

ENDORSED  
FILED  
ALAMEDA COUNTY

NOV - 8 2021

CLERK OF THE SUPERIOR COURT  
By K. Ghce Deputy

1 GENE HAZZARD, *In Pro Per*  
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6 Plaintiff, *In Pro Per*  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF ALAMEDA  
10

11 GENE HAZZARD,

12 Petitioner/Plaintiff,

13 v.  
14

15 MAYOR LIBBY SCHAAF;  
16 CITY OF OAKLAND, a municipal corporation;  
17 MIALISA BONTA, former CEO Oakland Promise;  
18 DAVID SILVER, Educational Director;  
19 BARBARA PARKER, City Attorney;  
20 ED REISKIN, City Administrator;  
21 COURTNEY RUBY, City Auditor;  
22 ANDY FREMDER, co-founder East Bay College  
23 Fund;  
24 ROB BONTA, former California 18th  
25 Assemblymember Representative,  
26 SABRINA LANDRETH, former City  
27 Administrator,  
28

Defendants/Respondents.

CASE NO.: RG21106953

ASSIGNED FOR ALL PURPOSES TO  
JUDGE Patrick R. McKinney II  
DEPARTMENT 15

FIRST VERIFIED AMENDED  
COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF & PETITION  
FOR WRIT OF MANDATE;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; VERIFICATION

Action Filed: July 29, 2021  
Trial Date: N/A

C.C.P. § 1085, C.C.P. § 472(a), C.C.P. § 526(a),  
C.C.P. § 1090, C.C.P. § 1060(a), C.C.P. § 863  
C.C.P. § 17200-04, 18 U.S.C. § 1028

## **INTRODUCTION**

### **A. Nature of the Controversy**

1. Oakland Public Education Fund is a non-profit fiscal management organization since 2003, with Employer Identification Number 43-2014630.

2. As part of the Oakland Public Education Fund mission, the organization offers/provides fiscal sponsorship to initiatives and projects that “work to improve educational outcomes for Oakland kids.”

3. The fiscal sponsorship allows an organization who does not have a 501(c)(3), nonprofit, tax-exempt, public benefit corporation [status] to be able to operate under the fiscal management operation umbrella 501(c)(3), nonprofit, tax-exempt, public benefit corporation of the legal status of the Oakland Public Education Fund.

4. Oakland Public Education Fund holds all fiduciary and legal responsibility for the particular organization’s project(s), while the organization is accountable for programming.

5. The services Oakland Public Education provides to the contracting organization includes a suite of services: benefits payroll & human resources, financial management and oversight, fundraising, grants & donation management, coaching and capacity.

6. When an organization joins as a fiscally sponsored project, the cost of service is shared with other projects in the program – each project contributes a percentage of each transaction. [Note: Certain transactions will incur additional fees to mitigate volume of requests including fundraising events and one time employee hiring fees.]

7. The Oakland Promise initiative is a non-governmental, private interest project operating out of Mayor Libby Schaaf’s City Hall office.

8. In 2015/2016 the Oakland Promise Initiative was launched and Mayor Libby Schaaf engaged the fiscal sponsorship services of the 501(c)(3) nonprofit, tax-exempt, public benefit corporation Oakland Public Education Fund.

9. This lawsuit is brought by Petitioner/Plaintiff, Gene Hazzard, registered voter, Oakland resident and tax-payer in the City of Oakland on behalf of the public interest pursuant to Code of Civil Procedure § 526(a)(1): When it appears by the

1 complaint that the Plaintiff is entitled to relief demanded, and the relief or ANY part  
2 thereof consists in restraining the commission or continuance of the act complained of  
3 either for a limited period or perpetually. (2) When it appears by the complaint or  
4 affidavits that the commission or continuance of some act during the litigation would  
5 produce waste, or great or irreparable injury to a party to the action.

6 NOTE: WHILE EVIDENCE HAS BEEN PRESENTED IN THE CITY AUDITOR'S  
7 INVESTIGATION REPORT OF NOVEMBER 19, 2019 OF THE UNAUTHORIZED  
8 USE OF PUBLIC RESOURCES BY DEFENDANT/RESPONDENT TOTALING IN  
9 EXCESS OF \$400,000,000.00 AND NO EFFORT EITHER BY MEMBERS OF  
10 DEFENDANT/RESPONDENT CITY COUNCIL OR DEFENDANT/RESPONDENT  
11 CITY ADMINISTRATOR ED REISKIN; FURTHER WITH THE ILLEGAL  
12 APPROVAL RESOLUTION 88208 BY DEFENDANT/RESPONDENT CITY  
13 COUNCIL OF \$1,500,000.00 TO OAKLAND PROMISE [NON-COMPETITIVE  
14 PROCESS], THERE IS A GREATER LIKELY THIS EGREGIOUS PROCESS WILL  
15 CONTINUE WITHOUT CONSEQUENCES

16 10. Defendant/Respondent Mayor Libby Schaaf and former Chief Executive Officer  
17 Mialisa Bonta of the organization known as Oakland Promise has been engaged in nefarious  
18 and unlawful business practices involving the organization known as Oakland Promise. These  
19 unlawful business transactions have been supported by other named  
20 Defendant(s)/Respondent(s) named herein.

21 11. The California Business and Professions Code §§ 17200, 17203 and case law  
22 provides the legal standing for Petitioner/Plaintiff Gene Hazzard to bring forth this lawsuit on  
23 his behalf as well as the public at large.

24 12. While under the fiscal sponsorship of the Oakland Public Education Fund,  
25 most of the affairs of Oakland Promise had a degree of legitimacy, with several notable  
26 exceptions and the falsification of three 990's signed by Defendant Respondent Mialisa  
27 Bonta, former Chief Executive Officer of Oakland Promise. As in the ruling decision in  
28 *Butt v. State of California*, 4 Cal.4th 668 (1992), "when the moving part has a strong

likelihood of prevailing on the merits," in the instant matter, the failure of Defendant/Respondents to respond to Petitioner/Plaintiff facial challenge to provide the prerequisite documentation supporting Defendant/Respondent's claim regarding their legal status as a 501(c)(3) nonprofit, tax-exempt, public benefit organization establishes clearly Petitioner/Plaintiff will prevail on the merits. Additionally, Sections 1600/1607 of the Oakland City Charter where the NON-GOVERNMENTAL ORGANIZATION OAKLAND PROMISE is CODIFIED in the section of the Charter is PROHIBITED under the laws of the State is further compelling evidence that Petitioner/Plaintiff will prevail on the merits.

13. According to the Independent Auditor Hood & Strong's Certified Public Accountant Report and Financial Statement for the Oakland Public Education Fund June 30, 2018 "The Ed Fund and Oakland Promise have entered into an Exit Project Transfer Agreement dated July 1, 2019. A dissolution of all fiduciary responsibilities between the fiscal sponsor Oakland Public Education Fund and Oakland Promise."

14. The Defendant/Respondents Mayor Libby Schaaf and former Chief Executive Officer Mialisa Bonta continue to make unsubstantiated claims regarding Oakland Promise's legal status as a 501(c)(3) nonprofit, tax-exempt, public benefit corporation, and that a merger exist between East Bay College Fund and Oakland Promise without providing any legal documentation that would affirm the organization's claim. These documentations include: (1) Determination Letter from the Internal Revenue Service (IRS) and (2) Certificate of Merger from The Charitable Trust Department from the Office of the California Attorney General.

15. Petitioner/Plaintiff's lawsuit is a demand that Defendant/Respondent Mayor Libby Schaaf and Defendant/Respondent former Oakland Promise's Chief Executive Officer Mialisa Bonta produce all issued documentation from the legal authorized agency that confirms Oakland Promise's legal status as a 501(c)(3) nonprofit, tax-exempt, public benefit corporation and from the legal authorized agency that a merger exists between East Bay College Fund and Oakland Promise.

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16. Jurisdiction and venue for this action properly lies within this Court pursuant to Virginia Code of Civil Procedure §§ 863, 893(a) and 394(a).

## PARTIES

**A. Petitioner/Plaintiff Gene Hazzard, Oakland resident, registered voter, taxpayer, financial donor to Oakland Promise**

**B. Defendant(s)/Respondent(s)**

17. All Defendants are identified in the capacity of their official elected office and/or the capacity in which they serve related to subject matter described herein (Oakland Promise)

1. City of Oakland, a municipal corporation
2. Mayor Libby Schaaf
3. Mialisa Bonta, former Chief Executive Officer, Oakland Promise
4. David Silver, Educational Director
5. Barbara Parker, City Attorney
6. Ed Reiskin, City Administrator
7. Members of the Oakland City Council 2016-2020
8. Courtney Ruby, City Auditor
9. Andy Fremder, Co-founder East Bay College Fund
10. Rob Bonta, former California 18th Assemblymember District Representative
11. Sabrina Landreth, former City Administrator

**CODE OF CIVIL PROCEDURE §§ 1085(a) & (b)**

### Writ of Mandamus

18. Code of Civil Procedure § 1085(a) states (in important part) as follows:

A writ of mandamus may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specifically enjoins, as a duty resulting from an office, trust, or station...

1 **IV. GENERAL FACTUAL BACKGROUND**

2 19. Petitioner/Plaintiff Gene Hazzard's lawsuit RG21106953 brings forth a challenge  
3 to the non-governmental organization known as Oakland Promise and the claims made by the  
4 Defendant(s) Respondent Mayor Libby Schaaf and former Chief Executive Officer Mialisa  
5 Bonta of Oakland Promise and their supporters that Oakland Promise is a 501(c)(3) nonprofit,  
6 tax-exempt, public benefit corporation without producing any legal documentation from the  
7 legal authorized agency that confirms the Defendant/Respondent's claim.

8 20. A review of the Petitioner/Plaintiff's allegations cannot be completely  
9 understood without understanding the antecedent relationship between the Jobs and Housing  
10 lawsuit, RG19005204, filed in Alameda County Superior Court on February 1, 2019 and the  
11 Petitioner/Plaintiff's lawsuit filed on July 29, 2021.

12 21. Although the Jobs & Housing Coalition's lawsuit challenged the City Council's  
13 decision of December 14, 2018 approving Resolution 87485 C.M.S. reversing the November 6,  
14 2018 certified election results Resolution 87482 of the C.M.S. ballot measure known as "The  
15 Children's Initiative of 2018," commonly referred to as Measure AA.

16 22. Measure AA sought to amend the Oakland City Charter to add a special parcel  
17 tax requiring a two-third voter approval to pass, as determined by the impartial analysis in the  
18 ballot by Defendant/Respondent Barbara Parker, Oakland's City Attorney. EXHIBIT A

19 23. The action by the Oakland City Council in approving Resolution 87485  
20 C.M.S. on December 14, 2018 included support by then Defendant/Respondent  
21 the former Assemblymember Rob Bonta representing the 18th Assembly District which includes  
22 the City of San Leandro, City of Alameda, and the City of Oakland that is more  
23 than 60% of the 18th Assembly District; additionally Rob Bonta was one of several  
24 elected public officials who were co-authored Measure AA. Then 18th District  
25 Representative lent his support to the Council Decision in approving Resolution 87485  
26 thus exceeding his legislative boundaries as well as he being one of the elected officials  
27 who co-authored BALLOT MEASURE AA.  
28

1           24.     Resolution 87485 C.M.S. repudiated the impartial analysis of  
2 Defendant/Respondent City Attorney, stating that Measure AA required two-third voter  
3 approval for the measure to pass. Measure AA had failed.

4           25.     Former Assemblymember Rob Bonta not only violated his oath of office, but he  
5 also exceeded his legislative jurisdiction when he lent his support the council's Resolution  
6 87485 C.M.S. [EXHIBIT A]

7           26.     The Jobs & Housing Coalition, subsequently filed a motion for summary  
8 judgment on the pleading. On October 15, 2019 the Honorable Ronni MacLaren in the Alameda  
9 County Superior Court issued the ruling granting the Jobs & Housing Coalition motion  
10 [EXHIBIT B]: "The Court determines that the City is barred from enforcing Measure AA  
11 because the ballot measured prepared by the City unambiguously advised voters that Measure  
12 AA would require two-thirds of the vote to pass allowing Measure AA to be enacted with less  
13 than two-thirds of the votes would constitute a 'fraud upon the voters.'" This matter is currently  
14 on appeal by Defendant/Respondent City Attorney Barbara Parker, which is not likely to be  
15 overturned.

16           27.     Defendant/Respondent former Assemblymember Rob Bonta's support of  
17 Resolution 87485 C.M.S. can be viewed as his support to disenfranchised the voter -- related to  
18 Measure AA.

19           28.     A component of this charter amendment Measure AA includes in section 1607  
20 special language referencing the non-governmental program the "Oakland Promise Fund."

21           29.     A chartered city, county or municipality is one that possess a unique set of laws  
22 that forms the legal foundation of its local system of government.

23           30.     Oakland's City Charter went into effect January 28, 1969, stating, "We, the  
24 people of the City of Oakland, the State of California, do ordain and establish this Charter as the  
25 fundamental law of the City, under the Constitution of the State of California." [Oakland City  
26 Charter, Preamble]

27           31.     While the Jobs and Housing Coalition lawsuit, RG19005204, was immeasurably  
28 significant in preserving the integrity of the vote, the Jobs and Housing Coalition in the pursuit

1 of protecting the integrity of the vote, it would appear that they were unaware how this amended  
2 charter provision of Measure AA codified Oakland Promise Fund a non-governmental program  
3 sets an unprecedented compromise of the governing constitution of the city which is the charter.

4 32. While the Honorable Judge Ronni MacLaren's ruling is on appeal the non-  
5 governmental Oakland Promise Fund is codified in section 1607 of the City Charter is abhorrent,  
6 abominable, and anathema to the principle of laws which governs our city.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**  
8 **IN SUPPORT OF PETITIONER/PLAINTIFF ENJOINING**  
9 **DEFENDANT/RESPONDENT TO PROVIDE ALL PREREQUISITE DOCUMENTS**  
10 **ESTABLISHING THE LEGAL STATUS OF OAKLAND PROMISE AS A 501(c)(3)**  
11 **NONPROFIT, TAX-EXEMPT, PUBLIC BENEFIT CORPORATION**  
12 **PROCEDURAL POSITION**

13 33. Petitioner/Plaintiff commenced this action on July 29, 2021.

14 34. Defendant/Respondent City of Oakland acknowledge service of Complaint  
15 August 24, 2021.

16 35. Defendant/Respondent received service July 30, 2021.

17 36. Defendant/Respondent Chief Executive Officer Oakland Promise and Andy  
18 Fremder, co-founder East Bay College Fund failed to acknowledge service of the Verified  
19 Complaint.

20 **LEGAL STANDARD**

21 37. C.C.P. 526a(a) which provides in pertinent part:

22 An action to obtain a judgment restraining and preventing any  
23 illegal expenditure of waste of, or injury to the estate finds, or  
24 other property of a county, town city and county of the state may  
25 be maintained against any officer thereof or agent or other person  
acting in its behalf either by a citizen resident therein.

26 38. Thus, under 526a(a) "no showing of special damage to the particular taxpayer  
27 [is] necessary to prevent injury to the public. *White v. Davis* (1975) 13 Cal.3d 757, 764  
28



39. Where the question is one of public right and the object of the mandamus is to procure the enforcement of a public duty, the relator need not show that he is a legal or special interest in the results, swince it is sufficient that he is interested as a citizen in having the laws executed and the duty in question enforced.

40. Moreover, the public interest standing doctrine is designed to ensure the government misconduct can be challenged.

*Simas v. City of Oakland* (1956) 142 Cal.App. 2d 302

## LEGAL ARGUMENT

41. Defendant/Repsondent must comply with all prerequisite under law to establish an organization's legal status as a 501(c)(3) nonprofit, tax-exempt, public benefit corporation and similarly comply with all prerequisite for any organization's merger with another 501(c)(3) nonprofit, tax-exempt, public benefit corporation as prescribed under the law.

## CONCLUSION

42. Direct the Defendant/Respondent to provide all legal documents to the Court until such time the Court should issue a cease and desist from any further solicitation of funds to the subject matter organization herein. As noted in EXHIBITS D,E, and F

43. Petitioner/Plaintiff in this matter, RG21106953, herein avers that the factual allegations contained in the instant Complaint are sufficient to support a Writ of Mandamus, taken together with a number of supplemental causes of action herein alleged should also be sufficient to demonstrate the availability of a number of viable causes of action for a writ of mandamus to be issued by the Court directing the Defendants/Respondents to provide the Court with all requisite documents from the legal authorized agency that supports Defendants/Respondents assertion that Oakland Promise is legally a 501(c)(3) nonprofit, tax-exempt, public benefit corporation and further, that a legal merger exists between East Bay College Fund.

**FIRST AMENDED COMPLAINT**

**FIRST CAUSE OF ACTION**

## Writ of Mandate

**FIRST VERIFIED AMENDED COMPLAINT & PETITION FOR WRIT OF MANDATE**

**Code of Civil Procedure § 1085**

44. Petitioner/Plaintiff realleges and incorporates herein by reference each and every allegation and paragraph set forth previously.

45. During the time when Oakland Promise was under the fiscal sponsorship of Oakland Public Education Fund, Oakland Promise was operating illegally in City Hall.

46. In her November 19, 2019 Investigation Report, Defendant/Respondent City Auditor Courtney Ruby stated that Oakland Promise amassed in excess of over \$4,000,000 dollars from the General Fund (EXHIBIT C) for unauthorized use of city services and no written rent agreement. For more than two years there was no recommendation from this Investigation Report for the recovery of the \$4,000,000.00 to the City's General Fund account.

47. On March 5, 2020, Defendant/Respondent members of the Oakland City Council approved Resolution 88208 C.M.S. awarding a non-competitive to East Bay College Fund (Employer Identification Number 54-2103707) a non-competitive award of \$1,500,000.00 AKA Oakland Promise. However, the grantee receipt was signed by the Chief Executive Officer of Oakland Promise but not the "Oakland Promise" reflected in the language of 88208 C.M.S. An unlawful gift of public funds, with no expectation of recovery.

48. As the Mayor of Oakland, Libby Schaaf and as the creator/founder of the Oakland Promise Initiative (AKA) Oakland Promise and/or Mialisa Bonta, her former hand picked CEO of Oakland Promise, as well as the numerous elected and/or appointed officials for their failures to make sure that Oakland Promise had previously and/or timely complied with the prerequisites necessary for Oakland Promise to qualify as a 501(c)(3) nonprofit, tax-exempt public benefit corporation for which contributions donated by supporters of the group could be legally be deducted and/or credited for tax purposes.

49. As the Mayor of Oakland Defendant/Respondent Mayor Libby Schaaf and/or the former CEO of Oakland Promise, Mialisa Bonta knew and/or reasonably should have known of the company's failure to execute the documentary paperwork needed to formalize Oakland Promise's relationship with the governmental taxing authorities.

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1 handpicked by the mayor and others to take control of Oakland Promise and use it to perform  
2 duties which the other parties named defendant.

3 57. Oakland Promise was set up to operate as a community relations organization  
4 which was purposed to receive monies from the City Council and hold on to them in order to  
5 provide seed money for \$100 scholarships for every child who attends primary school in  
6 Oakland.

7 58. Oakland Promise was the brainchild of the mayor and others; and although it  
8 exists on paper, the programs offered by Oakland Promise have never operated at full scale, and  
9 cannot provide data which would make it more qualified than anybody off the street, but that is  
10 the ruse used by Mayor Libby Schaaf and Mialisa Bonta in order to select Oakland Promise as  
11 the operator of the Children's Initiative of 2018.

