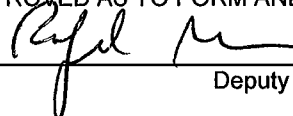


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 JUL -1 AM 10:11

APPROVED AS TO FORM AND LEGALITY:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 86321 C.M.S.

A RESOLUTION TO 1) APPROVE ELIGIBILITY CRITERIA AND DISBURSEMENT GUIDELINES FOR THE BUSINESS ASSISTANCE AND SUSTAINABILITY FUND AND TO AUTHORIZE THE CITY ADMINISTRATOR, WITHOUT RETURNING TO CITY COUNCIL, TO DISBURSE SAID FUNDS IN THE FORM OF GRANTS NOT-TO-EXCEED \$100,000 PER ELIGIBLE BUSINESS BASED UPON THE APPROVED ELIGIBILITY CRITERIA AND DISBURSEMENT GUIDELINES; AND 2) TO RENEGOTIATE THE TERMS AND ALLOCATION OF A \$2,000,000 BUSINESS TECHNICAL ASSISTANCE GRANT FROM AC TRANSIT

WHEREAS, as a Condition of Approval for the East Bay Bus Rapid Transit (BRT) project, the Oakland City Council and the AC Transit Board of Directors adopted and committed to support a Business Sustainability Program (BSP) to support businesses along the BRT route during construction and when the BRT goes operational; and

WHEREAS, the agreement between the City and AC Transit includes the establishment of a Business Assistance and Sustainability Fund, going forward to be referred to as the Business Assistance Fund (BAF), in the amount of \$2,000,000 to support businesses that experience permanent adverse impacts due to BRT infrastructure that are not covered under the project's Final Environmental Impact Statement and Report (FEIS/FEIR); and

WHEREAS, the City Council authorized the appropriation of \$1,000,000 in General Purpose Funds by way of Resolution No. 85085 C.M.S. during the FY 2013-2015 mid-cycle budget modification process to go towards the BAF; and

WHEREAS, the City Council authorized the appropriation of \$500,000 in FY 2015-2016 CDBG funds and \$500,000 in FY 2016-2017 CDBG funds by way of Resolution No. 85286 C.M.S. to go towards the BAF; and

WHEREAS, Resolution No. 85286 C.M.S. explicitly states that said funds shall not be dispensed until guidelines are in place; and

WHEREAS, staff formed a Technical Advisory Committee (TAC) of representatives from each of the sub-districts through which the BRT will run appointed by the City Councilmembers who represent each of the sub-districts; and

WHEREAS, the TAC developed a set of recommendations to guide the disbursement of the BAF based on extensive experience working with merchants in their respective sub-districts; and

WHEREAS, staff is presenting the recommendations developed by the TAC for the City Council's consideration with comment, presented as **Exhibit A**; and

WHEREAS, the City Council commends the TAC for its work in developing the BAF Eligibility Criteria and Disbursement Guideline recommendations for the City Council's consideration, and for the members' continued commitment to working diligently on behalf of businesses along the BRT route; and

WHEREAS, time is of the essence to establish the eligibility criteria, guidelines, and administrative systems for the disbursement of the BAF given that the major phase of BRT construction is scheduled to begin in October 2016 and some businesses have expressed the need to make modifications to their business operations and buildings in advance of construction; and

WHEREAS, City staff require several months of planning, procurement of professional services, and reassigning personnel to assist with the programmatic and administrative tasks required to administer every aspect of the \$2,000,000 BAF in an equitable, efficient, transparent, timely manner; and

WHEREAS, staff is also in the process of negotiating a modification of the City's Memorandum of Agreement (MOU) with AC Transit for a \$2,000,000 Business Technical Assistance (TA) grant, a portion of which City staff plan to use to link business TA services with the disbursement of the BAF; and

WHEREAS, staff is also in the process of procuring the services of a contractor through a competitive RFP to assemble a team of business services experts and community stakeholders familiar with businesses in each of the sub-districts of the BRT route in Oakland to provide ground-level business TA in coordination with AC Transit's Community Outreach team; and

