

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**RESOLUTION:**

- (1) APPROVING THE CHILDREN'S INITIATIVE CITIZENS' OVERSIGHT COMMISSION FINAL SELECTION FOR THE CHILDREN'S INITIATIVE OF 2018 (MEASURE AA) IMPLEMENTATION PARTNERS: FIRST 5 ALAMEDA COUNTY FOR THE EARLY EDUCATION FUND AND OAKLAND PROMISE FOR THE OAKLAND PROMISE FUND; AND**
- (2) AUTHORIZING AGREEMENTS FOR FIVE-YEAR TERMS WITH FIRST 5 ALAMEDA COUNTY IN THE AMOUNT OF TWENTY-THREE MILLION ONE HUNDRED EIGHTY-ONE THOUSAND FOUR HUNDRED AND TWENTY-EIGHT DOLLARS (\$23,181,428) TO IMPLEMENT THE EARLY EDUCATION PROGRAM AND WITH OAKLAND PROMISE IN THE AMOUNT OF ELEVEN MILLION FIVE HUNDRED NINETY THOUSAND SEVEN HUNDRED AND FOURTEEN DOLLARS (\$11,590,714) TO IMPLEMENT THE OAKLAND PROMISE PROGRAM; AND**
- (3) AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE ABOVE AGREEMENTS TO INCREASE THE AMOUNTS, PROPORTIONAL TO APPROPRIATED REVENUE, AND TO EXTEND THE AGREEMENTS FOR ADDITIONAL TERMS OF UP TO FIVE YEARS, PURSUANT TO MEASURE AA.**

**WHEREAS**, on December 14, 2018, the City Council adopted Resolution No. 87485 C.M.S., certifying Measure AA, a proposed amendment to the Oakland City Charter creating the "Children's Initiative of 2018" and approving a parcel tax to fund early childhood education and college readiness programs, on the November 6, 2018 Oakland general election, as passing and directing the City Administrator to present a validation ordinance to the Council and directing the City Attorney to bring a validation action for the measure; and

**WHEREAS**, the California Court of Appeal affirmed the passage of Measure AA in December 2021; and

**WHEREAS**, Measure AA (Oakland City Charter, Art. XVI) established the Children's Initiative Citizens' Oversight Commission to, among other things, review the analysis and

recommendations of the Children’s Initiative Accountability Officer for the selection of Implementation Partners, approve or reject the recommendation for the selection of Implementation Partners for the Early Education and Oakland Promise Funds, ensure that the selection is consistent with the Act, and once approved, submit the final selection to the Oakland City Council for its adopts without amendment; and

**WHEREAS**, Charter Section 1605 requires that the Early Education Implementation Partner meet the following minimum criteria: (1) the Implementation Partner must have a mission consistent with the purposes of the Early Education Fund and the capability to implement all of the Guidelines of the Early Education Fund, through direct provision or through partnership agreements; (2) the Implementation Partner must have expertise in early education or a record of successfully implementing programs or services for children age zero to five; and (3) at the time of application and while acting as Early Education Implementation Partner, the Implementation Partner must not be a private preschool provider in the City of Oakland; and

**WHEREAS**, Charter Sections 1605 and 1606 require that for the first five years of the Early Education Fund, the Alameda County Children and Families First Commission, known as First 5 Alameda County, or another public entity, will be selected by the Citizens’ Oversight Commission to be the Early Education Implementation Partner and to administer the program, and the Early Education Implementation Partner will be selected through a request for proposals or through an alternative selection process; and

**WHEREAS**, Charter Section 1608 requires that the Oakland Promise Implementation Partner be recommended and approved pursuant to a request for proposals and must meet the following minimum criteria: (1) the Implementation Partner must be an Oakland-based non-profit organization in good standing or a government agency, or an entity, project, or program within such a body; (2) must be a non-profit organization, government agency, or an entity, project or program within such a body, with a mission consistent with the purposes of the Oakland Promise Fund and the capability to implement all of the Guidelines, including the initial Guidelines set forth in Section 1609; (3) must have the capability to successfully implement, either directly or through subcontracts, evidence-based programs or services for children from birth through college graduation and experience serving populations reflective of the diversity of Oakland, in service of all Oakland Promise Fund eligible uses as set forth in paragraphs (1) through (7) of subdivision (c) of Section 1607; (4) must have the ability to leverage other funding sources, such as private philanthropy, grants, and/or an endowment or quasi-endowment, to achieve the purposes of the Oakland Promise Fund; and (5) must have the ability to enable the external evaluation of programs, demonstrated through means such as having an existing data-evaluation system or an existing relationship with a credible external evaluator; and

**WHEREAS**, pursuant to the guidelines set forth in Measure AA and relevant administrative instructions, staff conducted a Request for Proposals (RFP) process and advertised the RFP in accordance with City requirements; and

**WHEREAS**, Oakland’s Local and Small Local Business Enterprise Program (L/SLBE) guidelines, adopted by Ordinance No. 13647 C.M.S., require a minimum 50% participation for all professional services contracts at or over \$50,000 when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work, and the City

Administrator is authorized in the evaluation of proposals for professional services contracts to require contractors to comply with the L/SLBE program under Chapter 2.04.20 of the Oakland Municipal Code; and