12 59. The California Attorney General is the authorizing agency approving all mergers  
13 by issuance of a Certificate of Merger. Defendants have yet to provide this verification  
14 documentation.

15 60. IRM 21.7.10.2 indicates Schaaf and Mialisa Bonta are subject to the NOMRG  
16 AF (No-Merge Affiliation) which is a complete transcript generated when a merge is attempted.  
17 Both accounts have an Exempt Organization (EO) section, and one accopunt has affiliation code  
18 of 6 or 8 (central organization) and the other has affiliation code of 7 or 9 (subordinate  
19 organization) ([https://www.irs.gov/irm/part21/irm\\_21-007-010](https://www.irs.gov/irm/part21/irm_21-007-010)).

### 20 **THIRD CAUSE OF ACTION**

#### 21 **(Against Defendants Schaaf and Mialisa Bonta)**

22 61. Petitioner/Plaintiff realleges and incorporates herein by reference each and every  
23 allegation and paragraph set forth previously.

24 62. On March 25, 2020 Plaintiff made an electronic donation to Oakland Promise.  
25 Defendants acknowledged receipt #288234411 accompanied by EIN 43-2014630. This Federal  
26 Tax ID does not belong to Oakland Promise.

27 63. Mialisa Bonta sent a thank you letter acknowledging Plaintiff's donation to  
28 Oakland Promise, with EIN 54-2103707, which does not belong to Oakland Promise.

1           64.     An offense under ¶ 7 of such subsection that involves the transfer, possession, or  
2 issue of one or more means of identification if, as a result of the offense, any individual  
3 committing the offense obtains anything of value aggregating \$1,000 or more during any one-  
4 year period.

5           65.     Schaaf and Mialisa Bonta have violated provision 5, which states the term “false  
6 authentication features” means the authentication feature that (a) is genuine in origin, but  
7 without the authorization of the issuing authority, has been tampered with for purposes of  
8 deceit.

9           66.     Schaaf and Mialisa Bonta have yet to provide any proof or verification from the  
10 issuing authority regarding the legal status of Oakland Promise as a 501(c)(3), and as such is in  
11 violation of 18 U.S.C. § 1028(a)(6)

12           67.     18 U.S.C. § 1028 states:

13                   (a) Whoever, in a circumstance described in subsection (c) of this  
14 section—

15                           (1) knowingly and without lawful authority produces an  
16 identification document, authentication feature, or a false  
17 identification document;

18                           (2) knowingly transfers an identification document,  
19 authentication feature, or a false identification document  
20 knowing that such document or feature was stolen or  
21 produced without lawful authority;

22                           (3) knowingly possesses with intent to use unlawfully or  
23 transfer unlawfully five or more identification documents  
24 (other than those issued lawfully for the use of the  
25 possessor), authentication features, or false identification  
26 documents;

27                           (4) knowingly possesses an identification document (other  
28 than one issued lawfully for the use of the possessor),  
authentication feature, or a false identification document,  
with the intent such document or feature be used to defraud  
the United States;

(5) knowingly produces, transfers, or possesses a  
document-making implement or authentication feature with  
the intent such document-making implement or  
authentication feature will be used in the production of a

1 false identification document or another document-making  
2 implement or authentication feature which will be so used;  
3 (6) knowingly possesses an identification document or  
4 authentication feature that is or appears to be an  
5 identification document or authentication feature of the  
6 United States or a sponsoring entity of an event designated  
7 as a special event of national significance which is stolen or  
8 produced without lawful authority knowing that such  
9 document or feature was stolen or produced without such  
10 authority;  
11 (7) knowingly transfers, possesses, or uses, without lawful  
12 authority, a means of identification of another person with  
13 the intent to commit, or to aid or abet, or in connection  
14 with, any unlawful activity that constitutes a violation of  
15 Federal law, or that constitutes a felony under any  
16 applicable State or local law; or  
17 (8) knowingly traffics in false or actual authentication  
18 features for use in false identification documents,  
19 document-making implements, or means of identification;  
20 shall be punished as provided in subsection (b) of this  
21 section.

22 (b) The punishment for an offense under subsection (a) of this  
23 section is—

24 (1) except as provided in paragraphs (3) and (4), a fine  
25 under this title or imprisonment for not more than 15 years,  
26 or both, if the offense is—

27 (A) the production or transfer of an identification  
28 document, authentication feature, or false  
identification document that is or appears to be—

(i) an identification document or  
authentication feature issued by or under the  
authority of the United States; or

(ii) a birth certificate, or a driver's license or  
personal identification card;

(B) the production or transfer of more than five  
identification documents, authentication features, or  
false identification documents;

(C) an offense under paragraph (5) of such  
subsection; or

(D) an offense under paragraph (7) of such  
subsection that involves the transfer, possession, or  
use of 1 or more means of identification if, as a

1 result of the offense, any individual committing the  
2 offense obtains anything of value aggregating  
3 \$1,000 or more during any 1-year period;

4 (2) except as provided in paragraphs (3) and (4), a fine  
5 under this title or imprisonment for not more than 5 years,  
6 or both, if the offense is—

7 (A) any other production, transfer, or use of a  
8 means of identification, an identification  
9 document, [1] authentication feature, or a false  
10 identification document; or

11 (B) an offense under paragraph (3) or (7) of such  
12 subsection;

13 (3) a fine under this title or imprisonment for not more than  
14 20 years, or both, if the offense is committed—

15 (A) to facilitate a drug trafficking crime (as defined  
16 in section 929(a)(2));

17 (B) in connection with a crime of violence (as  
18 defined in section 924(c)(3)); or

19 (C) after a prior conviction under this section  
20 becomes final;

21 (4) a fine under this title or imprisonment for not more than  
22 30 years, or both, if the offense is committed to facilitate an  
23 act of domestic terrorism (as defined under section 2331(5)  
24 of this title) or an act of international terrorism (as defined  
25 in section 2331(1) of this title);

26 (5) in the case of any offense under subsection (a),  
27 forfeiture to the United States of any personal property  
28 used or intended to be used to commit the offense; and

(6) a fine under this title or imprisonment for not more than  
one year, or both, in any other case.

(c) The circumstance referred to in subsection (a) of this section is  
that—

(1) the identification document, authentication feature, or  
false identification document is or appears to be issued by  
or under the authority of the United States or a sponsoring  
entity of an event designated as a special event of national  
significance or the document-making implement is  
designed or suited for making such an identification  
document, authentication feature, or false identification  
document;

(2) the offense is an offense under subsection (a)(4) of this  
section; or

1 (3) either—

2 (A) the production, transfer, possession, or use  
3 prohibited by this section is in or affects interstate  
4 or foreign commerce, including the transfer of a  
5 document by electronic means; or

6 (B) the means of identification, identification  
7 document, false identification document, or  
8 document-making implement is transported in the  
9 mail in the course of the production, transfer,  
10 possession, or use prohibited by this section.

11 (d) In this section and section 1028A—

12 (1) the term “authentication feature” means any hologram,  
13 watermark, certification, symbol, code, image, sequence of  
14 numbers or letters, or other feature that either individually  
15 or in combination with another feature is used by the  
16 issuing authority on an identification document, document-  
17 making implement, or means of identification to determine  
18 if the document is counterfeit, altered, or otherwise  
19 falsified;

20 (2) the term “document-making implement” means any  
21 implement, impression, template, computer file, computer  
22 disc, electronic device, or computer hardware or software,  
23 that is specifically configured or primarily used for making  
24 an identification document, a false identification document,  
25 or another document-making implement;

26 (3) the term “identification document” means a document  
27 made or issued by or under the authority of the United  
28 States Government, a State, political subdivision of a State,  
a sponsoring entity of an event designated as a special  
event of national significance, a foreign government,  
political subdivision of a foreign government, an  
international governmental or an international quasi-  
governmental organization which, when completed with  
information concerning a particular individual, is of a type  
intended or commonly accepted for the purpose of  
identification of individuals;

(4) the term “false identification document” means a  
document of a type intended or commonly accepted for the  
purposes of identification of individuals that—

(A) is not issued by or under the authority of a  
governmental entity or was issued under the



1 authority of a governmental entity but was  
2 subsequently altered for purposes of deceit; and  
3 (B) appears to be issued by or under the authority of  
4 the United States Government, a State, a political  
5 subdivision of a State, a sponsoring entity of an  
6 event designated by the President as a special event  
7 of national significance, a foreign government, a  
8 political subdivision of a foreign government, or an  
9 international governmental or quasi-governmental  
10 organization;

11 (5) the term "false authentication feature" means an  
12 authentication feature that—

13 (A) is genuine in origin, but, without the  
14 authorization of the issuing authority, has been  
15 tampered with or altered for purposes of deceit;  
16 (B) is genuine, but has been distributed, or is  
17 intended for distribution, without the authorization  
18 of the issuing authority and not in connection with a  
19 lawfully made identification document, document-  
20 making implement, or means of identification to  
21 which such authentication feature is intended to be  
22 affixed or embedded by the respective issuing  
23 authority; or

24 (C) appears to be genuine, but is not;

25 (6) the term "issuing authority"—

26 (A) means any governmental entity or agency that is  
27 authorized to issue identification documents, means  
28 of identification, or authentication features; and  
(B) includes the United States Government, a State,  
a political subdivision of a State, a sponsoring entity  
of an event designated by the President as a special  
event of national significance, a foreign  
government, a political subdivision of a foreign  
government, or an international government or  
quasi-governmental organization;

(7) the term "means of identification" means any name or  
number that may be used, alone or in conjunction with any  
other information, to identify a specific individual,  
including any—

(A) name, social security number, date of birth,  
official State or government issued driver's license  
or identification number, alien registration number,

1 government passport number, employer or taxpayer  
2 identification number;  
3 (B) unique biometric data, such as fingerprint, voice  
4 print, retina or iris image, or other unique physical  
5 representation;  
6 (C) unique electronic identification number,  
7 address, or routing code; or  
8 (D) telecommunication identifying information or  
9 access device (as defined in section 1029(e));  
10 (8) the term "personal identification card" means an  
11 identification document issued by a State or local  
12 government solely for the purpose of identification;  
13 (9) the term "produce" includes alter, authenticate, or  
14 assemble;  
15 (10) the term "transfer" includes selecting an identification  
16 document, false identification document, or document-  
17 making implement and placing or directing the placement  
18 of such identification document, false identification  
19 document, or document-making implement on an online  
20 location where it is available to others;  
21 (11) the term "State" includes any State of the United  
22 States, the District of Columbia, the Commonwealth of  
23 Puerto Rico, and any other commonwealth, possession, or  
24 territory of the United States; and  
25 (12) the term "traffic" means—  
26 (A) to transport, transfer, or otherwise dispose of, to  
27 another, as consideration for anything of value; or  
28 (B) to make or obtain control of with intent to so  
transport, transfer, or otherwise dispose of.  
(e) This section does not prohibit any lawfully authorized  
investigative, protective, or intelligence activity of a law  
enforcement agency of the United States, a State, or a political  
subdivision of a State, or of an intelligence agency of the United  
States, or any activity authorized under chapter 224 of this title.  
(f) Attempt and Conspiracy.—  
Any person who attempts or conspires to commit any offense  
under this section shall be subject to the same penalties as those  
prescribed for the offense, the commission of which was the object  
of the attempt or conspiracy.  
(g) Forfeiture Procedures.—  
The forfeiture of property under this section, including any seizure  
and disposition of the property and any related judicial or

1 administrative proceeding, shall be governed by the provisions of  
2 section 413 (other than subsection (d) of that section) of the  
3 Comprehensive Drug Abuse Prevention and Control Act of 1970  
(21 U.S.C. 853).

4 (h) Forfeiture; Disposition.—

5 In the circumstance in which any person is convicted of a violation  
6 of subsection (a), the court shall order, in addition to the penalty  
7 prescribed, the forfeiture and destruction or other disposition of all  
illicit authentication features, identification documents, document-

8 (i) Rule of Construction.—

9 For purpose of subsection (a)(7), a single identification document  
10 or false identification document that contains 1 or more means of  
identification shall be construed to be 1 means of identification.

#### 11 **FOURTH CAUSE OF ACTION**

12 **IRS Form 990 is an informational tax form that most**  
13 **tax-exempt organizations must file annually.**

14 **(Against Schaaf and Mialisa Bonta)**

15 68. Petitioner/Plaintiff realleges and incorporates herein by reference each and every  
16 allegation and paragraph set forth previously.

17 69. IRS Form 990 gives the IRS an overview of the organization's activities and  
18 detailed financial information.

19 70. Form 990 includes a section for the organization to outline its accomplishments  
20 in the previous year to justify maintaining its tax-exempt status. In collecting this information,  
21 the IRS wants to ensure that the organization continues to qualify for tax-exemption after the  
22 status is granted.

23 71. Most tax-exempt organizations that have gross receipts of at least \$200,000 or  
24 assets worth at least \$500,000 must file Form 990 on an annual basis.

25 72. Schaaf and Mialisa Bonta have understated Oakland Promise's gross receipts  
26 being \$5,124,166 and assets as being \$15,305,840.

73. Oakland Promise's Third Annual Report reveals a standing account of gross receipts of \$61,000,000 and \$33,000,000 for its initial demonstration project through 2020 and \$28,000,000 towards a \$50,000,000 generation fund.

74. How does Mialisa Bonta reconcile this differential in the organization's gross receipts and assets?

75. Since Schaaf and Mialisa Bonta's initial inception of Oakland Promise in 2015, there are no records verifying Schaaf or Mialisa Bonta having ever filed Form 990 as required by the IRS.

### FIFTH CAUSE OF ACTION

**California Government Code § 1090**

**(Against Schaaf, Silver, Landreth, Parker, Reiskin, all Defendant members of the Oakand City Council, as well as Campbell Washington, Guillen, and Former Oakland Promise CEO Mialisa Bonta)**

76. Petitioner/Plaintiff realleges and incorporates herein by reference each and every allegation and paragraph set forth previously.

77. California Government Code § 1090 prohibits an officer, employee, or agency from participating in making government contracts in which the official or employee within the agency has a financial interest. Section 1090 applies to virtually all state and local officers, employees, and multi-member bodies, whether elected or appointed, at both the state and local level.

78. Making a contract includes approval of the agreement, as well as involvement in the preliminary discussion, planning, negotiation, and solicitation. Violation of § 1090 can result in voiding of contracts, criminal, civil, and administrative penalties, as well as a ban on holding office.

79. All Defendants identified under the Fifth Cause of Action have participated in either the planning, solicitation, authorization, and resolutions of (1) the unauthorized use of Oakland City Hall services for Oakland Promise during Schaaf's 2015 summer recess, in which

1 she directed Landreth to approve this use without Defendant City Council resolution resulting in  
2 at least \$4,000,000 of the city's general fund budget and were not required to reimburse the city.

3 80. Silver was appointed to be Schaaf's Director of Education as a result of a grant  
4 from his former employer Oakland Public Education Fund, and was identified to be the Chief  
5 Executive Officer for Oakland Promise according to Oakland Public Education Fund's IRS  
6 Form 990 annual filing for 2016. Silver's annual salary was \$137,000.

7 81. Silver is now on the city's payroll – and is the created position in Schaaf's office  
8 and received a salary increase for year 2017 (\$219,000) and his 2018 salary was \$261,000  
9 according to Transparency California.

10 82. Defendant members of the Oakland City Council authorized a grant payment to  
11 Oakland Promise of \$1,500,000 on September 15, 2020 (Resolution No. 88208). Although the  
12 Whereas of the resolution identified EBCF, EIN 54-2103707, as well as a Whereas  
13 acknowledging an amended Articles of Incorporation which was a name change to Oakland  
14 Promise, the signator Grantee is Mialisa Bonta. The work order is 561781, and there was in  
15 addition to Resolution No. 88208, and Resolution No. 87761.

16 83. Schaaf nor Mialisa Bonta provided verification of Oakland Promise's legal status  
17 as a 501(c)(3) from the authorizing, the IRS.

18 84. Defendant members of the City Council approved an unlawful gift of public  
19 funds of \$1,500,000 to Oakland Promise.

## 20 SIXTH CAUSE OF ACTION

### 21 **Against Mialisa Bonta for the violation of 18 U.S.C. §§ 5(a), 6(a), and 7(a)**

22 85. Petitioner/Plaintiff realleges and incorporates herein by reference each and every  
23 allegation and paragraph set forth previously.

24 86. Mialisa Bonta knowingly and without lawful authority from the issuing authority  
25 violated 18 U.S.C. §§ 6(a) and 7(a) when she filed Form 990 for tax years 2017, 2018, and  
26 2019.

27 87. Each of the Form 990's filed by Mialisa Bonta unlawfully used EIN 54-2103707,  
28 which was not issued by the legally authorized agency. EXHIBIT G

1           88.     Oakland Promise has no legal status as a 501(c)(3). Additionally, Mialisa Bonta  
2 illegally used EIN 43-2014630 on a receipt to Plaintiff for a donation to Oakland Promise.

3           89.     Mialisa Bonta filed Form 990 for:

4                     Tax year 2017: January 1, 2017 and ending December 31, 2017  
5                     Filed October 8, 2019

6                     Tax year 2018: January 1, 2018 and ending December 31, 2018,  
7                     Filed November 14, 2019;

8                     Tax year 2019: January 1, 2019 and ending December 31, 2019,  
9                     Filed July 15, 2019.

10          90.     Parker's legal opinion of March 3, 2020 opines that "Prior to 2019 Oakland  
11 Promise was not a nonprofit."

12          91.     Form 990 for tax year 2017 was filed by Susan Stutzman, President of EBCF  
13 with EIN 54-2103707 filed on November 15, 2018. [EXHIBIT G]

14                               **SEVENTH CAUSE OF ACTION**

15                               **(Against Defendant Members of the Oakland City Council,**  
16                               **Parker, Reiskin, and Rob Bonta)**

17          92.     Petitioner/Plaintiff realleges and incorporates herein by reference each and every  
18 allegation and paragraph set forth previously.

19          93.     On November 29, 2018, the Oakland City Clerk presented to Defendant  
20 members of the Oakland City Council the certified election results of the November 6, 2018  
21 General Election which included the subject matter ballot measures of this litigation: The  
22 Children's Initiative Of 2018 AKA Measure AA requiring two-thirds voter approval for  
23 passage.

24                     For the Measure       96,452  
25                     Against the Measure   57,946

26          See impartial analysis of Parker.  
27  
28

94. On December 14, 2018 Defendant members of the Oakland City Council passed Resolution No. 87485 contravening the certified November 6, 2018 results of the Alameda County Registrar of Voters, stating the subject ballot measure passed when it had failed.

95. Then former 18th Assembly District Representative Rob Bonta supported the City Council's action at the December 14, 2018 meeting approving Resolution No. 87485.

96. On February 1, 2020 the Jobs and Housing Coalition filed a lawsuit in Alameda County Superior Court, Case #RG19005204, against Defendant members of the Oakland City Council and Parker for the December 14, 2018 action approving Resolution No. 87485.

97. On October 15, 2019 the Jobs and Housing Coalition prevailed on a Motion for Judgment on the Pleadings ruling by Judge Ronni MacLaren, stating that “Allowing Measure AA to be enacted with less than two-thirds of the votes would constitute ‘a fraud upon the voters.’” [Case #RG19005204, Order, p. 2]

98. Parker filed a Notice of Appeal on November 21, 2019. [1st District Court of Appeal #A158977]

### **PRAYER FOR RELIEF**

**WHEREFORE, Plaintiff prays for judgment as follows:**

1. Enjoin Schaaf and Mialisa Bonta from any further solicitation, collection, or spending funds on behalf of the organization known as Oakland Promise until such time verification is provided from the IRS of a Letter of Determination verifying that Oakland Promise is a 501(c)(3) and the issuance of an injunction.

