awarded grant funds and authorized the City Administrator to execute grant agreements between the City and EOYDC: (1) Resolution No. 88559 C.M.S. (March 16, 2021); and (2) Resolution No. 88735 C.M.S. (July 6, 2021); and

WHEREAS, Councilmember Reid did not recuse herself and cast votes on the following City resolutions that awarded grant funds and authorized the City Administrator to execute grant agreements between the City and EOYDC: (1) Resolution No. 88678 C.M.S. (June 1, 2021); (2) Resolution No. 88921 C.M.S. (Nov. 16, 2021); (3) Resolution No. 89245 C.M.S. (June 7, 2022); and (4) Resolution No. 89376 C.M.S. (July 26, 2022); and

WHEREAS, notwithstanding that Resolution No. 88678 C.M.S., Resolution No. 88921 C.M.S., Resolution No. 89245 C.M.S., and Resolution No. 89376 C.M.S. would have passed without Councilmember Reid’s vote, Government Code section 1091(a) requires a vote of the City Council, without Councilmember Reid, to authorize, approve or ratify Resolution No. 88678 C.M.S., Resolution No. 88921 C.M.S.; Resolution No. 89245 C.M.S.; and Resolution No. 89376 C.M.S. and any allocation of grant funds to EOYDC and grant agreements between the City and EOYDC resulting therefrom; now, therefore, be it

RESOLVED: That Resolution No. 89376 C.M.S. is amended to add Building Opportunities for Self-Sufficiency (BOSS) as fiscal sponsor for Family Support Advocates and to add Social Good Fund, Inc. as fiscal sponsor for Homies Empowerment as indicated below in ***bold italicized*** typeset:

GRANTEE	FY 2022-23 AMOUNT
<i>Building Opportunities for Self-Sufficiency (BOSS) as fiscal sponsor for Family Support Advocates</i>	\$75,000
<i>Social Good Fund, Inc. as fiscal sponsor for Homies Empowerment</i>	\$50,000

; and be it

FURTHER RESOLVED: That all other provisions of Resolution No. 89376 C.M.S. remain unchanged; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to take all steps necessary to achieve the basic purpose of this resolution, including but not limited to conducting negotiations, drafting and executing grant agreements, and submitting requests for payment; and be it

FURTHER RESOLVED: That prior to execution each agreement shall be reviewed and approved as to form and legality by the City Attorney’s Office; and be it

FURTHER RESOLVED: That a fully executed copy of each agreement shall be filed with City Clerk; and be it

FURTHER RESOLVED: That Resolution No. 88678 C.M.S., Resolution No. 88921 C.M.S., Resolution No. 89245 C.M.S., and Resolution No. 89376 C.M.S. hereby are authorized, approved and ratified with respect to any action taken for the benefit of EOYDC to the extent necessary to resolve any potential conflict of interest related to Councilmember Reid’s remote interest in EOYDC; and be it

FURTHER RESOLVED: That the City Council would have awarded each individual grant to EOYDC if Councilmember Reid had disclosed her remote interest prior to Council’s and any City Council Committee’s consideration and action on Resolution No. 88678 C.M.S., Resolution No. 88921 C.M.S., Resolution No. 89245 C.M.S., and Resolution No. 89376 C.M.S.; and be it

FURTHER RESOLVED: That all allocations of grant funds to EOYDC set forth in Resolution No. 88678 C.M.S., Resolution No. 88921 C.M.S., Resolution No. 89245 C.M.S., and Resolution No. 89376 C.M.S. hereby are authorized, approved and ratified to the extent necessary to resolve any potential conflict of interest related to Councilmember Reid’s remote interest in EOYDC; and be it

FURTHER RESOLVED: That all grant agreements resulting from Resolution No. 88678 C.M.S., Resolution No. 88921 C.M.S., Resolution No. 89245 C.M.S., and Resolution No. 89376 C.M.S. and executed by the City Administrator between the City and EOYDC hereby are authorized, approved and ratified to the extent necessary to resolve any potential conflict of interest related to Councilmember Reid’s remote interest in EOYDC.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, 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