**WHEREAS**, the City received four proposals for the Implementation Partners, and two agencies were selected and recommended to serve as the Children’s Initiative Implementation Partners, one for the Early Education fund (First 5 Alameda County) and the other as the Oakland Promise fund (Oakland Promise), in accordance with the guidelines set forth in Measure AA and the RFP process; and

**WHEREAS**, the Children’s Initiative Citizens’ Oversight Commission approved the selection of these Implementation Partners, ensured that the selection was consistent with Measure AA, and now submits the final selection to the Oakland City Council for adoption without amendment; and

**WHEREAS**, Charter Sections 1605 and 1608 provide that the initial Early Education Implementation Partner and initial Oakland Promise Implementation Partner shall act for a period of five (5) years with an opportunity for renewal for additional terms of up to five (5) years, provided that they remain in good standing and continue to carry out the requirements specified in the Measure, and that at the expiration of the first five-year period, the accountability officer may recommend, based on the Implementation Partners’ performance, that the Citizens’ Oversight Commission renew the contracts for additional terms of up to five (5) years; and

**WHEREAS**, the City Administrator has determined that the proposed Implementation Partners are uniquely qualified to support the scope of work required and the agreements are of a professional, scientific, or technical and temporary nature and will not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, the adopted revenue budget for Measure AA for Fiscal Year 2022 – 2023 is \$36,920,359; and

**WHEREAS**, Measure AA requires that seven percent (7%) of the proceeds of the parcel tax imposed shall be deposited in the Children’s Initiative Oversight, Accountability, and Evaluation Fund; and

**WHEREAS**, seven percent (7%) of Fiscal Year 2022 – 2023 adopted budget is \$2,148,217 and further revenue projections are not available at this time; and

**WHEREAS**, Measure AA requires that for the Children’s Initiative Oversight, Accountability, and Evaluation Fund, to the extent that at the end of each two-year (2) budget period, any unspent and unencumbered or undesignated funds remain in the Oversight, Accountability, and Evaluation Fund, fifty percent (50%) of the funds remaining shall be transferred to the Early Education Fund and shall be available for appropriation to achieve the goals of the Early Education Fund, twenty-five percent (25%) shall be transferred to the Oakland Promise Fund and shall be available for appropriation to achieve the goals of the Oakland Promise Fund, and twenty-five percent (25%) shall remain in the Oversight, Accountability and Evaluation Fund as a reserve for the eligible uses; and

**WHEREAS**, Measure AA requires that for each fiscal year, sixty-two percent (62%) of the proceeds of the parcel tax imposed shall be deposited in the Early Education Fund, and shall be appropriated, together with any interest that accrues thereon, for the purposes of that fund; and

**WHEREAS**, sixty-two percent (62%) of Fiscal Year 2022 – 2023 adopted budget is \$23,181,428 and further revenue projections are not available at this time; and

**WHEREAS**, Measure AA requires that for each fiscal year, thirty-one percent (31%) of the proceeds of the parcel tax imposed shall be deposited in the Oakland Promise Fund, and shall be appropriated, together with any interest that accrues thereon, for the purposes of that fund; and

**WHEREAS**, thirty-one percent (31%) of Fiscal Year 2022 – 2023 adopted budget is \$11,590,714 and further revenue projections are not available at this time; and

**WHEREAS**, funding for the agreements are available as follows: Measure AA – Early Education Fund (2262), Citywide Activities Org (90591), Contract Contingencies Account (54011) in a project to be established, and Measure AA – Oakland Promise Fund (2263), Citywide Activities Org (90591), Contract Contingencies Account (54011) in a project to be established; and

**WHEREAS**, Charter Sections 1605 and 1608 provide that the City Administrator shall have the authority to enter into a contract with the Implementation Partners that includes legally required terms, such as but not limited to: (1) Performance metrics and benchmarks; (2) Plans for consultation or engagement with experts, community members, and program beneficiaries; (3) Annual independent financial audits; (4) Data sharing agreements including disaggregation by race and income of program beneficiaries; and (5) Accounting practices that securely segregate Fund revenues and expenditures in order to ensure appropriate accounting of receipts and expenditures; now, therefore, be it

**RESOLVED:** That the City Council hereby approves the Children’s Initiative Citizens’ Oversight Commission final selection for the Children’s Initiative Implementation Partners: First 5 Alameda County for the Early Education Fund and Oakland Promise for the Oakland Promise Fund; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to enter into an agreement with First 5 Alameda County as the Early Education Implementation Partner for a five-year term in the amount of twenty-three million, one hundred eighty-one thousand four hundred and twenty-eight dollars (\$23,181,428) to implement the Early Education program and an agreement with Oakland Promise as the Oakland Promise Implementation Partner for a five-year term in the amount of eleven million five hundred ninety thousand seven hundred and fourteen dollars (\$11,590,714) to implement the Oakland Promise program, pursuant to Measure AA; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to complete all required negotiations and documentation required to modify, extend, and/or amend the above-referenced agreements for services, including proportional increases in the contract amounts up to the appropriated yearly revenue, and extension of the terms for up to an additional five years, pursuant to Measure AA.

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