2. Direct Schaaf and Mialisa Bonta to provide the Court and Plaintiff the Certificate of Merger from the California Attorney General to the Court and Plaintiff affirming a merger with East Bay College Fund and Oakland Promise.

3. That Schaaf be required to pay back to the City of Oakland General Fund for the unauthorized use of City Hall services totalling \$4,000,000 that has been identified in the City Auditor's Report of November 19, 2019.

1           4.       That Schaaf and Mialisa Bonta be ordered to return to the General Fund account  
2 of \$1,500,000 plus that the Defendant members of the Oakland City Council approved pursuant  
3 to Resolution 88208.

4           5.       That defendant members of the Oakland City Council remove from the Oakland  
5 City Charter §§ 1600/1607 and all reference to Measure AA, that failed as determined by the  
6 certified election results of the Alameda County Registrar of Voters.

7           6.       That the California Secretary of State be ordered to remove from its records the  
8 failed November 6, 2018 election results related to Measure AA, which failed as determined  
9 by the certified election results of the Alameda County Registrar of Voters.

10          7.       That the California Secretary of State be directed to revoke the false business  
11 registration license #2504888 that is assigned to the organization known as Oakland Promise  
12 which identified Oakland Promise as a non-profit and having EIN 54-2103707.

13          8.       That the Court impose all penalties against defendants deemed appropriate  
14 pursuant to 18 U.S.C. § 1028 and California Government Code § 1021.5.

15          9.       That a writ of mandate be issued.

16          10.      For such other relief that the Court finds just and proper.

17  
18 DATED: November 8, 2021       Respectfully submitted,

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22 Gene Hazzard  
23 *Petitioner/Plaintiff*  
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I am the Plaintiff/Petitioner in the above-entitled action. I have read the foregoing verified first amended complaint for declaratory and injunctive relief and petition for writ of mandate, and the facts alleged therein are within my knowledge and I know them to be true, except as to matters therein stated on information and belief, and as to those matters, I believe them to be true.

DATED: November 8, 2021

25

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Gene Hazzard FIRM NAME: STREET ADDRESS: 282 Adams St. #6 CITY: Oakland STATE: Ca ZIP CODE: 94610 TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):		<b>FOR COURT USE ONLY</b>          
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: 1225 Fallon MAILING ADDRESS: CITY AND ZIP CODE: Oakland Ca. 94612 BRANCH NAME:		
Plaintiff/Petitioner: Hazzard Defendant/Respondent: Schaaf		CASE NUMBER: RG 21106593
<b>PROOF OF SERVICE—CIVIL</b> Check method of service (only one): <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax		JUDICIAL OFFICER: Honorable Judge McKinney  DEPARTMENT: Dept. 15

**Do not use this form to show service of a summons and complaint or for electronic service.**

**See USE OF THIS FORM on page 3.**

- At the time of service I was over 18 years of age and not a party to this action.
- My residence or business address is:  
2550 Frances Oakland Ca. 94601
- ☐ The fax number from which I served the documents is (complete if service was by fax):
- On (date): November 9, 2021 I served the following documents (specify):  
First Amended Complaint for Injunctive Relief and Declaratory Relief and Petition for Writ of Mandate; Memorandum of Points and Authorities, EXHIBITS [A],[B],[C],[D],[E],[F],[G]  
☐ The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).
- I served the documents on the person or persons below, as follows:
  - Name of person served: Selia Warren, Mialisa Bonta(18th DA).Andv Fremder,Sean Clinton Woods, Sabrina Landreth
  - ☐ (Complete if service was by personal service, mail, overnight delivery, or messenger service.)  
Business or residential address where person was served:
  - ☐ (Complete if service was by fax.)  
Fax number where person was served:☐ The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).
- The documents were served by the following means (specify):
  - ☐ **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

CASE NAME: HAZZARD v. SCHAAF	RG21106593	CASE NUMBER:
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6. b. ☐ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
  - (2) ☐ placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):


- c. ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 9, 2021

Richard Henry

(TYPE OR PRINT NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

#### DECLARATION OF MESSENGER

- ☐ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(NAME OF DECLARANT)

 \_\_\_\_\_  
(SIGNATURE OF DECLARANT)

# CITY OF OAKLAND MEASURE AA

# AA

Shall the measure amending Oakland's Charter for the purposes of

YES

NO

funding services to: expand access to early childhood and preschool education; improve high school and college graduation and career readiness; provide mentoring and college financial assistance; by establishing a \$198, 30-year parcel tax for single family parcels and specified rates for other parcel types, raising approximately \$25,000,000 - 30,000,000 annually, with citizen's oversight, and exemptions for low-income households and others, be adopted?

## CITY ATTORNEY'S BALLOT TITLE AND SUMMARY OF MEASURE AA

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

### BALLOT TITLE:

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

### BALLOT SUMMARY:

This measure would amend the City Charter to add Article XVI, "The Children's Initiative of 2018", and authorize a thirty-year annual special parcel tax. The tax revenue could be used only for the purposes specified in the measure, which include the following:

- 62% would be used to support programs to expand access to and quality of early childcare and education and preschool to increase educational outcomes and reduce educational inequality.
- 31% would be used to reduce disparities in postsecondary education outcomes, and increase college awareness and expectations, college savings, family economic well-being, college and career access, college application, enrollment, admission rates, affordability and graduation rates.
- 7% would be used for oversight and accountability costs including the cost of operating the Citizens' Oversight Commission ("Commission") established by the measure, staffing, operations, audits, implementation planning, outreach and independent third-party evaluations.

This measure creates a new City staff position to serve as the Children's Initiative accountability officer. This measure establishes guidelines for programs funded by tax revenue ("Guidelines") for the first five years. After the first five years, Guidelines would be developed by the accountability officer and approved by the Commission. The Commission would be appointed by the Mayor subject to City Council confirmation, to oversee programs funded by this measure and perform other tasks. The Commission would select a nonprofit or government agency to administer

the funds.

The parcel tax would be imposed through fiscal year ("FY") 2048-2049. The tax for each single-family residential parcel is \$198. For multiple unit residential parcels, the tax is \$135.25 per occupied unit. For non-residential parcels, the tax would vary depending on parcel frontage and square footage, based on the formula specified in the measure. Exemptions from the parcel tax would be available to qualifying low-income households, low-income senior households, and affordable housing projects. The City would provide a rebate of 50% of the tax to qualifying tenants in single-family homes that have been foreclosed upon.

Beginning in FY 2020-2021, and each year thereafter, the City Council could increase the parcel tax by making one of the following findings:

- The cost of living in the immediate San Francisco Bay Area, as determined by the U.S. Department of Labor, has increased, or
- California per capita personal income, as determined by the California Department of Finance, has increased.

The increase in the parcel tax could not exceed the greater of the verified increase in the cost of living in the Bay Area using 2019 as the index year and the California per capita personal income, using FY 2018-2019 as the index year.

Passage of this measure requires approval by two-thirds of the voters who cast ballots. A "yes" vote will approve the parcel tax; a "no" vote will reject the parcel tax.

s/BARBARA J. PARKER  
City Attorney

## **CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE AA**

This measure would amend the Oakland City Charter to add Article XVI, "The Children's Initiative of 2018", and authorize a thirty-year annual parcel tax from fiscal year ("FY") 2019-2020 through FY 2048-2049.

The parcel tax revenue would be used solely to fund three new funds, with the revenue allocated as follows:

- 62% to the Early Education Fund,
- 31% to the Oakland Promise Fund, and
- 7% to the Oversight Accountability and Evaluation Fund.

See the Ballot Summary for details of allowable uses of the revenue in each fund.

This measure would create a new City staff position, funded by the tax revenue, to serve as the accountability officer to oversee the programs funded by the measure. This measure would establish a Citizens' Oversight Commission ("Commission"); the Mayor would appoint members subject to City Council confirmation.

After it receives the accountability officer's recommendation, the Commission would select a nonprofit agency, government agency or City department, as specified in the measure, to administer the funds, and submit its selection to the City Council for approval. The Council must approve or reject the Commission's recommendation. First 5 Alameda County (a County agency) or another public entity would administer the Early Education Fund for the first five years. The measure requires independent financial audits of fund expenditures and external evaluations of the entities administering the funds.

This measure would establish guidelines for the programs funded by the measure; those guidelines cannot be amended for the first five years. After the first five years, the accountability officer would develop the guidelines and the Commission would approve them. The measure would establish additional requirements for the Early Education Fund for the first five years, and thereafter unless the Commission recommends and the City Council decides that they shall no longer apply.

The tax for each single-family residential parcel would be \$198. For multiple unit residential parcels, the tax would be \$135.25 per occupied unit. For non-residential parcels, the tax would vary depending on parcel frontage and square footage based on a formula specified in the measure. For hotels, the tax would depend on the percentage of transient occupancy based on a formula specified in the measure.

Exemptions from the parcel tax would be available to qualifying low-income households, low-income senior households, and affordable housing projects as defined in the measure. The City would provide a rebate of 50% of the tax to qualifying tenants in foreclosed upon single-family homes who paid a passed through parcel tax.

Each year beginning in fiscal year 2020-2021, the City Council, after making certain findings, may increase the parcel tax by the greater of the increase in the Bay Area cost

of living or the increase in California per capita personal income.

This measure was placed on the ballot by a petition signed by the requisite number of voters. This special tax measure requires a two-thirds vote for passage.

s/BARBARA J. PARKER  
City Attorney

addition, if, in any fiscal year, the percentage increase in the San Francisco-Oakland-San Jose Consumer Price Index (CPI) is greater than the percentage increase in the proceeds of the parcel tax, or if the proceeds of the parcel tax decline, the requirements in subparagraph (A) of paragraph (3) of subdivision (b) of this Section that the minimum wage be adjusted annually by the San Francisco-Oakland-San Jose Consumer Price Index (CPI) and that no reduction in total compensation occur shall not apply for that fiscal year.

(4) When considering whether the requirement set forth in paragraph (2) of subdivision (b) of this Section should be deemed not to apply, the Citizens' Oversight Commission and the City Council shall consider the ability and the capacity of public agencies to serve the early care and education needs of children age three and below in determining whether the funding priority is consistent with achieving the purposes and intent of the Act.

### The Oakland Promise Program.

#### SEC. 1607. The Oakland Promise Fund.

(a) The Account. There is hereby established the Oakland Promise Fund.

(b) Revenue. For each fiscal year, thirty-one (31%) of the proceeds of the parcel tax imposed pursuant to Section 5 of this Act shall be deposited in the Oakland Promise Fund, and shall be appropriated, together with any interest that accrues thereon, for the purposes specified in subdivision (c) of this Section.

(c) Eligible Uses. Moneys in the Oakland Promise Fund shall be used exclusively to achieve the following public purposes for Oakland residents and children who attend Oakland Public Schools, as further specified by the five-year Guidelines, and including the collection and maintenance of data to enable evaluation over time:

(1) Increase early college awareness and expectations in children and their families, such as by instilling a college-bound identity in students and college-going culture in schools;

(2) Increase college savings and/or family economic well-being starting early in a child's life;

(3) Increase college- and/or career- access, such as by increasing awareness, preparedness, planning, and/or eligibility;

(4) Increase college enrollment rates, and application and/or admission rates;

(5) Increase college affordability, such as by expanding access to public and private student financial aid, and direct scholarships to students for tuition, room and board, and/or other college expenses;

(6) Increase college persistence and graduation rates, such as by expanding access to mentoring; and

(7) Reduce disparities in post-secondary education outcomes for students traditionally underrepresented in post-secondary education.

#### SEC. 1608. Oakland Promise Implementation Partner.

(a) Selection. The accountability officer shall recommend and the Citizens' Oversight Commission shall approve the Oakland Promise Implementation Partner pursuant to a request for proposals. The Implementation Partner 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) The Implementation Partner 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, and the eligible uses of the Oakland Promise Fund, as set forth in paragraphs (1) through (7) of subdivision (c) of Section 1607, through direct provision or through partnership agreements;

(3) The Implementation Partner 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) The Implementation Partner 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) The Implementation Partner 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.

#### (b) Term of the Oakland Promise Implementation Partner.

(1) The initial Oakland Promise Implementation Partner shall act as the Oakland Promise Implementation Partner for a period of five (5) years with opportunity for renewal for additional terms of up to five (5) years, provided that it remains in good standing and continues to carry out the requirements specified in this Act and is not terminated prior to the expiration of its term pursuant to paragraph (2) of this subdivision.

(2) The accountability officer may recommend, and Citizens' Oversight Commission may approve, by a vote of two-thirds (2/3) of its members, the termination of the Oakland Promise Implementation Partner before the expiration of the Oakland Promise Implementation Partner's term, if the Oakland Promise Implementation Partner breaches its agreement with the City, is unwilling or unable to carry out the purposes of this Act, or engages in gross negligence, fraud, or unlawful activity. In the event of termination, the accountability officer shall recommend a new Oakland Promise Implementation Partner in accordance with subdivision (a) of this Section to serve until the expiration of the then-current five-year Guidelines.

(3) At the expiration of the first five-year period, the accountability officer may recommend, based on the Oakland Promise Implementation Partner's performance, that the Citizens' Oversight Commission renew the contract for additional terms of up to five (5) years, without issuing a request for proposals. In the event an existing contract is not extended, the Oakland Promise Implementation Partner shall be selected in accordance with subdivision (a) of this Section for a period of up to five years. The terms of the Oakland Promise Implementation Partner shall be aligned with the five-year Guidelines and there shall be no limit on the number of years an implementation partner may serve. In any event, the Oakland Promise Implementation Partner must be selected pursuant to a request for proposals at least once every ten (10) years, and the Oakland Promise Implementation Partner selected pursuant to the decennial request for proposals shall act as the Oakland Promise Implementation Partner for a period of five years, unless terminated pursuant to paragraph (2) of this subdivision.

(c) Requirements for the Oakland Promise Implementation Partner. The City Administrator shall have the authority to enter into a contract with the Implementation Partner that includes legally required terms and terms deemed to be in furtherance of the purposes of this Act, such as but not limited to the following:

- (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;
- (5) Accounting practices that securely segregate Fund revenues and expenditures in order to ensure appropriate accounting of receipts and expenditures; and
- (6) Ensuring that students who receive a financial benefit through a program funded by the initiative are not deprived of that financial benefit for as long as they are eligible to participate in the program, even if the program is discontinued.

#### SEC 1609. Oakland Promise Guidelines for the First Five Years.

For the first five (5) years following the appointment of a quorum of the Oversight Commission, in order to expedite implementation and ensure the people of Oakland begin to feel the benefit of the approval of the Act, the Guidelines for programs supported by the Oakland Promise Fund, which are based upon an assessment of the local context and needs and national evidence-based best practices in the field, shall be, consistent with the public purposes expressed in the Act, as follows and shall not be amended:

- (a) Reduce socioeconomic and/or demographic disparities, such as those related to wealth and income, for children from an early age, in College readiness, access, affordability, applications, enrollment, retention and completion, particularly for students in high-need or who are traditionally underrepresented in post-secondary education.

(b) Increase early College savings and asset building for families with children ranging in age from zero to grade five, such as through the creation and seeding of college savings accounts and the provision of financial coaching and supports to families.

(c) Increase the expectations and resources to attend College among children and families of all socioeconomic backgrounds in Oakland public schools, with a priority for students from low-income backgrounds and/or traditionally underrepresented in College, through strategies, such as increasing school-based programming that builds the college-bound identity of students and a college-going culture in elementary, middle, and high schools.

(d) Increase College awareness, application, and eligibility, as measured by increases in completing courses required for College enrollment, such as those required by the University of California, and in College acceptance rates of Oakland Public School students, through means such as providing College access services that are integrated into schools.

(e) Increase College affordability, including by expanding access to public and private student financial aid, such as by increasing FAFSA or Dream Act Application completion rates, increasing the direct provision of College scholarships including multi-year fast dollar scholarships, and partnering with educational institutions in order to provide institution-specific scholarships and to reduce tuition, room and board, and/or other college expenses.

(f) Increase College admission, matriculation, and enrollment rates, such as increasing the percent of students who enroll in College in the fall directly following high school graduation through a focus on the above strategies.

(g) Increase full-time College persistence rates for students enrolled in College, especially persistence between their first and second year of enrollment, through means such as mentoring, peer advising, and on-campus supports.

(h) Increase the number of Oakland students graduating from College within six (6) years of high school graduation.

#### SEC. 5. Parcel Tax

##### SEC. 5.1. Definitions.

For purposes of Section 5 only, the following terms shall be defined as set forth below:

(a) "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "Building" includes the word "structure."

(b) "City" shall mean the City of Oakland, California.

(c) "Family" shall mean one (1) or more persons related by blood, marriage, domestic partnership, or adoption, legal guardianship, who are living together in a single residential unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Residential Unit and maintain a common household.

(d) "Hotel" shall be as defined by Oakland Municipal Code Section 4.24.020.



(e) "Multiple Residential Unit Parcel" shall mean a parcel zoned for a Building, or those portions thereof, that accommodates or is intended to contain two (2) or more residential units, whether or not developed.

(f) "Non-Residential" shall mean all parcels that are not classified by this Act as Single Family Residential or Multiple Residential Unit Parcels, and shall include, but not be limited to, parcels for industrial, commercial and institutional improvements, whether or not developed.

(g) "Occupancy" shall be as defined by Oakland Municipal Code Section 4.24.020.

(h) "Operator" shall be as defined by Oakland Municipal Code Section 4.24.020.

(i) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.

(j) "Parcel" shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.

(k) "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(l) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, shall mean possession of, claim to, or right to the possession of, land or Improvements and shall include any exclusive right to the use of such land or Improvements.

(m) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.

(n) "Single Family Residential Parcel" shall mean a parcel zoned for single-family residences, whether or not developed.

(o) "Transient" shall mean any individual who exercises Occupancy of a Hotel or is entitled to Occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any individual so occupying space in a Hotel shall be deemed to be a Transient until the period of thirty (30) consecutive days has elapsed.

## SEC. 5.2. Imposition of Parcel Tax

For each year beginning in fiscal year 2019-2020 and ending in 2048-49, there is hereby imposed a special tax on all Owners of parcels in the City of Oakland for the privilege of using municipal services and the availability of such services. The tax imposed by this Section shall be assessed on the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of any Possessory Interest in such parcel, unless such holder is also by law exempt from taxation. The tax is imposed as of July 1 of each year on the person who owned

the parcel on that date. The tax shall be collected at the same time, by the same officials, and pursuant to the same procedures as the one percent (1%) property tax imposed pursuant to Article XIII A of the California Constitution.

The tax hereby imposed shall be set as follows subject to adjustment as provided in Section 5.4 of this Act:

(a) For owners of all Single Family Residential Parcels, the tax shall be at the annual rate of one hundred ninety-eight dollars (\$198) per Parcel.

(b) For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of one hundred thirty-five dollars and twenty-five cents (\$135.25) per occupied Residential Unit.