WHEREAS, staff will return to the City Council in September 2016 following the results of its RFP process with a recommendation to authorize a contract with the most qualified respondent, whose team will then work closely with City staff in identifying businesses potentially eligible to receive BAF support based on the Eligibility Criteria and Disbursement Guidelines approved by the City Council by way of this Resolution; now, therefore, be it

RESOLVED: That the City Council adopts the BAF Eligibility Criteria and Disbursement Guidelines presented as **Exhibit A** of this Resolution; and be it

FURTHER RESOLVED: That the City Administrator is authorized, without returning to City Council, to disburse said funds in the form of grants not-to-exceed \$100,000 per eligible business based upon the approved Eligibility Criteria and Disbursement Guidelines; and be it

FURTHER RESOLEVED: That the City Administrator is authorized to negotiate the reallocation of the \$2,000,000 Business Technical Assistance grant from AC Transit in a manner that involves the competitive procurement of needed professional services, as

well as the assignment of City staff to assist with the administration of the BAF; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to spend funds and take other action with respect to the adopted budget and authorized contracts consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2016

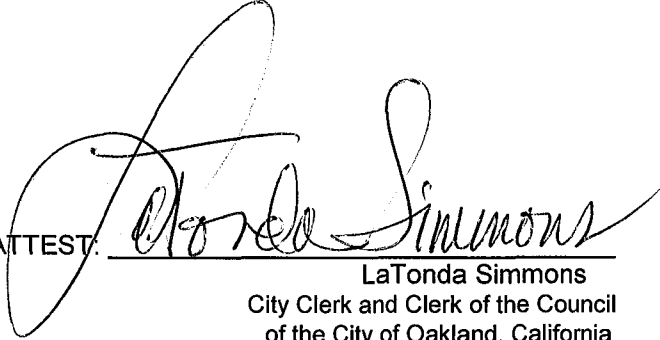
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY

NOES-

ABSENT-

ABSTENTION-

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

Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

1	Entity: Must be a for-profit business.
2	Location: On BRT route frontage or <u>one block</u> ¹ within 500 feet from front face curb of route.
3	Licenses: Must have Oakland Business Tax License and all required permits, etc.
4	Liens: No property or income tax liens against business.
5	Annual revenues: a) 3-year average annual revenues less than \$3 million; or b) if in business less than 3 years, annual revenues less than \$3 million.
6	Years in operation: Be in operation in current location 3 years prior to start of construction, or be in a current 3-year lease.
7	Technical Assistance: Must take advantage of Business Technical Assistance services (TA).
8	Distance of impact from BRT features: Up to 2 blocks away from business.
9	Feasible plan: Must develop a feasible impact mitigation plan with TA provider.
10	Eligible uses of funds: Building renovations, facade improvement, acquisition/creation of private parking, business model alterations, product offerings, business lines, customer base, etc.) and, absent a feasible retention plan, relocation.
11	Oversight: To establish an administrative <u>Should be oversight and appeals process for businesses denied support, including the creation of an Ombudsperson role. ; TAG prefers creation of an Oversight body to hear appeals and reverse funding decisions of warranted.</u>

¹ The strike-throughs and underlines indicate language deleted and inserted by staff that differs from language recommended by the Technical Advisory Committee (TAC).

Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

12	Non-eligible uses: a) For mitigations that come under the FEIR/S and AC Transit's responsibilities; and b) fund administration costs.
13	Term of BAF program: From start of construction until <u>one year</u> 3 years after BRT operations begins.
14	Structure and terms of assistance: a) Grants <u>not to exceed \$100,000 per business to be disbursed on a reimbursement basis to business/property owners or directly to contractors;</u> b) to be repaid if business ceases operations within 5 years; b) Grants <u>not to exceed \$100K;</u> and c) Up to 25% of funds can be used for relocation costs within Oakland.
15	Equitable Distribution Model: Based upon business type and proximity to BRT infrastructure (stations, medians, left-turn restrictions) and significant parking loss. <u>Must ensure that businesses in each impacted sub-district receive equitable proportions of funding.</u>