(c) The tax for Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total single family residential unit equivalents (SFE). A frontage of eighty (80) feet for a commercial institutional parcel, for example, is equal to one (1) single family residential unit equivalent. (See matrix.) An area of six thousand four hundred (6,400) square feet for the commercial institutional parcel is equal to one (1) single family residential unit equivalent. For tall buildings (more than five (5) stories), the single family residential unit equivalent computation also includes one (1) single family residential unit equivalent for every five thousand (5,000) square feet of net rentable area. The tax is the annual rate one hundred ninety-eight dollars (\$198) multiplied by the total number of single family residential unit equivalents (determined by the frontage and square footage).

LAND USE CATEGORY	FRONTAGE	AREA (SF)	BUILDING AREA (SF)
Commercial/ Institutional	80	6,400	N/A
Industrial	100	10,000	N/A
Public Utility	1,000	100,000	N/A
Golf Course	500	100,000	N/A
Quarry	1,000	250,000	N/A
Tall Buildings > 5 stories	80	6,400	5,000

Example: assessment calculation for a Commercial Institutional Parcel with a Frontage of one hundred sixty (160) feet and an Area of 12,800 square feet:

Frontage 160 feet ÷ 80 = 2 SFE  
Area 12,800 square feet ÷ 6,400 = 2 SFE  
2 SFE + 2 SFE = 4 SFE  
4 SFE X \$198 = \$792 tax

(e) The tax imposed by this Act shall be imposed on each Hotel within the City as follows:

(1) **Residential Hotels.** Rooms in a Hotel occupied by individuals who were not Transients for eighty percent (80%) or more of the previous fiscal year shall be deemed Residential Units and the parcel on which they are located shall be subject to the Parcel tax imposed on Multiple Residential Unit Parcels. The remainder of the Building shall be subject to the applicable tax computed in accordance with the single family residential unit equivalent formula



set forth in Section 5.2(c) of this Act.

(2) **Transient Hotels.** Notwithstanding paragraph (1) of this subdivision, if 80% or more of the Operator's gross receipts for the previous Fiscal Year were reported as rent received from Transients on a return filed by the Operator in compliance with Section 4.24.010 of the Oakland Municipal Code (commonly known as the Uniform Transient Occupancy Tax of the City of Oakland), such Hotel shall be deemed a Transient Hotel. The entire Building shall be deemed a Non-Residential Parcel, categorized as commercial/institutional, and shall be subject to the applicable tax computed in accordance with the single family residential unit equivalent formula set forth in Section 5.2(c) of this Act, and the parcel tax imposed on Multiple Residential Units shall not apply.

### **SEC. 5.3. Exemptions.**

(a) **Low income household exemption.** The following is exempt from this tax: an Owner of a Single Family Residential Unit (1) who resides in such unit and (2) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as sixty percent (60%) of area median income for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.), or successor legislation, for such year. The Director of Finance shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2 forms of owner occupants eligible for the exemption, or procedures for an alternative process.

(b) **Senior household exemption.** The following is exempt from this tax: an Owner of a single family residential unit (1) who resides in such unit, (2) who is sixty-five (65) years of age or older and (3) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as eighty percent (80%) of area median income for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.), or successor legislation, for such year. The Director of Finance shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2 forms of owner occupants eligible for the exemption, or procedures for an alternative process.

(c) **Exemption for affordable housing projects.** Rental housing owned by nonprofit corporations and nonprofit-controlled partnerships for senior, disabled, and low-income households that are exempt from ad valorem property tax pursuant California Revenue and Taxation Code Sections 214(f), (g) and (h) are exempt from this tax.

(d) **Rebate to tenants in foreclosed single family homes.** The City will provide a rebate of one-half (1/2) of the tax and subsequent increases thereto to tenants in single family homes that have been foreclosed upon who have paid a passed through Parcel Tax. To qualify for this rebate, a tenant must: (1) have lived in the unit before foreclosure proceedings commenced; and (2) be at or below the income level qualifying as sixty percent (60%) of area median

income for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.), or successor legislation, for such year. The City will provide this rebate for every month that the tax was applied and the tenant occupied the unit. The City will provide this rebate at the end of each year, or when the tenant vacates the unit, whichever is earlier. The City Administrator will promulgate regulations to effectuate this subdivision.

(e) Real property owned by a religious organization or school that is exempt from property taxes under California law is exempt from this tax. To qualify for this exemption, each religious organization or school seeking such exemption shall submit such information required to determine eligibility for such exemption.

### **SEC. 5.4. Reduction in Tax Rate; Rate Adjustment.**

Beginning in the Fiscal Year 2020-2021, and each year thereafter, the City Council may increase the tax imposed hereby only upon making one of the following findings:

(a) That the cost of living in the immediate San Francisco Bay Area, as determined by the twelve-month (12) month Annual Percentage Change in the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased; or

(b) That the fiscal year change in California per capita personal income, as determined by the California State Department of Finance and shown in the Price Factor and Population Information Report issued each May, has increased.

The increase of the tax imposed hereby shall not exceed the verified increase in either (1) the cost of living in the immediate San Francisco Bay Area, using 2019 as the index year, or (2) California per capita personal income, using Fiscal Year 2018-2019 as the index year, whichever is greater.

### **SEC. 5.5. Duties of the Director of Finance; Notice of Decisions.**

It shall be the duty of the Director of the Finance to collect and receive all taxes imposed by this Act. The Director of Finance is charged with the enforcement of this Act and may adopt rules and regulations relating to such enforcement.

### **SEC. 5.6. Examination of Books, Records, Witnesses; Penalties.**

The Director of Finance or the Director of Finance's designee is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of Parcels and computation of the tax imposed by this Act.

The Director of Finance or the Director of Finance's designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this Act, including any person who claims an exemption, for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The Director of

Finance, or the Director of Finance's designee is hereby authorized to examine any person, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this Act and for this purpose may compel the production of books, papers and records, whether as parties or witnesses, whenever the Director of Finance believes such persons have knowledge of such matters. The refusal of such examination by any person subject to the tax shall be deemed a violation of this Act and of the Oakland Municipal Code and subject to any and all remedies specified therein.

#### **SEC. 5.7. Collection of Tax; Interest and Penalties.**

The tax shall be delinquent if the City does not receive it on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the Alameda County Tax Collector; and the tax shall be collected in such a manner as the City Council may decide. The City may place delinquencies on a subsequent tax bill.

A one-time penalty at a rate set by the City Council, which in no event shall exceed twenty-five percent (25%) of the tax due per fiscal year, is hereby imposed by this Act on all taxpayers who fail to timely pay the tax provided by this Act. In addition, the City Council may assess interest at the rate of one percent (1%) per month on the unpaid tax and the penalty thereon.

Every penalty imposed and such interest as accrues under the provisions of this Act shall become a part of the tax herein required to be paid.

The City may authorize the County of Alameda to collect the taxes imposed by this Act in conjunction with and at the same time and in the same manner as the County collects property taxes for the City. If the City elects to authorize the County of Alameda to collect the tax, penalties and interest shall be those applicable to the nonpayment of property taxes.

#### **SEC. 5.8. Collection of Unpaid Taxes.**

The amount of any tax, penalty, and interest imposed under the provisions of this Act shall be deemed a debt to the City. Any person owing money under the provisions of this Act shall be liable to an action brought in the name of the City for the recovery for such amount.

#### **SEC. 5.9. Refund of Tax, Penalty, or Interest Paid More than Once, or Erroneously or Illegally Collected.**

Whenever the amount of any tax, penalty, or interest imposed by this Act has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified written claim for refund, stating the specific ground upon which such claim is founded, is received by the Director of Finance within one (1) year of the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator, or the executor of her or his estate. No representative claim may be filed on behalf of a taxpayers or a class of taxpayers. The claim shall be reviewed by the Director of Finance and shall be made on forms provided

by the Director of Finance. If the claim is approved by the Director of Finance, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person, or such person's administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

#### **SEC. 6. Savings Clause.**

If any provision, sentence, clause, Section or part of this Act is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, Section or part of this Act and shall not affect or Act any of the remaining provisions, sentences, clauses, Sections or parts of this ordinance. It is hereby declared to be the intention of the city, that the City would have adopted this Act had such unconstitutional, illegal or invalid provision, sentence, clause Section or part thereof not been included herein.

If any tax or surcharge imposed by this Act is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel required to be funded from such taxes and surcharges shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.

#### **SEC. 7. Regulations.**

The City Administrator is hereby authorized to promulgate such regulations as he or she shall deem necessary in order to implement the provisions of this Act.

#### **SEC. 8. Amendment.**

This Act may not be amended by action of the City Council without voter approval.

#### **SEC. 9. Challenge to Tax.**

Any action to challenge the taxes imposed by this ordinance shall be brought pursuant to Government Code section 50077.5 and Code of Civil Procedure section 860 et seq.

#### **SEC. 10. Severability.**

If any provision of this Act, or part of this Act, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable. If a court were to find in a final, unreviewable judgment that the exclusion of one or more entities or activities from the applicability of the Act renders the Act unconstitutional, those exceptions should be severed and the Act should be made applicable to the entities or activities formerly exempt from the Act. It is the intent of the voters that this Act would have been enacted regardless of whether any invalid provision had been included or any invalid application had been made.

#### **SEC. 11. Conflicting Initiatives.**

(a) In the event that this measure and another measure addressing the educational development and potential of

Oakland children and youth shall appear on the same City ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by the voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

**SEC. 12. Liberal Construction.**

This Act shall be liberally construed to effectuate its purposes.

**SEC. 13. Effective Date.**

This Act shall take effect the day after the election at which it is adopted.

Robbins Geller Rudman & Dowd LLP  
Attn: Robbins, Darren J.  
655 West Broadway  
Suite 1900  
San Diego, CA 92101

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**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

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Cordova  <div style="text-align: right;">Plaintiff/Petitioner(s)</div> <div style="text-align: center;">VS.</div> Greyhound Lines, Inc. <div style="text-align: right;">Defendant/Respondent(s)</div> <div style="text-align: center;">(Abbreviated Title)</div>	No. <u>RG18928028</u>  Order  Demurrer to Complaint Sustained
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The Demurrer to Complaint filed for Greyhound Lines, Inc. was set for hearing on 05/28/2019 at 09:00 AM in Department 16 before the Honorable Michael M. Markman. The Tentative Ruling was published and was contested.

The matter was argued and submitted, and good cause appearing therefore,

**IT IS HEREBY ORDERED THAT:**

Defendant Greyhound Lines, Inc.'s ("Defendant") Demurrer to Plaintiff Rocio Cordova's ("Plaintiff") First Amended Complaint ("FAC") is **SUSTAINED IN PART WITH LEAVE TO AMEND** and **OVERRULED IN PART**.

At the outset, the Court notes that Plaintiff filed a redacted FAC, but did not concurrently lodge a courtesy copy of the unredacted FAC in Department 16 or file a motion to seal. (Cal. Rules of Court, rule 2.551; see *Overstock.com, Inc. v. Goldman Sachs Group, Inc.* (2014) 231 Cal.App.4th 471, 487, fn. 8 [explaining difference between lodging and filing].) The only operative version of the FAC properly before the Court is the redacted version that was actually filed. (See *A & B Metal Products v. MacArthur Properties, Inc.* (1970) 11 Cal.App.3d 642, 647 [act of filing is exhibition of papers to the court].)

Defendant's Demurrers to the First, Second, and Third Causes of Action for failure to state facts sufficient to constitute a cause of action are **OVERRULED** to the extent that they are based on federal preemption. (Code Civ. Proc. § 430.10(e).)

Defendant did not bear its burden of proving that Congress intended to preempt state law in this instance. (*Viva! Internat. Voice for Animals v. Adidas Promotional Retail Operations, Inc.* (2007) 41 Cal.4th 929, 935.) California recognizes "four species of federal preemption: express, conflict, obstacle, and field." (*Id.* at 936.) Each has its own distinct test. (*Id.*) Defendant incorrectly tried to conflate the latter three types of preemption into a single test. (Def.'s Mem. at 5:17-20.)

Read as a whole, the Demurrer appears to be primarily making a conflict preemption argument based upon 8 U.S.C. § 1357. But that argument rests upon the factual premise that Defendant merely acceded to CBP demands -- in other words, that Defendant was acting only under government compulsion and not of its own independent volition. (Def.'s Mem. at 5:17.) Defendant cannot demur on the basis of a purported fact which is not found in the FAC and contradicts the FAC's express allegations: "It is not the ordinary function of a demurrer to test the truth of the plaintiff's allegations or the accuracy with

which he describes the defendant's conduct. A demurrer tests only the legal sufficiency of the pleading." (Committee On Children's Television, Inc. v. General Foods Corp. (1983) 35 Cal.3d 197, 213.)

At this stage, the Court must assume the truth of Plaintiff's repeated allegations that Defendant voluntarily cooperated with the requests of Customs and Border Protection ("CBP") and went out of its way to assist CBP personnel. (Id.) The word "voluntarily" connotes both freedom of choice and an absence of coercion or compulsion. (In re Marriage of Bonds (2000) 24 Cal.4th 1, 16.) Whether Defendant's apparent cooperation was actually compelled by a federal statute not mentioned in the FAC is an issue for summary judgment or trial. (Id.) The foregoing analysis is also dispositive of Defendant's argument that Plaintiff did not identify a discriminatory policy attributable to itself as distinguished from CBP.

Defendant's Demurrers to the First, Second, and Third Causes of Action for failure to state facts sufficient to constitute a cause of action are **OVERRULED** to the extent that they are based on nonjoinder of CBP as a defendant. (Code Civ. Proc. § 430.10(e).) Procedurally, Defendant never pleaded a special demurrer for nonjoinder. (Code Civ. Proc. § 430.60; Cal. Rules of Court, rule 3.1320(a); Kreling v. Kreling (1897) 118 Cal. 413, 420 [special demurrer for nonjoinder must be pleaded with particularity].) Substantively, the federal government enjoys sovereign immunity. (Collins v. Plant Insulation Co. (2010) 185 Cal.App.4th 260, 269.) The same is true of federal officials. (Civiletti v. Municipal Court (1981) 116 Cal.App.3d 105, 109.)

Contrary to Defendant's position at the hearing, the federal government did not waive its sovereign immunity in state courts by enacting 5 U.S.C. § 702. (Quantification Settlement Agreement Cases (2011) 201 Cal.App.4th 758, 832.) Even if CBP is a necessary party, this action can be dismissed for nonjoinder only if they are also an indispensable party. (Id. at 848.) Defendant did not bear its burden of establishing that CBP is an indispensable party. (Id. at 855-856.) Defendant's moving and reply papers were silent on the statutory factors essential to the indispensable party analysis. (Id. at 856-859 [citing Code Civ. Proc. § 389(b)].) It was Defendant's burden to argue those specific factors in light of the facts alleged in the FAC and judicially noticeable facts. (Aguilar v. Atlantic Richfield Co. (2001) 25 Cal.4th 826, 850 ["a party who seeks a court's action in his favor bears the burden of persuasion thereon"].)

Instead, Defendant relied upon distinguishable federal authority. The issue before the court in *Carlson v. Tulalip Tribes of Washington* (9th Cir. 1975) 510 F.2d 1337, 1339 was whether the government was a necessary party; whether it was also indispensable does not appear to have been challenged on appeal. *Barnes v. Raytheon Technical Services Co., LLC* (D. Ariz., May 28, 2013, No. CV-12-00839-TUC-CKJ) 2013 WL 2317727, at \*3 expressly relied on the defendant's extrinsic evidence to hold that the federal government was an indispensable party. Federal courts operating under notice pleading are much more open to receiving extrinsic evidence on pre-answer motions. This is a California court hearing a demurrer. (See *Fremont Indem. Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 115.)

Defendant's Demurrers to the First and Second Causes of Action for failure to state facts sufficient to constitute a cause of action are **OVERRULED** to the extent that they are based on a purported failure to plead reliance. (Code Civ. Proc. § 430.10(e).) It was sufficient for Plaintiff to plead that if she had known up front about Defendant's policy or practice, she would not have bought her Greyhound bus ticket or she would have paid less for it. The essential element of reliance does not require Plaintiff to expressly plead the magic word "reliance." (*Hale v. Sharp Healthcare* (2010) 183 Cal.App.4th 1373, 1386.) Nor was Plaintiff required to plead facts showing that the nondisclosure was the "sole or even the predominant or decisive factor in influencing" her conduct. (Id. at 1384-1385.)

The fact that CBP has long operated stationary checkpoints whose constitutionality has been upheld by the U.S. Supreme Court is irrelevant to Plaintiff's actual theory of reliance. Plaintiff expressly alleged that the bus stopped in a rural area not near any checkpoint. (FAC, ¶ 54 at 16.) Again, at this stage, the Court must assume the truth of that allegation and accept it at face value. (Committee On Children's Television, 35 Cal.3d at 213.)

Defendant's Demurrers to the First, Second, and Third Causes of Action for failure to state facts sufficient to constitute a cause of action are **SUSTAINED WITH LEAVE TO AMEND** to the extent that they are directed to the invalidity of Plaintiff's class allegations. (Code Civ. Proc. § 430.10(e); see *Canon U.S.A., Inc. v. Superior Court* (1998) 68 Cal.App.4th 1, 5.)

It is proper to sustain a demurrer to class allegations when they fail to adequately allege the existence of an ascertainable class. (*Bartlett v. Hawaiian Village, Inc.* (1978) 87 Cal.App.3d 435, 437-439 [citing *Weaver v. Pasadena Tournament of Roses Ass'n* (1948) 32 Cal.2d 833, 838-840].) In particular, "class certification can be denied for lack of ascertainability when the proposed definition is overbroad and the plaintiff offers no means by which only those class members who have claims can be identified from those who should not be included in the class." (*Sevidal v. Target Corp.* (2010) 189 Cal.App.4th 905, 921; accord, *Thompson v. Automobile Club of Southern California* (2013) 217 Cal.App.4th 719, 728; see also *Akkerman v. Mecta Corp., Inc.* (2007) 152 Cal.App.4th 1094, 1100-1101.)

Plaintiff's theory of her case is that in buying her ticket, she saw and relied on Defendant's advertising that no discrimination was tolerated on its buses and she would not have bought her ticket or would have paid less if she knew that Defendant "had a corporate policy or practice of granting requests by immigration agents to conduct discriminatory immigration raids in the restricted-access passenger cabins of its buses." (FAC, ¶ 53 at 16.) Yet she seeks to represent a class of "all California consumers who, since January 20, 2017, have purchased a Greyhound bus ticket for travel to, from, or within California." (FAC, ¶ 79 at 23-24.)

The Court agrees with Defendant that Plaintiff's proposed class definition is unduly overbroad relative to her actual theory of her case. It is overinclusive in that it necessarily includes those passengers whose buses were never boarded by CBP and thus could not have suffered any harm under Plaintiff's theory; passengers who never saw Defendant's allegedly misleading advertising; passengers who were not actually subjected to allegedly discriminatory conduct by CBP officers; and passengers who were properly subjected to immigration inspection by CBP officers on the basis of a warrant or probable cause.

In opposition, Plaintiff's response was that dismissal of her class allegations is premature. (Pl.'s Opp. at 21:1-14.) A promise that an adequate class definition will follow in due course after discovery is not an adequate substitute for pleading one. Because the class definition is so overbroad, it cannot advise potential class members as to which of them have viable claims, so that in turn common issues will predominate. (See *Hefczyc v. Rady Children's Hospital-San Diego* (2017) 17 Cal.App.5th 518, 537-540 [refusing to allow "self-defined" class where potential class members could not readily ascertain and identify themselves as class members from proposed class definition].)

Plaintiff's proposed subclass of Latino and nonwhite consumers would exclude Caucasian consumers but otherwise is still as overinclusive as her proposed general class definition. Further, Plaintiff has not explained how membership in such a subclass is to be ascertained without invading potential class members' privacy in a way that could facilitate the very discriminatory misconduct Plaintiff purportedly seeks to prevent. (See *Starbucks Corp. v. Superior Court* (2011) 194 Cal.App.4th 820, 825-828 [denying precertification class discovery amounting to violation of privacy statute on which plaintiff's claims were based].)

In turn, lack of ascertainability is also fatal to the other elements of class certification. Since the Court is granting leave to amend, however, the Court will not separately address those elements. If Plaintiff is able to plead a reasonably ascertainable class, then the resulting narrower class definition may also avoid or minimize some of the other issues raised by Defendant.

Defendant's Demurrers to the First and Second Causes of Action for failure to state facts sufficient to constitute a cause of action are **OVERRULED** as to all other remaining arguments raised. (Code Civ. Proc. § 430.10(e).)

Since Plaintiff has adequately alleged at least one good theory in support of her first and second causes of action, the Court cannot sustain general demurrers on the basis of Defendant's other objections to the FAC because a demurrer cannot attack a portion of a cause of action. (*PH II, Inc. v. Superior Court* (1995) 33 Cal.App.4th 1680, 1682-1683.) The correct remedy for Plaintiff's apparently improper theories under her first and second causes of action was a motion to strike. (*Id.*)

Defendant's Demurrer to the Third Cause of Action for Violation of the Unruh Civil Rights Act for failure to state facts sufficient to constitute a cause of action is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc. § 430.10(e).)

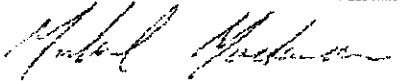
Plaintiff did not adequately allege standing by alleging that she herself was the victim of a discriminatory act committed by Defendant. (Surrey v. TrueBeginnings, LLC (2008) 168 Cal.App.4th 414, 419-420.) Discrimination means to treat one person differently than other persons because of one or more protected characteristics. (Wallace v. County of Stanislaus (2016) 245 Cal.App.4th 109, 126.) At the time Defendant's bus allegedly pulled over to the side of the freeway, all passengers on the bus were equally inconvenienced. Plaintiff alleged that she observed discriminatory treatment of at least one other passenger, but did not unequivocally allege that she herself was subjected to discriminatory treatment.

Defendant's Demurrers to the First, Second, and Third Causes of Action for uncertainty are **OVERRULED**. (Code Civ. Proc. § 430.10(f).) Procedurally, these demurrers were not pleaded with the requisite specificity. (Taliaferro v. Salyer (1958) 162 Cal.App.2d 685, 688.) Substantively, while "inconvenient, annoying and inconsiderate," the flaws in Plaintiff's FAC "do[] not substantially impair [Defendant's] ability to understand the [FAC]." (Williams v. Beechnut Nutrition Corp. (1986) 185 Cal.App.3d 135, 139.)

Since Plaintiff has not yet "had an opportunity to amend the complaint in response to [the court's ruling on a] demurrer, leave to amend is liberally allowed as a matter of fairness." (City of Stockton v. Superior Court (2007) 42 Cal.4th 730, 747.)

Plaintiff must file and serve a Second Amended Complaint no later than July 8, 2019. (Code Civ. Proc. § 472a(c).) If Plaintiff would like to ensure that the contents of any redacted portions of the Second Amended Complaint are properly before the Court, Plaintiff must concurrently file and serve a motion to seal pursuant to rule 2.551 of the California Rules of Court. (See Savaglio v. Wal-Mart Stores, Inc. (2007) 149 Cal.App.4th 588, 596-597 [citing NBC Subsidiary (KNBC-TV), Inc. v. Superior Court (1999) 20 Cal.4th 1178, 1208-1209].) The public has a federal and state constitutional right of access to court filings used as the basis for adjudication of civil actions. (Id.)

Dated: 06/20/2019

Facsimile  
  
\_\_\_\_\_  
Judge Michael M. Markman





## INVESTIGATION

**DATE:** November 19, 2019

**TO:** Mayor Schaaf, President Kaplan, Members of the City Council, City Administrator Landreth, City Attorney Parker, and Oakland Residents

**FROM:** City Auditor Courtney Ruby, CPA, CFE

**SUBJECT:** Oakland Promise Investigation: Response to Whistleblower Allegations and the City Council's Questions

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### Background

#### About Oakland Promise

In 2014, Oakland Promise formed as a partnership between the Oakland Unified School District (OUSD)<sup>1</sup> and the East Bay College Fund (EBCF)<sup>2</sup> to improve educational and career prospects for Oakland youth and families.

In 2015, the Mayor's Office joined OUSD and EBCF, and assumed a leadership role in collaborating with these organizations, including the Oakland Public Education Fund (Ed Fund)<sup>3</sup>. The Mayor's Office publicly launched the Oakland Promise multi-agency partnership in January 2016.

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<sup>1</sup> Oakland Unified School District (OUSD) administers public education in Oakland. According to its mission statement, the district seeks high academic achievement while serving the whole child, eliminating inequity, and providing each child with excellent teachers, every day.

<sup>2</sup> The East Bay College Fund (EBCF) was a nonprofit organization. According to its mission statement, EBCF aspired to involve the whole community in providing college access services, scholarships, mentoring, and support networks to assist these young people in realizing their full potential.

<sup>3</sup> The Oakland Public Education Fund (Ed Fund) is a tax-exempt nonprofit organization that raises money for Oakland public schools.

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## Investigation Objectives

The objectives of this investigation were to: 1) determine if the Mayor's Office directed the City Administration to provide inappropriate contributions to Oakland Promise, 2) determine if contributions to Oakland Promise were transparent and accountable to the public, and 3) clarify areas of public concern. To meet these objectives, the Office sought to answer the following questions raised by the whistleblowers and the City Council:

1. Did the Mayor and City Administration follow the Municipal Code in providing work space to Oakland Promise?
2. Does the Mayor's Director of Education work for the City or Oakland Promise? Was the Mayor's Director of Education position authorized and implemented in accordance with City rules? How is this position funded? What are the costs to the City?
3. How was Oakland Promise able to receive financial contributions when it was not a nonprofit organization?
4. What contributions has the City authorized and provided to Oakland Promise? How does the City's share of contributions to Oakland Promise compare to those of Oakland Promise's other partners?

To answer these questions, the Office completed work summarized in the "Methodology" section of this report on page 17.

## Investigation Questions & Findings

### 1. Did the Mayor and City Administration follow the City's Municipal Code in providing work space to Oakland Promise?

#### SUMMARY

*In 2016, the Mayor's Office directed the City Administrator's Office to provide work space on the 11th floor of City Hall for employees of an Oakland Promise partner organization. The City Administrator's Office provided this space for about two years without a lease or any other formal agreement specifying terms such as rent for the use of the space. This arrangement did not comply with the Oakland Municipal Code (OMC 2.42.110), and contrasts with other third-party organizations that have used City-owned real property.*

#### **The Municipal Code requires the City to officially review and authorize the use of City-owned real property by outside entities, and establish lease terms and rent payments**

Oakland Municipal Code section 2.42.110 outlines requirements and guidance for the City's handling of outside entities' use of City-owned "real property," which generally gives the City Council the responsibility of approving leases and requires City property to be leased for payment. It further states that rent payments should reflect fair market value unless the City Council determines that renting the space below market value provides compelling benefits to the City or community at large.

For some arrangements, including entities using less than two thousand square feet of leasable space (such as the work space in question), the City Administrator is authorized to negotiate and execute the documents necessary for the lease of such real property.

#### **The Mayor's Office directed the City Administrator's Office to provide space in City Hall without establishing lease terms and rent payments**

In 2016, the Mayor's Office directed the City Administrator's Office to provide work space on the 11th floor of City Hall for an Oakland Promise partner organization's employees. The City Administrator's Office provided three work stations equipped with phones and phone extensions, computers, and internet. Up to five employees of this Oakland Promise partner organization used the work space and equipment for approximately two years.

Regarding this work space arrangement, the City Administration did not follow the Municipal Code. The City did not provide us with contracts, resolutions, lease documents, including insurance requirements, or any other authorizing documents related to the use of the space. These documents are important to ensure the City's interests are protected. Additionally, no documents were found formalizing the use of computers, phones, and internet service for the staffers working on behalf of Oakland Promise.

2. Does the Mayor's Director of Education work for the City or Oakland Promise? Was the Mayor's Director of Education position authorized and implemented in accordance with City rules? How is this position funded? What are the costs to the City?

## **SUMMARY**

*The Mayor's Director of Education works for Oakland Promise and the position was separately funded by the Ed Fund and the City of Oakland through three different funding sources (See Exhibit 1).*

*When the Mayor's Office publicly announced the new Director of Education in June 2015, it was not an authorized City position. A person identified as the Mayor's Director of Education physically worked within the Mayor's Office but was employed by the Ed Fund. The terms for this arrangement were not formally developed or agreed upon by the City or the Ed Fund.*

*During fiscal year 2016-17, the Mayor's Office sought and received authorization from the City Council to add the position of the Mayor's Director of Education, and secured funding for it through a grant from the Ed Fund. The Ed Fund employee, who had already been identified as the Mayor's Director of Education, applied for the new City position and was subsequently hired to fill it. For fiscal years 2017-18 and 2018-19 (right after the Ed Fund grant expired in June 2017), the Mayor's Office secured funding for the position from the City's General-Purpose Fund through the City's biannual budget process.*

*Adding the Mayor's Director of Education position to the City's workforce has cost the City's General Purpose Fund \$704,374 as of November 7, 2019. The role was previously funded by the Ed Fund at no cost to the City.*

## **The Mayor's Director of Education works for Oakland Promise**

The Mayor's Director of Education works on behalf of Oakland Promise. This is apparent from public presentations, witness accounts, and job duties assigned to the Mayor's Director of Education between fiscal years 2015-16, through 2018-19. Yet, Mayor's Office did not specifically identify the Director of Education as an in-kind contribution to Oakland Promise until June 2019. This disclosure was made in a public report to the Joint City Council and Oakland Unified School District Education Partnership Committee.

## **Initially, the Mayor's Director of Education was not a City employee**

Beginning in July 2015, the Mayor's Director of Education worked within the Mayor's Office as an Ed Fund employee. The City Council did not authorize this, and the City Administration did not formalize this arrangement with a written agreement such as a memorandum of understanding (MOU). This arrangement continued for 16 months, until November 2016, when the position was added to the City's workforce.

Director of Education, subsequently applied for the position and was selected to fill it. This arrangement spanned eight months — November 2016 through June 2017.

**Since FY 2017-18, the Mayor's Director of Education has been funded from the City's General Purpose Fund resulting in \$704,374 in personnel costs to date**

The City Council authorized \$550,093 for the Mayor's Director of Education position in the 2017-19 Adopted Policy Budget through the City Council-approved biannual budget process. Funding for the position was not changed during the 2019-21 budget process, and the position continues to be funded from the General Purpose Fund.

City financial records show that the Mayor's Director of Education has accounted for \$704,374 in direct personnel-related costs from the City's General Purpose Fund between July 1, 2017 and November 7, 2019.

Other employees working for Oakland Promise in City Hall remained employees of Oakland Promise partner organizations.

## **The Ed Fund was Oakland Promise's fiscal sponsor, lending its status as a nonprofit organization and more**

On October 13, 2016, The Ed Fund became a fiscal sponsor of Oakland Promise. The Ed Fund established a restricted account to receive charitable donations of cash and other property, and to make disbursements for Oakland Promise. The fiscal sponsorship agreement was critical to Oakland Promise's evolution as it allowed Oakland Promise to receive and disburse funds on behalf of the project and retain employees to support each of its individual programs.

The fiscal sponsorship agreement also delegated oversight of program activities to the Project Administrator, who was the Ed Fund employee known as the Mayor's Director of Education. Ultimately, Oakland Promise, as the sponsored project of the Ed Fund, was subject to the direction and oversight of the Ed Fund Board.

On June 30, 2018, an amended and restated fiscal sponsorship agreement was executed to clarify roles, amend the fee structure, and affirm the continued operation and fiscal sponsorship of the project. At this time, the "Oakland Promise" project was more formally defined in this fiscal sponsorship agreement as The Oakland Promise Leadership Council<sup>8</sup> (OPLC), an unincorporated nonprofit association. This amended agreement stated the Ed Fund Board of Directors would delegate oversight of program activities to OPLC, subject to the ultimate direction and fiduciary responsibility of the Ed Fund Board. Additionally, the Ed Fund provided administrative, financial, human resources, and grant management services to OPLC for a fee. This fiscal sponsorship agreement with the Ed Fund was terminated effective June 30, 2019.

## **Oakland Promise is now a registered nonprofit organization**

As of June 27, 2019, Oakland Promise is a registered nonprofit as a result of EBCF changing its name to Oakland Promise, modifying its articles of incorporation, and registering with the Secretary of State. The first Chief Executive Officer (CEO) for Oakland Promise assumed her position effective July 1, 2019.

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<sup>8</sup> Oakland Promise retained its name and was not replaced by the "Oakland Promise Leadership Council" outside of the formal fiscal sponsorship agreement.

**Exhibit 3: Between fiscal years 2016-17 and 2019-20\*, the City authorized \$1,518,054 from the Oakland Fund for Children and Youth to Oakland Promise programs, and made \$1,117,011 in payments**

Fiscal year	EBCF "College & Career Access and Success"		Ed Fund "Brilliant Baby"		Total	
	Authorized	Spent	Authorized	Spent	Authorized	Spent
2016-17	\$213,000	\$210,001	\$133,800	\$127,400	\$346,800	\$337,401
2017-18	\$213,000	\$178,067	\$208,800	\$167,090	\$421,800	\$345,157
2018-19	\$219,390	\$219,388	\$215,064	\$215,064	\$434,454	\$434,452
2019-20*	\$0	\$0	\$315,000	\$0	\$315,000	\$0
Total	\$645,390	**\$607,457	\$872,664	\$509,554	\$1,518,054	**\$1,117,011

Source: City Auditor's summary of City Council-approved resolutions and City financial records

\*Note: Fiscal year 2019-20 amounts reflect only part of the current fiscal year's financial records

\*\*Note amounts are rounded up to the nearest dollar making totals minimally different from those in Oracle.

### **The City Council allocated funding to Oakland Promise programs through the City's General Purpose Fund**

Funding was authorized from the City's General Purpose Fund to Oakland Promise's "K2College" program through the City's biannual budget process for fiscal years 2016-17 through 2020-21. None of the "K2College" funding has been disbursed as disbursing these funds would have incurred fees in accordance with the fiscal sponsorship agreement. According to Oakland Promise's CEO, the City can disburse these funds to Oakland Promise, now that it is a nonprofit organization.

**Exhibit 4: Between fiscal years 2016-17 and 2020-21, the City authorized \$2,150,000 from its General Purpose Fund to Oakland Promise's "K2College" Program**

Fiscal Year	Authorized	Spent
2016-17	\$150,000	\$0
2017-18	\$500,000	\$0
2018-19	\$500,000	\$0
2019-20	\$500,000	\$0
2020-21	\$500,000	\$0
Total	\$2,150,000	\$0

Source: City Auditor's summary of information outlined in City budget documents and financial records

**Exhibit 6: The City contributed over \$4 million to Oakland Promise including in-kind contributions**

<b>Contributions</b>	<b>Financial/In-kind</b>	<b>Amount</b>
OFCY Brilliant Baby grant	Financial (authorized)	\$ 872,664
OFCY College & Career grant	Financial (authorized)	\$ 645,390
City General Fund for K2College	Financial (authorized)	\$ 2,150,000
Mayor's Director of Education	In-kind (unauthorized)	\$ 704,374
Office space and equipment*	In-kind (unauthorized)	<i>unknown</i>
<b>Total Contributions</b>		<b>\$ 4,372,428</b>

Source: City Auditor's summary of information outlined in City budget documents and financial records, and City Council-approved resolutions

\*We did not estimate the value of the 11<sup>th</sup> floor work space and use of City equipment.

**We could not compare the City's total share of Oakland Promise financial contributions to those of other partner organizations**

Oakland Promise, as a multi-agency partnership, had contributions made to different partner organizations on its behalf. Therefore, without identifying, receiving records, and verifying all individual Oakland Promise-related financial records, we could not quantify the funds under management by the various partner agencies.

According to Oakland Promise's new CEO, the organization has compiled, and quantified financial transactions made to and by the Ed Fund on behalf of Oakland Promise throughout the years, and those contributions will be verified during an upcoming independent financial audit.

## Methodology

After completing the preliminary review, the Office conducted an investigation to arrive at the findings and conclusions in this report. This work included:

- Reviewing memoranda of understanding, contracts, etc. related to the City's agreement with third-parties' use of space
- Reviewing the City Charter, City Municipal Code, and administrative procedures
- Reviewing the State Constitution
- Interviewing City staff members
- Interviewing members of the public
- Interviewing staff members of Oakland Promise and partner organizations
- Reviewing City financial records
- Reviewing news articles
- Reviewing relevant meetings of the City Council and committees, as well as related documents

>



Alameda County District Attorney  
Nancy O'Malley  
1225 Oak St. 9<sup>th</sup> Floor  
Oakland, California 94612  
Atten: Mr. Ken Mifsud- Fraud Division  
Re: Complaint of the Legal Status of **OAKLAND PROMISE**  
December 18, 2019

RECEIVED JAN 17 2020

DEC 18 PM 5:23

DISTRICT ATTORNEY  
ALAMEDA COUNTY

Dear Mr. Mifsud:

On September 7, 2019, I filed a Public Records Request pursuant to Government Code 6250, requesting that the Office of the California Attorney General provide me with a copy of the Certificate of Agreement/Merger in accordance with the Corporation Code 6010(a) and 6011 between two organizations known as the EAST BAY COLLEGE FUND AND Mayor Libby Schaaf's OAKLAND PROMISE (Exhibit A)

The reason for this request was to determine the legal status of OAKLAND PROMISE as a 501 (c) 3 Non-Profit Public Benefit Corporation as it purported to be. The Attorney General responded in a letter dated September 17, 2019 (Exhibit B). It was determined in the AG's comments: "OAKLAND PROMISE has never filed any documentation indicating the organization is a 501 (c) 3, non-profit public benefit corporation." ; and After a diligent search, we found no documents responsive to this request.

In the CAL STATE EAST BAY TODAY posted article of June 1, 2016 it states, "OAKLAND PROMISE is now widely perceived as a **nonprofit organization** -but that has not always been the case, at least until recently." (Exhibit C) This is somewhat of an irony and contradiction, inasmuch , upon further analysis, EAST BAY COLLEGE FUND amended and restated their Articles of Incorporation on June 27, 2019 (Exhibit D) EBCF merely **changed** the name of the organization to **OAKLAND PROMISE**. The intent of this effort was to create the impression that the two organizations had merged as noted on the website of the California Secretary of State, that shows the name **OAKLAND PROMISE** . (Exhibit E) It should be noted, however, the corporate number C2504888 and the ruling year 2003 is that of EAST BAY COLLEGE FUND. **OAKLAND PROMISE** launch date was January 2016 (Exhibit F); so how is it reasonably practical the **OAKLAND PROMISE**

(2)

Would have a ruling year of 2003.

Regarding **OAKLAND PROMISE'S** Fictitious Business Name(FBN), file number 545426, Date File 05/25/2018 ; note the fact that **OAKLAND PROMISE** had earlier intentions of abandoning **OAKLAND PROMISE'S** fiscal agent **OAKLAND PUBLIC EDUCATION FUND** although no date was indicated on the FBN document. It was only after the amended and restated Articles of Incorporation of the **EAST BAY COLLEGE FUND** on June 27, 2019 that **OAKLAND PROMISE** severed it ties with it's fiscal agent **OAKLAND PUBLIC EDUCATION FUND** (Exhibit G).

**OAKLAND PROMISE** has no Business License Certificate Verification in the City of Oakland , there is however, evidence of **EAST BAY COLLEGE FUND** Business Certificate Verification in the City of Oakland. (Exhibit H)

**OAKLAND PROMISE** has been operating out of Mayor Schaafs office and on the 11<sup>th</sup> floor , without having any legal status nor authorization from the Oakland City Council. This unauthorized activity has been going on for two years as noted in the City Auditors Investigation report of November 19, 2019. The Auditors Investigation reveals although erroneously, on page 11, "**As of June 27, 2019, Oakland Promise is a registered nonprofit as a result of EBCF changing its name to Oakland Promise modifying its articles of Incorporation, and registering with the Secretary of State.**"(Exhibit I) The City Auditor , failed to verify the accuracy of the legal status of **OAKLAND PROMISE** . Such a merger requires the approval of the California Attorney General. The first Chief Executive Officer (CEO) for **OAKLAND PROMISE** assumed her position effective July 1, 2019. This unauthorized use of One Frank Ogawa Plaza , noted in the City Auditor's Investigation has resulted in excess of \$4,000,000,000.00 million dollars of the City's general fund expenditures. In a recent article in the Blue Shield of California news letter November 4, 2019 speaking to the New Head Office being located in Oakland City Center , there was additional acknowledgement of the companies \$1,000,000,000.00 million dollar contribution to "Mayor Libby Schaaf's **OAKLAND PROMISE.**" (Exhibit J).

**OAKLAND PROMISE** continues to operate its solicitation campaign and fundraising events with **impunity**, although the California Attorney Generals letter of September 17, 2019 states, **OAKLAND PROMISE** has **never** filed any

(3)

documentation indicating the organization is a 501 ( c ) 3, non-profit public benefit corporation.” Nor, is there any documentation indicating a merger with **EAST BAY COLLEGE FUND**.

Dr. Michael McAfee, President , Board of Directors **OAKLAND PROMISE** also misrepresents the **legal status** of **OAKLAND PROMISE** , “I am thrilled to announce that **OAKLAND PROMISE** and **EAST BAY COLLEGE FUND** will merge into one unified organization named **OAKLAND PROMISE**. (Exhibit K).

The **merger** narrative continues to be publicly espoused as though it’s a fact. On December 11, 2019 a fundraising letter (Exhibit K) **OAKLAND PROMISE** |Supporting Oakland’s Children from Cradle to Career” from Susan Stutzman, former Chairperson of the Board of Directors of **EAST BAY COLLEGE FUND** and whose signature is on **EAST BAY COLLEGE FUND** amended Articles of Incorporation of June 27, 2019, states, “when **EAST BAY COLLEGE** voted to **merge** with **OAKLAND PROMISE** last July...Now as a **merged** organization”.( Exhibit L) This statement is in direct conflict with the California Attorney General’s legal finding of **OAKLAND PROMISE**.

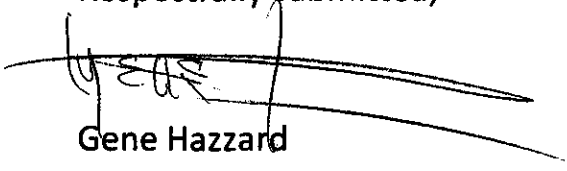
**OAKLAND PROMISE** is not listed on Guidestar, a website designed to provide “the highest-quality, most complete nonprofit information available. (Exhibit M)

Because of the compelling evidence provided by the California Office of the Attorney General regarding the legal status of **OAKLAND PROMISE**, it would be legally prudent that the Alameda County District Attorney issue an order to **OAKLAND PROMISE** to **CEASE** and **DESIST** any further solicitation and fundraising events, until the Office of the Alameda County District Attorney is able to determine if Civil or Criminal action is warranted against **OAKLAND PROMISE** for raising funds without the appropriate documentation.

See [cleanoakland.com/Gene’s blog] for additional information regarding **OAKLAND PROMISE**.

(4)

Respectfully submitted,



Gene Hazzard

genehazzard@gmail. Com

cc: California Attorney General

Alameda County Grand Jury

Oakland City Attorney, Barbara Parker

Oakland City Auditor, Courtney Ruby

Public Ethics Commission, Kellie Johnson

Oakland City Council President, Rebecca Kaplan

**EXHIBITS FOR COMPLAINT OF THE  
LEGAL STATUS OF OAKLAND PROMISE**

**RECEIVED**

**2019 DEC 18 PM 5: 23**

**DISTRICT ATTORNEY  
ALAMEDA COUNTY**

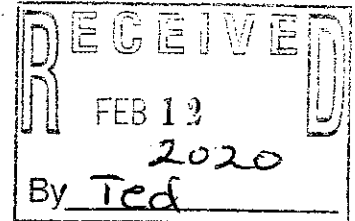
- A. FORM SUBMISSION FROM : ONLINE REQUEST**
- B. CALIFORNIA ATTORNEY GENERAL LETTER – SEPTEMBER 7, 2019**
- C. CAL STATE EAST BAY NEWS LETTER**
- D. EAST BAY COLLEGE FUND AMENDED AND RESTATED ARTICLES  
OF INCORPORATION JUNE 27, 2019**
- E. CALIFORNIA SECRETARY OF STATE – ALEX PADILLA WEBSITE**
- F. OAKLAND PROMISE LAUNCH DATE- JANUARY 2016**
- G. OAKLAND PROMISE FICTITIOUS BUSINESS NAME [FBN]**
- H. EAST BAY COLLEGE FUND BUSINESS CERTIFICATE VERIFICATION  
IN THE CITY OF OAKLAND- BUSINESS LICENSE DIVISION**
- I. CITY AUDITOR'S INVESTIGATION OF OAKLAND PROMISE**
- J. BLUE SHIELD'S NEWS LETTER NOVEMBER 4, 2019-  
CONTRIBUTION OF \$1,000,000,000.00 MILLION DOLLARS TO  
OAKLAND PROMISE**
- K. DR. MICHAEL McAFEE, PRESIDENT, BOARD OF DIRECTORS  
OAKLAND PROMISE, STATEMENT OF MERGER WITH EAST BAY  
COLLEGE FUND.**
- L. SUSAN STUTZMAN, FORMER CHAIRPERSON OF BOARD OF  
DIRECTORS EAST BAY COLLEGE FUND, STATEMENT REGARDING  
MERGER WITH OAKLAND PROMISE**
- M. GUIDESTAR PLATFORM FOR NON-PROFITS -\*OAKLAND  
PROMISE DOES NOT APPEAR**

CALIFORNIA SECRETARY OF STATE

Atten: Alex Padilla

1500 11<sup>th</sup> St.

Sacramento, California 95814



FEB 13 2020 9:27 AM

DEPT. OF JUSTICE  
ALAMEDA COUNTY

February 11, 2020

Re: Revocation of OAKLAND PROMISE BUSINESS REGISTRATION [Number 2504888]

Dear Mr. Padilla:

This is a formal complaint to the Office of the Secretary of State to revoke the fraudulent Business Registration of OAKLAND PROMISE [Number 2504888] appearing on the SOS's website [Exhibit A]. OAKLAND PROMISE has illegally used EAST BAY COLLEGE FUND Corporate Number 2504888 ; and has represented itself as a nonprofit , having a start date of January 1, 2003.

The City of Oakland's Finance Department/Revenue Management Bureau records, reveal the Business Certificate Verification that EAST BAY COLLEGE FUND is represented twice: (1) Account #00190041 with a Start Date 6/16/2016 and (2) EAST BAY COLLEGE FUND, DOING BUSINESS AS[DBA] OAKLAND PROMISE Account #00217560 and a Start Date 01/01/2003 [Exhibit B].

The record of the Finance Department/Revenue Management Bureau related to the Business Certificate Verification request, on October 10, 2019 shows that Diane Dodge, owner had been previously issued a Business License, Account 00190041 DBA [EAST BAY COLLEGE FUND], Industry Code : NP- NONPROFIT [EAST BAY COLLEGE FUND] [Exhibit C].

The question arises; How can Diane Dodge the owner filing a DOING BUSINESS AS[DBA], EAST BAY COLLEGE FUND on or prior to October 10, 2019 [Exhibit C], and also does a DOING BUSINESS AS[DBA] OAKLAND PROMISE whose owner is EAST BAY COLLEGE FUND? [Exhibit D] A further review of the FICTITIOUS BUSINESS NAME STATEMENT filed on August 27, 2019 with the Alameda County Clerk-Recorder Office File Number 562820 that the FICTITIOUS NAME is EAST BAY COLLEGE FUND and the Registrant/Owner is OAKLAND PROMISE and the Registrant Signature is Mialisa Bonta, Chief Executive Officer [Exhibit E].

Regardless of the filing and the use of the name by EAST BAY COLLEGE FUND of OAKLAND PROMISE or vis-versa, the ownership of the name OAKLAND PROMISE FILE NO. 560578 the rightful owner is Gene Hazzard and the record of the Secretary of State should reflect such[Exhibit F].

The filing and publication of the Notice clearly shows that No. 560578 OAKLAND PROMISE was filed on 7/03/2019, 07/10/2019, 07/17/2019 and 07/24/2019 appearing in The INTER-CITY EXPRESS [Exhibit F]. Although there appears to be an error in the FICTITIOUS BUSINESS

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FEB 3 1 2020

ALAMEDA COUNTY RECORDER  
CLERK  
NO. 562820  
CASH

D. GRIFFIN

2/13/2020 OKB

Page (2)

NAME as **EAST BAY COLLEGE FUND No. 562820** and not **OAKLAND PROMISE** however, the date of the publication of the Notice appears in The Valley Times on **09/06/2019, 09/13/2019, 09/20/2019 and 09/27/2019 [Exhibit G]**.

A complaint has been filed with the Alameda County Clerk-Recorder on February 6, 2020 **[Exhibit H]** seeking a **CEASE and DESIST** order enjoining **EAST BAY COLLEGE FUND and/or OAKLAND PROMISE** from any further use of the name or any **DOING BUSINESS AS[DBA]** and All marketing activity of the name **OAKLAND PROMISE**.

Similarly, I am asking the Secretary of State Office to issue a **CEASE and DESIST** order and remove **OAKLAND PROMISE** from SOS's website as it is currently listed.

Further, **EAST BAY COLLEGE FUND** has failed to comply with the noticing requirements for the **Statement of Information** that SOS states must be done every other year. **EAST BAY COLLEGE FUND STATEMENT OF INFORMATION** for **Feb. 21, 2017[Exhibit I]** shows no significant change in the organization. Similarly for **April 19, 2019**, there is no significant change in the organization **[Exhibit I]**.

On December 18, 2019 I filed a complaint with the Alameda County District Attorney's Office, Nancy O' Malley and refiled on January 17, 2020 because of an error in the DA's office not forwarding my complaint to Mr. Ken Mifsud of the Fraud Division whose office is located at 7677 Oakport , not at 1225 Fallon where the main office of the District Attorney is located. This complaint was in regards to the **Legal Status of OAKLAND PROMISE [Exhibit J]**.

Finally, the Office of the State Attorney General in a response to a Request For Information , I filed on September 7, 2019 as to the **Legal Status of OAKLAND PROMISE** claim as a nonprofit and the trumpeted narrative that **OAKLAND PROMISE** has merged with **EAST BAY COLLEGE FUND**. In the Attorney General response of September 17, 2019 states, that **OAKLAND PROMISE" has never filed any documentation indicating the organization is a 501 (c ) 3 nonprofit benefit corporation,"** further, with respect to the merger inquiry, "**After a diligent search , we found no document responsive to this request."**  
**Exhibit [K]**

The Secretary of States **Certificate of Merger Application** requires All merged organizations to provide information regarding the name of the **SURVIVING ENTITY** as well as the name of the **DISAPPEARING ENTITY**. **Exhibit [L]** It appears, however, that **EAST BAY COLLEGE FUND** and **OAKLAND PROMISE** has neglected to fill out this **required** application. **Instead**, both **EAST BAY COLLEGE FUND** and **OAKLAND PROMISE** have chosen to deceive the public in believing the two organizations have merged as noted in a forwarding email from Susan Stutzman , December 11, 2019 in an article stating, "**When East Bay College Fund voted to merge with Oakland Promise last July...Now, as the merged organization..."Exhibit [M]** Coincidentally, on June 27, 2019 , **EAST BAY COLLEGE FUND** Amended and Restated the organizations **Articles of**

Page (3)

Incorporation , A0830276 The name of this corporation is: **OAKLAND PROMISE** . Exhibit [N]  
**EAST BAY COLLEGE FUND** original Articles of Incorporation, 2504888 start date April 1, 2003  
Exhibit [O]

The **CALIFORNIA CORPORATIONS CODE** , Sections 6010 and 6011 [et seq] governs all  
mergers both domestic and foreign:

**6010 (a) A public benefit corporation may merge with any domestic corporation,...(Section 5063.5). However, without the prior written consent of the Attorney General, a public benefit corporation may only merge with another public benefit corporation...**

**(b) At least 20 days prior to consummation of any merger allowed by subdivision (a), the Attorney General must be provided with a copy of the proposed agreement of merger.**

**(c) Without the prior written consent of the Attorney General, when a merger occurs pursuant to subdivision (a),[see response letter of the AG Exhibit K]...**

**6011. The board of each corporation which desires to merge shall approve an agreement of merger. The constituent corporations shall be parties to the agreement of merger and other persons may be parties to the agreement. The agreement shall state: (a) The terms and conditions of the merger; (b)The amendments, subject to Sections 5810 and 5816, to the articles of the surviving corporation to be effected by the merger; if any amendment changes the name of the surviving corporation, the new name may be the same as or similar to the name of a disappearing corporation, subject to subdivision (b) of Section 5122; (c) The amendments to the bylaws of the surviving corporation to be effected by the merger, if any; (d) The name and place of incorporation of each constituent corporation and which of the constituent corporations is the surviving corporation;... Exhibit [P]**

As stated in the Attorney General's letter of September 17, 2019 , **"OAKLAND PROMISE HAS NEVER FILED ANY DOCUMENTATION INDICATING THE ORGANIZATION IS A 501 (C) 3, NON-PROFIT PUBLIC BENEFIT CORPORATION."** With respect to the question of a merger between **EAST BAY COLLEGE FUND AND OAKLAND PROMISE**, the Attorney General's response, **"AFTER A DILIGENT SEARCH, WE FOUND NO DOCUMENTATION RESPONSIVE TO THIS REQUEST."**

Respectfully submitted,

  
Gene Hazzard

**OAKLAND PROMISE**

**#560578**



**Cc: Attorney General State of California , Alameda County District Attorney, Alameda County Clerk-Recorder, Alameda County Grand Jury, City Auditor, City of Oakland, Public Ethics Commission[Enforcement ], Rebecca Kaplan, President Oakland City Council**

STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
ATTEN: XAVIER BECERRA, ATTORNEY GENERAL  
1300 "I" STREET  
SACRAMENTO, CALIFORNIA 95814-2919

March 9, 2020

Re: "OAKLAND PROMISE" – IS A FRAUDULENT 501 ( c ) 3 NON-PROFIT PUBLIC BENEFIT CORPORATION; THIS COMPLAINT IS REQUESTING THAT THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA TO IMMEDIATELY ISSUE TO OAKLAND PROMISE AN ORDER TO 'CEASE' AND 'DESIST' FROM ANY FURTHER MARKETING AND SOLICITATION AS WELL AS ACCEPTANCE OF BOTH PRIVATE AND PUBLIC[GOVERNMENT] FUNDS FOR THE EXPRESS USE AND DISTRIBUTION BY OAKLAND PROMISE , PURSUANT TO THE CHARITABLE ORGANIZATION LAW AND THE CALIFORNIA CORPORATION CODE 6010 AND 6011.

In your response to my Form Submission , From: Online Request Form submitted on Saturday September 7, 2019 , where I requested from the Office of the Attorney General the following request:

Please a copy of the Certificate of Merger of the East Bay College Fund [EIN: 54:2103707], Ruling year 4/1/2003 and OAKLAND PROMISE pursuant to the Corporation Code 6010(a) "A Public Benefit Corporation may merge with any domestic corporation, for corporation (Section 171), or other business entity (Section 5063.5)... However, without the prior written consent of the Attorney General, a Public Benefit Corporation may only merge with another Public Benefit Corporation...6011, The Board of each Corporation which desires to merge shall approve an agreement... 6014... the surviving corporation shall file a copy of the agreement of merger with an officers certificate of each constituent attached. Exhibit [A]

Your response to this information request came in your letter of September 17, 2019 stating, **OAKLAND PROMISE** has never filed any documentation indicating the organization is a **501 ( C ) 3, Non-Profit Public Benefit Corporation.**" Your letter further stated, " After a diligent search we found no documents responsive to this request." Exhibit [B]

Your letter clearly establishes that **OAKLAND PROMISE** is a **Fraudulent** organization and their solicitation as well as receipt of both private and public[government] funds are **illegal**.

Since the receipt of your findings related to the **legal** status of **OAKLAND PROMISE**, I have filed **complaints** with the following governmental agencies:

- 1) The Alameda County District Attorney's Office on December 18, 2019 and resubmitted on January 17, 2020 **atten:** Ken Mifsud, Fraud Division. The reason for the resubmission was due to an inadvertent error in the transmission of the complaint from 1225 Fallon[main office of the District Attorney] to the Oakport location , where the Fraud Unit is housed. Exhibit [C]

A copy of this complaint was also delivered to the Alameda County Grand Jury.

- 2) On February 6, 2020 I filed a complaint with the Alameda County Clerk-Recorder **Exhibit [D]**, this was do to the fact that the Clerk- Recorder issued a **Fictitious Business Name** , file number **562820** to **EAST BAY COLLEGE FUND** in error, inasmuch as the **Registrant** is **OAKLAND PROMISE** , while the documents in the Business Finance Department of the City of Oakland who issues the Business Certificate Verification creates even a more confusing issue related to the Business entity between **EAST BAY COLLEGE FUND** and **OAKLAND PROMISE**. Further, **EAST BAY COLLEGE FUND** failed to file a **Statement of Information (SI)** as required in 2017 with the **Secretary of States Office** if the information provided in the Business Finance Department is correct **Exhibit [D]**. It's apparent, that both **EAST BAY COLLEGE FUND AND OAKLAND PROMISE** are purposely creating an atmosphere of confusion as to which organization is being referenced. The Publication Affidavit ,File Number **562820** for **EAST BAY COLLEGE FUND** appeared in the Valley Times on **09/06/2019, 09/13/2019, 09/20/2019 and 09/27/2019** . **Exhibit [D]**.

Despite the deceptive drama, I am the rightful and legal owner of the Fictitious Business name **OAKLAND PROMISE** has is shown by my Fictitious Name Affidavit Publication Notice in the Inter-City Express on **07/03/2019, 07/10/2019, 07/17/2019/ and 07/24/2019**. **Exhibit [E]**

- 3) On February 12, 2020 , I filed a complaint with the California Secretary of State, requesting that the **Secretary REVOKE the Fraudulent Business Registration of OAKLAND PROMISE FILE NUMBER 2504888**. **Exhibit [F]** This Number **#2504888** is the Corporation Number of **EAST BAY COLLEGE FUND** whose start date is April 1, 2003. **OAKLAND PROMISE** has only been a questionable entity since 2015- 2016.

On June 27, 2019 **EAST BAY COLLEGE FUND** Amended and Restated their Articles of Incorporation **A0830276** and changed the organizations name to **OAKLAND PROMISE**. **EAST BAY COLLEGE FUND** was originally incorporated April 1, 2003 and the incorporation number **C2504888**. **Exhibit [G]**. Changing the name of the organization does not constitute a merger pursuant to the **California Corporation Code 6010(a)(b)(c) and 6011(b)**. Although, **OAKLAND PROMISE** appears on the **Secretary of States** website ,**Exhibit [I]**, the Business Registration Number **2504888** is that of **EAST BAY COLLEGE FUND** which I have filed a complaint on February 12, 2020 **Exhibit [F]** asking the **Secretary to Revoke** the fraudulent Registration of **OAKLAND PROMISE**.

Because of the many unauthorized use of space and services allegations by **OAKLAND PROMISE** in City Hall brought by members of the Public to the attention of City Council, President Rebecaa Kaplan requested an Audit, by City Auditor Courtney Ruby . Although, Auditor Courtney Ruby failed to do an Audit, an Investigation was done and that Report was completed on November 19, 2019. **Exhibit [J]**

Page (3)

This Investigation revealed some astonishing and compelling facts, that supports the Publics allegations, of **unauthorized** use of City Hall facilities and services as well as **wrongfully**, acknowledging that **OAKLAND PROMISE** is a **nonprofit organization**:

1). On Page (2) of this Report states, " On June 27, 2019 the California Secretary of State filed articles of incorporation designating **OAKLAND PROMISE** as an independent **nonprofit organization**. Exhibit [G] of this complaint clearly establishes that **EAST BAY COLLEGE FUND** on June 27, 2019 Amended and Restated the organizations Articles of Incorporation and changed its name to **OAKLAND PROMISE**. This was an original Articles of Incorporation by **OAKLAND PROMISE** as this Report asserts and clearly does not establish that **OAKLAND PROMISE** " is an Independent nonprofit organization."

2). On Page (5) of this Report States, "In 2016, the Mayor's Office directed the City Administrator's Office to provide work space on the 11<sup>th</sup> floor of City Hall for employees of **OAKLAND PROMISE** ... The City Administrator's Office provided this space for about two years without a lease or any other formal agreement specifying terms such as rent for the use of the space. This arrangement did not comply with the Oakland Municipal Code (OMC 2.42.110)...

Oakland Municipal Code section 2.42.110 outlines "requirements and guidance for the City's handling of outside entities' use of City-owned "real property," which generally gives the City Council the responsibility of approving leases and requires City property to be leased for payment.

3). The Report further states on Page (7),..."The City did not provide us with contracts, resolutions, lease documents, including insurance requirements, or any other authorizing documents related to the use of the space. **THESE DOCUMENTS ARE IMPORTANT TO ENSURE THE CITY'S INTERESTS ARE PROTECTED**. Additionally, no documents were formalizing the use of computers, phones and internet service for the staffers working on behalf of **OAKLAND PROMISE**." Beginning in July 2015, the Mayor's Director of Education worked within the Mayor's Office as an Ed Fund employee. Whose salary was approximately \$138,000 on Ed Funds payroll. "The City Council did not authorize this, and the City Administration did not formalize this arrangement with s written agreement such as a memorandum of understanding(MOU). This arrangement continued for 16 months, until November 2016, when the position was added to the City's workforce." Currently, the Director of Education's salary is \$261,000.00 plus City benefits.

It appears the **unauthorized** use of the City's facilities and services by **OAKLAND PROMISE** is in excess of \$4,000,000.00. The report does not recommend that **OAKLAND PROMISE** repay the City.

**Instead**, as revealed in the enclosed audio tape of the Rules and Legislative Committee of February 20, 2020 in an irregular Rules Committee procedure, Chairperson Sheng Thao, allowed the Chief Executive Officer Mialisa Bonta of **OAKLAND PROMISE**

Page (4)

to make an **urgent** request for funding to **OAKLAND PROMISE** the matter was unresolved. [listen to **KTOP** tape enclosed 2/20/20 agenda item #5,#6, and #7] Exhibit [K].

In another irregular procedure at the City Council Meeting of March 3, 2020, President Rebecaa Kaplan [listen to **KTOP** tape enclosed 3/03/20 Exhibit [K] allowed Councilmember Loren Taylor to schedule to the March 17, 2020 Council meeting the following recommendation to approve **urgency** funding for **OAKLAND PROMISE**:

**COUNCILMEMBER LOREN TAYLOR**  
**DISTRICT 6**

**Subject: Oakland Promise Grant Agreement**  
**From: The Oakland City Council**

**Recommendation: Adopt A Resolution Authorizing the City Administrator To Executive 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.**

**On the March 17, 2020 City Council Agenda. Exhibit [L]**

**THIS RECOMMENDATION BY COUNCILMEMBER LOREN TAYLOR SUGGESTING THAT OAKLAND PROMISE IS A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION is in direct contradiction of the Attorney General response letter of September 17, 2019, Exhibit [B] stating , "OAKLAND PROMISE HAS NEVER FILED ANY DOCUMENTATION INDICATING THE ORGANIZATION IS A 501 (C) 3, NON- PROFIT PUBLIC BENEFIT CORPORATION."**

**ALERT: URGENCY ACTION IS REQUIRED BY THE OFFICE OF THE CALIFORNIA ATTORNEY GENERAL TO MINIMALLY ISSUE A TEMPORARY CEASE AND DESIST ORDER TO OAKLAND PROMISE AND THE OAKLAND CITY COUNCIL FROM AUTHORIZING BY THE COUNCIL ANY FUNDING TO OAKLAND PROMISE AND THE ACCEPTANCE BY OAKLAND PROMISE OF ANY FUNDINGFROM THE COUNCIL THE UNTIL SUCH TIME IT CAN BE DETERMINED BY THE OFFICE OF THE CALIFORNIA ATTORNEY GENERAL THAT CIVIL AND OR CRIMINAL ACTION ARE WARRANTED AGAINST OAKLAND PROMISE.**

Page (5)

Finally, tangentially in the matter of the Jobs & Housing Coalition, Plaintiff vs. City of Oakland No. RG19005204 10/15/2019 the Court ordered that:

**The tentative ruling is affirmed as follows: THE MOTION FOR JUDGEMENT ON THE PLEADING BY THE PLAINTIFFS JOBS & HOUSING COALITION... IS GRANTED**

The Jobs & Housing Coalition filed its initial action of February 1, 2019 against the City's action of December 14, 2018, altering the election findings of the Alameda County Registrar of Voter, stating, "that the Children's Initiative of 2018 also referred to as Measure Aa, did not received the requisite two-third 2/3 voter approval for passage.

On December 14, 2018, the City Council approved RESOLUTION 87485 stating that Measure AA the Children's Initiative of 2018 had PASSED. Ironically, it was the City Attorney's Impartial Analysis in the Ballot Measure requiring two-thirds 2/3 voter approval for passage.

It's odd that the City Attorney is appealing the Courts Order in favor of the Plaintiff, in matter of RG19005204. THE COURT FURTHER DETERMINED, THAT, " THE CITY IS BARRED FROM MEASURE AA BECAUSE THE BALLOT MEASURE PREPARED BY THE CITY IS UNAMBIGUOUSLY ADVISED VOTERS THAT MEASURE AA WOULD REQUIRE TWO-THIRDS OF THE VOTES TO PASS. ALLOWING MEASURE AA TO BE ENACTED WITH LESS THAN TWO-THIRDS OF THE VOTES WOULD CONSTITUTE "A FRAUD ON THE VOTERS." Exhibit [M]

Because OAKLAND PROMISE is not a 501 ( c ) 3 Non-Profit Public Benefit Corporation, Measure AA, The Children's Initiative of 2018 , Mayor Libby Schaff's sponsored Measure, was FRAUDULENTLY place on the November 6, 2018 General Election Ballot.

Respectfully Submitted,

Gene Hazzard

CC: Alameda County District Attorney, atten: Ken Mifsud  
Alameda County Grand Jury  
California Secretary of State atten: Alex Padilla  
Alameda County Clerk- Recorder  
City Council President, Rebecca Kaplan

990

Epsm  
990Department of the Treasury  
Internal Revenue Service

## Return of Organization Exempt From Income Tax

OMB No 1545-0047

2017

Open to Public  
Inspection

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

- Do not enter social security numbers on this form as it may be made public  
Information about Form 990 and its instructions is at [www.irs.gov/form990](http://www.irs.gov/form990)

A For the 2017 calendar year, or tax year beginning 01-01-2017, and ending 12-31-2017

- B Check if applicable:  
☒ Address change  
☐ Name change  
☐ Initial return  
☐ Final return/terminated  
☒ Amended return  
☐ Application pending

C Name of organization  
EAST BAY COLLEGE FUND

Doing business as

Number and street (or P.O. box if mail is not delivered to street address) Room/suite  
300 FRANK H OGAWA PLAZA SUITE 430City or town, state or province, country, and ZIP or foreign postal code  
OAKLAND, CA 94612F Name and address of principal officer  
MIALISA BONTA  
300 FRANK H OGAWA PLAZA SUITE 430  
OAKLAND, CA 94612

D Employer ID

54-2103707

E Telephone number

(510) 836-8900

G Gross receipts \$ 6,266,085

EXHIBIT 10

I Tax-exempt status ☒ 501(c)(3) ☐ 501(c) ( ) (insert no ) ☐ 4947(a)(1) or ☐ 527

J Website: WWW.EASTBAYCOLLEGEFUND.ORG

H(a) Is this a group return for subordinates? ☐ Yes ☒ NoH(b) Are all subordinates included? ☐ Yes ☐ No

If "No," attach a list (see instructions)

H(c) Group exemption number

K Form of organization ☐ Corporation ☐ Trust ☒ Association ☐ Other

L Year of formation 2002

M State of legal domicile CA

## Part I Summary

Activities &amp; Governance

1 Briefly describe the organization's mission or most significant activities  
EDUCATIONAL FINANCIAL ASSISTANCE2 Check this box ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets

3 Number of voting members of the governing body (Part VI, line 1a)	3	16
4 Number of independent voting members of the governing body (Part VI, line 1b)	4	16
5 Total number of individuals employed in calendar year 2017 (Part V, line 2a)	5	19
6 Total number of volunteers (estimate if necessary)	6	293
7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0
7b Net unrelated business taxable income from Form 990-T, line 34	7b	0

Revenue

	Prior Year	Current Year
8 Contributions and grants (Part VIII, line 1h)	8,777,425	6,245,379
9 Program service revenue (Part VIII, line 2g)	0	0
10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	10,992	20,706
11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	0	0
12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	8,788,417	6,266,085

Expenses

13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)	1,139,790	1,440,315
14 Benefits paid to or for members (Part IX, column (A), line 4)	0	0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	699,969	1,153,060
16a Professional fundraising fees (Part IX, column (A), line 11e)	0	0
b Total fundraising expenses (Part IX, column (D), line 25) 29,143		
17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	506,550	919,498
18 Total expenses Add lines 13-17 (must equal Part IX, column (A), line 25)	2,346,309	3,512,873
19 Revenue less expenses Subtract line 18 from line 12	6,442,108	2,753,212

Net Assets or Fund Balances

	Beginning of Current Year	End of Year
20 Total assets (Part X, line 16)	10,928,193	13,685,501
21 Total liabilities (Part X, line 26)	0	4,096
22 Net assets or fund balances Subtract line 21 from line 20	10,928,193	13,681,405

## Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign  
Here

Signature of officer

2019-10-08

Date

MIALISA BONTA CEO

Type or print name and title

Paid  
Preparer  
Use OnlyPrint/Type preparer's name  
KEVIN WILSONPreparer's signature  
KEVIN WILSON

Date

Check ☐ if self-employed PTIN  
P01313212

Firm's name NOVOGRADAC &amp; COMPANY LLP

Firm's EIN 94-3108253

Firm's address 2033 NORTH MAIN STREET SUITE 400

Phone no (925) 949-4252

WALNUT CREEK, CA 94596

May the IRS discuss this return with the preparer shown above? (see instructions)

☒ Yes ☐ No

For Paperwork Reduction Act Notice, see the separate instructions

Cat No 11287Y

Form 990 (2017)



**Part IV Checklist of Required Schedules**

	Yes	No
<b>1</b> Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If "Yes," complete Schedule A	1	Yes
<b>2</b> Is the organization required to complete Schedule B, Schedule of Contributors (see instructions)?	2	Yes
<b>3</b> Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	3	No
<b>4 Section 501(c)(3) organizations.</b> Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II	4	No
<b>5</b> Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? If "Yes," complete Schedule C, Part III	5	No
<b>6</b> Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I	6	No
<b>7</b> Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? If "Yes," complete Schedule D, Part II	7	No
<b>8</b> Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III	8	No
<b>9</b> Did the organization report an amount in Part X, line 21 for escrow or custodial account liability, serve as a custodian for amounts not listed in Part X, or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV	9	No
<b>10</b> Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? If "Yes," complete Schedule D, Part V	10	No
<b>11</b> If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable		
<b>a</b> Did the organization report an amount for land, buildings, and equipment in Part X, line 10? If "Yes," complete Schedule D, Part VI	11a	Yes
<b>b</b> Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VII	11b	No
<b>c</b> Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VIII	11c	No
<b>d</b> Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part IX	11d	No
<b>e</b> Did the organization report an amount for other liabilities in Part X, line 25? If "Yes," complete Schedule D, Part X	11e	No
<b>f</b> Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If "Yes," complete Schedule D, Part X	11f	Yes
<b>12a</b> Did the organization obtain separate, independent audited financial statements for the tax year? If "Yes," complete Schedule D, Parts XI and XII	12a	Yes
<b>b</b> Was the organization included in consolidated, independent audited financial statements for the tax year? If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional	12b	No
<b>13</b> Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	13	No
<b>14a</b> Did the organization maintain an office, employees, or agents outside of the United States?	14a	No
<b>b</b> Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? If "Yes," complete Schedule F, Parts I and IV	14b	No
<b>15</b> Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? If "Yes," complete Schedule F, Parts II and IV	15	No
<b>16</b> Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? If "Yes," complete Schedule F, Parts III and IV	16	No
<b>17</b> Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If "Yes," complete Schedule G, Part I (see instructions)	17	No
<b>18</b> Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II	18	No
<b>19</b> Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If "Yes," complete Schedule G, Part III	19	No



**Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**Check if Schedule O contains a response or note to any line in this Part VII ☐**Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees****1a** Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
  - List all of the organization's **current** key employees, if any. See instructions for definition of "key employee."
  - List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.
  - List all of the organization's **former** officers, key employees, or highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
  - List all of the organization's **former** directors or trustees that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.
- List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
(1) SUSAN STUTZMAN PRESIDENT	10.00	X		X				0	0	0
(2) BARB FREMDER DIRECTOR	10.00	X						0	0	0
(3) ROBERT STARK DIRECTOR	1.00	X						0	0	0
(4) TOM GOLD DIRECTOR	1.00	X						0	0	0
(5) JULIE PALLEY CO-VICE PRESIDENT	10.00	X		X				0	0	0
(6) LESLIE KAWAMOTO HSU DIRECTOR	1.00	X						0	0	0
(7) GAVIN KWONG TREASURER	1.00	X		X				0	0	0
(8) SUSAN SUGARMAN DIRECTOR	1.00	X						0	0	0
(9) ANDREA WALKER DIRECTOR	1.00	X						0	0	0
(10) JIM SAAVEDRA DIRECTOR	1.00	X						0	0	0
(11) SAMUEL R MILLER DIRECTOR	1.00	X						0	0	0
(12) ANDY FREMDER DIRECTOR	1.00	X						0	0	0
(13) SUSIE PONCELET SECRETARY	1.00	X		X				0	0	0
(14) SETH HAMALIAN CO-VICE PRESIDENT	1.00	X		X				0	0	0
(15) RICHARD J GILBERT DIRECTOR	1.00	X						0	0	0
(16) DIANE DODGE EXECUTIVE DIRECTOR	40.00			X				152,083	0	23,000

990 (2017)

**X Balance Sheet**

Check if Schedule O contains a response or note to any line in this Part IX

		(A) Beginning of year		(B) End of year
1	Cash—non-interest-bearing . . . . .	2,095,553	1	2,011,760
2	Savings and temporary cash investments . . . . .	4,383,737	2	6,503,374
3	Pledges and grants receivable, net . . . . .	4,404,629	3	5,077,546
4	Accounts receivable, net . . . . .		4	
5	Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees Complete Part II of Schedule L . . . . .		5	
6	Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions) Complete Part II of Schedule L . . . . .		6	
7	Notes and loans receivable, net . . . . .		7	
8	Inventories for sale or use . . . . .		8	
9	Prepaid expenses and deferred charges . . . . .	44,274	9	16,243
10a	Land, buildings, and equipment cost or other basis Complete Part VI of Schedule D	4,510		
b	Less accumulated depreciation	182	10c	4,328
11	Investments—publicly traded securities . . . . .		11	
12	Investments—other securities See Part IV, line 11 . . . . .		12	
13	Investments—program-related See Part IV, line 11 . . . . .		13	
14	Intangible assets . . . . .		14	72,250
15	Other assets See Part IV, line 11 . . . . .		15	
16	<b>Total assets.</b> Add lines 1 through 15 (must equal line 34) . . . . .	10,928,193	16	13,685,501
17	Accounts payable and accrued expenses . . . . .	0	17	4,096
18	Grants payable . . . . .		18	
19	Deferred revenue . . . . .		19	
20	Tax-exempt bond liabilities . . . . .		20	
21	Escrow or custodial account liability Complete Part IV of Schedule D . . . . .		21	
22	Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons Complete Part II of Schedule L . . . . .		22	
23	Secured mortgages and notes payable to unrelated third parties . . . . .		23	
24	Unsecured notes and loans payable to unrelated third parties . . . . .		24	
25	Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24) Complete Part X of Schedule D . . . . .		25	
26	<b>Total liabilities.</b> Add lines 17 through 25 . . . . .	0	26	4,096
27	<b>Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.</b> Unrestricted net assets	2,044,693	27	2,323,427
28	Temporarily restricted net assets . . . . .	8,883,500	28	11,357,978
29	Permanently restricted net assets . . . . .		29	
30	<b>Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.</b> Capital stock or trust principal, or current funds . . . . .		30	
31	Paid-in or capital surplus, or land, building or equipment fund . . . . .		31	
32	Retained earnings, endowment, accumulated income, or other funds . . . . .		32	
33	<b>Total net assets or fund balances . . . . .</b>	10,928,193	33	13,681,405
34	<b>Total liabilities and net assets/fund balances . . . . .</b>	10,928,193	34	13,685,501

**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv), 170(b)(1)(A)(vi), and 170(b)(1)(A)(ix)**

(Complete only if you checked the box on line 5, 7, 8, or 9 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
1 Gifts, grants, contributions, and membership fees received (Do not include any "unusual grant.")	1,336,938	1,894,207	3,488,693	3,917,957	2,261,790	12,899,585
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge						
4 <b>Total.</b> Add lines 1 through 3	1,336,938	1,894,207	3,488,693	3,917,957	2,261,790	12,899,585
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						2,210,880
<b>Public support.</b> Subtract line 5 from line 4						10,688,705

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
7 Amounts from line 4	1,336,938	1,894,207	3,488,693	3,917,957	2,261,790	12,899,585
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	2,225	606	3,239	10,992	20,706	37,768
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI)						
<b>Total support.</b> Add lines 7 through 10						12,937,353
12 Gross receipts from related activities, etc. (see instructions)					12	

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** ▶ ☐

**Section C. Computation of Public Support Percentage**

14 Public support percentage for 2017 (line 6, column (f) divided by line 11, column (f))	14	82.620 %
Public support percentage for 2016 Schedule A, Part II, line 14	15	83.940 %

13 33 1/3% support test—2017. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☒

13 33 1/3% support test—2016. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

17a **10%-facts-and-circumstances test—2017.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ▶ ☐

17b **10%-facts-and-circumstances test—2016.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ▶ ☐

18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions ▶ ☐

**Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations**

- 1 ☐ Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov 20, 1970 (explain in Part VI). See instructions. All other Type III non-functionally integrated supporting organizations must complete Sections A through E

**Section A - Adjusted Net Income**

	(A) Prior Year	(B) Current Year (optional)
1 Net short-term capital gain	1	
2 Recoveries of prior-year distributions	2	
3 Other gross income (see instructions)	3	
4 Add lines 1 through 3	4	
5 Depreciation and depletion	5	
6 Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	6	
7 Other expenses (see instructions)	7	
8 Adjusted Net Income (subtract lines 5, 6 and 7 from line 4)	8	

**Section B - Minimum Asset Amount**

	(A) Prior Year	(B) Current Year (optional)
1 Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year)	1	
a Average monthly value of securities	1a	
b Average monthly cash balances	1b	
c Fair market value of other non-exempt-use assets	1c	
d Total (add lines 1a, 1b, and 1c)	1d	
e Discount claimed for blockage or other factors (explain in detail in Part VI)		
2 Acquisition indebtedness applicable to non-exempt use assets	2	
3 Subtract line 2 from line 1d	3	
4 Cash deemed held for exempt use Enter 1-1/2% of line 3 (for greater amount, see instructions)	4	
5 Net value of non-exempt-use assets (subtract line 4 from line 3)	5	
6 Multiply line 5 by 035	6	
7 Recoveries of prior-year distributions	7	
8 Minimum Asset Amount (add line 7 to line 6)	8	

**Section C - Distributable Amount**

	Current Year
1 Adjusted net income for prior year (from Section A, line 8, Column A)	1
2 Enter 85% of line 1	2
3 Minimum asset amount for prior year (from Section B, line 8, Column A)	3
4 Enter greater of line 2 or line 3	4
5 Income tax imposed in prior year	5
6 Distributable Amount. Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions)	6

- 7 ☐ Check here if the current year is the organization's first as a non-functionally-integrated Type III supporting organization (see instructions)

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** (continued)

Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply)

**a** ☐ Public exhibition

**d** ☐ Loan or exchange programs

**b** ☐ Scholarly research

**e** ☐ Other

**c** ☐ Preservation for future generations

Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII

**5** During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? ☐ Yes ☐ No

**Part IV Escrow and Custodial Arrangements.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☐ No

If "Yes," explain the arrangement in Part XIII and complete the following table

	Amount
<b>1c</b>	
<b>1d</b>	
<b>1e</b>	
<b>1f</b>	

Beginning balance

**d** Additions during the year

Distributions during the year

Ending balance

**2a** Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? ☐ Yes ☐ No

If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII . . . . . ☐

**Part V Endowment Funds.** Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
Beginning of year balance . . . . .					
Contributions . . . . .					
<b>c</b> Net investment earnings, gains, and losses					
Grants or scholarships . . . . .					
Other expenditures for facilities and programs . . . . .					
Administrative expenses . . . . .					
End of year balance . . . . .					

**2** Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as

Board designated or quasi-endowment ▶

Permanent endowment ▶

**c** Temporarily restricted endowment ▶

The percentages on lines 2a, 2b, and 2c should equal 100%

Are there endowment funds not in the possession of the organization that are held and administered for the organization by

(i) unrelated organizations . . . . .

(ii) related organizations . . . . .

If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R? . . . . .

	Yes	No
<b>3a(i)</b>		
<b>3a(ii)</b>		
<b>3b</b>		

**1** Describe in Part XIII the intended uses of the organization's endowment funds

**Part VI Land, Buildings, and Equipment.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
Land . . . . .				
<b>b</b> Buildings . . . . .				
Leasehold improvements				
Equipment . . . . .		4,510	182	4,328
<b>e</b> Other . . . . .				
<b>1a.</b> Add lines 1a through 1e (Column (d) must equal Form 990, Part X, column (B), line 10(c) ) . . . ▶				4,328







For the 2017 calendar year, or tax year beginning 01-01-2017, and ending 12-31-2017

if applicable  
ress change  
e change  
al return  
return/terminated  
ended return  
lication pending

C Name of organization  
EAST BAY COLLEGE FUND

Doing business as

Number and street (or P.O. box if mail is not delivered to street address) Room/suite  
300 FRANK H OGAWA PLAZA SUITE 430

City or town, state or province, country, and ZIP or foreign postal code  
OAKLAND, CA 94612

F Name and address of principal officer  
SUSAN STUTZMAN  
300 FRANK H OGAWA PLAZA SUITE 430  
OAKLAND, CA 94612

D Employer identification number

54-2103707

EXHIBIT 10(b)

E Telephone number

(877) 829-5500

G Gross receipts \$ 6,436,141

H(a) Is this a group return for subordinates? ☐ Yes ☒ No

H(b) Are all subordinates included? ☐ Yes ☐ No

If "No," attach a list (see instructions)

H(c) Group exemption number ▶

Exempt status ☒ 501(c)(3) ☐ 501(c) ( ) (insert no ) ☐ 4947(a)(1) or ☐ 527

Website: WWW.EASTBAYCOLLEGEFUND.ORG

Form of organization ☐ Corporation ☐ Trust ☒ Association ☐ Other ▶

L Year of formation 2002

M State of legal domicile CA

## Part I Summary

1 Briefly describe the organization's mission or most significant activities  
EDUCATIONAL FINANCIAL ASSISTANCE

2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets	3	16
3 Number of voting members of the governing body (Part VI, line 1a)	4	16
4 Number of independent voting members of the governing body (Part VI, line 1b)	5	19
5 Total number of individuals employed in calendar year 2017 (Part V, line 2a)	6	293
6 Total number of volunteers (estimate if necessary)	7a	0
7a Total unrelated business revenue from Part VIII, column (C), line 12	7b	0
b Net unrelated business taxable income from Form 990-T, line 34		

	Prior Year	Current Year
8 Contributions and grants (Part VIII, line 1h)	8,777,425	6,415,435
9 Program service revenue (Part VIII, line 2g)	0	0
10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	10,992	20,706
11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	0	0
12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	8,788,417	6,436,141
13 Grants and similar amounts paid (Part IX, column (A), lines 1–3)	1,139,790	1,541,723
14 Benefits paid to or for members (Part IX, column (A), line 4)	0	0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	699,969	1,153,060
16a Professional fundraising fees (Part IX, column (A), line 11e)	0	0
b Total fundraising expenses (Part IX, column (D), line 25) ▶ 29,143		
17 Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)	506,550	847,370
18 Total expenses Add lines 13–17 (must equal Part IX, column (A), line 25)	2,346,309	3,542,153
19 Revenue less expenses Subtract line 18 from line 12	6,442,108	2,893,988
	Beginning of Current Year	End of Year
20 Total assets (Part X, line 16)	10,928,193	13,826,892
21 Total liabilities (Part X, line 26)	0	4,711
22 Net assets or fund balances Subtract line 21 from line 20	10,928,193	13,822,181

## Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has knowledge.

2018-11-15  
Date

Signature of officer

SUSAN STUTZMAN PRESIDENT  
Type or print name and title

Print/Type preparer's name  
KEVIN WILSON

Preparer's signature  
KEVIN WILSON

Date

Check ☐ if self-employed

PTIN  
P01313212

Firm's EIN ▶ 94-3108253



Form 990 (2017)

**Part IV Checklist of Required Schedules**

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If "Yes," complete Schedule A	Yes	
2 Is the organization required to complete Schedule B, Schedule of Contributors (see instructions)?	Yes	
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I		No
4 <b>Section 501(c)(3) organizations.</b> Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II		No
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? If "Yes," complete Schedule C, Part III		No
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I		No
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? If "Yes," complete Schedule D, Part II		No
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III		No
9 Did the organization report an amount in Part X, line 21 for escrow or custodial account liability, serve as a custodian for amounts not listed in Part X, or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV		No
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? If "Yes," complete Schedule D, Part V		No
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? If "Yes," complete Schedule D, Part VI	Yes	
b Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VII		No
c Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VIII		No
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part IX		No
e Did the organization report an amount for other liabilities in Part X, line 25? If "Yes," complete Schedule D, Part X		No
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If "Yes," complete Schedule D, Part X	Yes	
12a Did the organization obtain separate, independent audited financial statements for the tax year? If "Yes," complete Schedule D, Parts XI and XII	Yes	
b Was the organization included in consolidated, independent audited financial statements for the tax year? If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional		No
13 Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E		No
14a Did the organization maintain an office, employees, or agents outside of the United States?		No
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? If "Yes," complete Schedule F, Parts I and IV		No
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? If "Yes," complete Schedule F, Parts II and IV		No
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? If "Yes," complete Schedule F, Parts III and IV		No
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If "Yes," complete Schedule G, Part I (see instructions)		No
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II		No
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If "Yes," complete Schedule G, Part III		No

☐

Yes	No
-----	----

1a Enter the number reported in Box 3 of Form 1096 Enter -0- if not applicable		1a	28		
b Enter the number of Forms W-2G included in line 1a Enter -0- if not applicable		1b	0		
c Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?		1c			
2a Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return		2a	19		
b If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note: If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions)		2b	Yes		
3a Did the organization have unrelated business gross income of \$1,000 or more during the year?		3a		No	
b If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O		3b			
4a At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?		4a		No	
b If "Yes," enter the name of the foreign country See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR)					
5a Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?		5a		No	
b Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?		5b		No	
c If "Yes," to line 5a or 5b, did the organization file Form 8886-T?		5c			
6a Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?		6a		No	
b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?		6b			
7 Organizations that may receive deductible contributions under section 170(c).		7a		No	
a Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?		7b			
b If "Yes," did the organization notify the donor of the value of the goods or services provided?		7c		No	
c Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?		7d			
d If "Yes," indicate the number of Forms 8282 filed during the year					
e Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?		7e			
f Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?		7f			
g If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?		7g			
h If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?		7h			
8 Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?		8			
9a Did the sponsoring organization make any taxable distributions under section 4966?		9a			
b Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?		9b			
10 Section 501(c)(7) organizations. Enter		10a			
a Initiation fees and capital contributions included on Part VIII, line 12		10b			
b Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities					
11 Section 501(c)(12) organizations. Enter		11a			
a Gross income from members or shareholders		11b			
b Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them)					
12a Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?		12a			
b If "Yes," enter the amount of tax-exempt interest received or accrued during the year		12b			
13 Section 501(c)(29) qualified nonprofit health insurance issuers.					
a Is the organization licensed to issue qualified health plans in more than one state? Note: See the instructions for additional information the organization must report on Schedule O		13a			
b Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans		13b			
c Enter the amount of reserves on hand		13c			
14a Did the organization receive any payments for indoor tanning services during the tax year?		14a		No	
b If "Yes," enter the amount of payments received for indoor tanning services during the tax year		14b			

## Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

**1a** Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees, if any. See instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, or highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.

- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee[illegible]

**Contributions, Gifts, Grants  
and Other Similar Amounts**

a	Regulated campaigns . . . . .	1a	
b	Membership dues . . . . .	1b	
c	Fundraising events . . . . .	1c	
d	Related organizations . . . . .	1d	
e	Government grants (contributions) . . . . .	1e	
f	All other contributions, gifts, grants, and similar amounts not included above . . . . .	1f	6,415,435

g Noncash contributions included  
in lines 1a-1f \$ \_\_\_\_\_

**h Total.** Add lines 1a-1f . . . . . **6,415,435**

**Program Service Revenue**

	Business Code				
2a					
b					
c					
d					
e					
f					

f All other program service revenue

**g Total.** Add lines 2a-2f . . . . .

**Other Revenue**

<b>3</b>	Investment income (including dividends, interest, and other similar amounts) . . . . .		20,706			20,706
<b>4</b>	Income from investment of tax-exempt bond proceeds . . . . .					
<b>5</b>	Royalties . . . . .					
<b>6a</b>	Gross rents	(i) Real	(ii) Personal			
<b>b</b>	Less rental expenses					
<b>c</b>	Rental income or (loss)					
<b>d</b>	Net rental income or (loss) . . . . .					
<b>7a</b>	Gross amount from sales of assets other than inventory	(i) Securities	(ii) Other			
<b>b</b>	Less cost or other basis and sales expenses					
<b>c</b>	Gain or (loss)					
<b>d</b>	Net gain or (loss) . . . . .					
<b>8a</b>	Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c) See Part IV, line 18 . . . . .	a				
<b>b</b>	Less direct expenses . . . . .	b				
<b>c</b>	Net income or (loss) from fundraising events . . . . .					
<b>9a</b>	Gross income from gaming activities See Part IV, line 19 . . . . .	a				
<b>b</b>	Less direct expenses . . . . .	b				
<b>c</b>	Net income or (loss) from gaming activities . . . . .					
<b>10a</b>	Gross sales of inventory, less returns and allowances . . . . .	a				
<b>b</b>	Less cost of goods sold . . . . .	b				
<b>c</b>	Net income or (loss) from sales of inventory . . . . .					
	Miscellaneous Revenue	Business Code				
<b>11a</b>						
<b>b</b>						
<b>c</b>						

**Part X Balance Sheet**Check if Schedule O contains a response or note to any line in this Part IX ☐

		(A) Beginning of year		(B) End of year
<b>Assets</b>	1 Cash—non-interest-bearing . . . . .	2,095,553	1	2,009,248
	2 Savings and temporary cash investments . . . . .	4,383,737	2	6,503,374
	3 Pledges and grants receivable, net . . . . .	4,404,629	3	5,293,199
	4 Accounts receivable, net . . . . .		4	
	5 Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L . . . . .		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions). Complete Part II of Schedule L . . . . .		6	
	7 Notes and loans receivable, net . . . . .		7	
	8 Inventories for sale or use . . . . .		8	
	9 Prepaid expenses and deferred charges . . . . .	44,274	9	16,743
	10a Land, buildings, and equipment—cost or other basis. Complete Part VI of Schedule D . . . . .	4,510	10a	
	b Less accumulated depreciation . . . . .	182	10b	
	11 Investments—publicly traded securities . . . . .		11	
	12 Investments—other securities. See Part IV, line 11 . . . . .		12	
	13 Investments—program-related. See Part IV, line 11 . . . . .		13	
	14 Intangible assets . . . . .		14	
	15 Other assets. See Part IV, line 11 . . . . .		15	
16 <b>Total assets.</b> Add lines 1 through 15 (must equal line 34) . . . . .	10,928,193	16	13,826,892	
<b>Liabilities</b>	17 Accounts payable and accrued expenses . . . . .	0	17	4,711
	18 Grants payable . . . . .		18	
	19 Deferred revenue . . . . .		19	
	20 Tax-exempt bond liabilities . . . . .		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D . . . . .		21	
	22 Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L . . . . .		22	
	23 Secured mortgages and notes payable to unrelated third parties . . . . .		23	
	24 Unsecured notes and loans payable to unrelated third parties . . . . .		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24). Complete Part X of Schedule D . . . . .		25	
	26 <b>Total liabilities.</b> Add lines 17 through 25 . . . . .	0	26	4,711
<b>Net Assets or Fund Balances</b>	<b>Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.</b>			
	27 Unrestricted net assets . . . . .	2,044,693	27	2,020,111
	28 Temporarily restricted net assets . . . . .	8,883,500	28	11,802,070
	29 Permanently restricted net assets . . . . .		29	
	<b>Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.</b>			
	30 Capital stock or trust principal, or current funds . . . . .		30	
	31 Paid-in or capital surplus, or land, building or equipment fund . . . . .		31	
	32 Retained earnings, endowment, accumulated income, or other funds . . . . .	10,928,193	32	13,822,181
	33 <b>Total net assets or fund balances</b> . . . . .	10,928,193	33	13,826,892
	34 <b>Total liabilities and net assets/fund balances</b> . . . . .	10,928,193	34	13,826,892

### Additional Data

Software ID:  
Software Version:  
EIN: 54-2103707  
Name: EAST BAY COLLEGE FUND

Form 990 (2017)

**Form 990, Part III, Line 4a:**

EAST BAY COLLEGE FUND ("EBCF") PROVIDES COLLEGE ACCESS SERVICES AT PUBLIC HIGH SCHOOLS IN OAKLAND. THIS INCLUDES COLLEGE ADVISING, FAFSA COMPLETION, AND CREATING A COLLEGE-GOING CULTURE. EBCF ALSO PROVIDES MULTI-YEAR SCHOLARSHIPS FOR LOW-INCOME STUDENTS TO ATTEND COLLEGE, AND WRAP-AROUND SUPPORT SERVICES, INCLUDING ONE ON ONE MENTORING, COUNSELING, PEER-GROUPS SUPPORT ON CAMPUS, FINANCIAL LITERACY, AND LIFE-SKILLS RETREATS THROUGHOUT THE COLLEGE JOURNEY.

**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv), 170(b)(1)(A)(vi), and 170****(b)(1)(A)(ix)**

(Complete only if you checked the box on line 5, 7, 8, or 9 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received (Do not include any "unusual grant.")	1,336,938	1,894,207	3,488,693	3,917,957	2,104,490	12,742,285
<b>2</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
<b>3</b> The value of services or facilities furnished by a governmental unit to the organization without charge						
<b>4</b> <b>Total.</b> Add lines 1 through 3	1,336,938	1,894,207	3,488,693	3,917,957	2,104,490	12,742,285
<b>5</b> The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						2,239,194
<b>6</b> <b>Public support.</b> Subtract line 5 from line 4						10,503,091

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
<b>7</b> Amounts from line 4	1,336,938	1,894,207	3,488,693	3,917,957	2,104,490	12,742,285
<b>8</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	2,225	606	3,239	10,992	20,706	37,768
<b>9</b> Net income from unrelated business activities, whether or not the business is regularly carried on						
<b>10</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
<b>11</b> <b>Total support.</b> Add lines 7 through 10						12,780,053
<b>12</b> Gross receipts from related activities, etc. (see instructions)					12	
<b>13</b> <b>First five years.</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here. ▶ <input type="checkbox"/>						

**Section C. Computation of Public Support Percentage**

<b>14</b> Public support percentage for 2017 (line 6, column (f) divided by line 11, column (f))	<b>14</b>	82.180 %
<b>15</b> Public support percentage for 2016 Schedule A, Part II, line 14	<b>15</b>	83.940 %
<b>16a</b> <b>33 1/3% support test—2017.</b> If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization. ▶ <input checked="" type="checkbox"/>		
<b>b</b> <b>33 1/3% support test—2016.</b> If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
<b>17a</b> <b>10%-facts-and-circumstances test—2017.</b> If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
<b>b</b> <b>10%-facts-and-circumstances test—2016.</b> If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
<b>18</b> <b>Private foundation.</b> If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions. ▶ <input type="checkbox"/>		

**Part IV Supporting Organizations**

(Complete only if you checked a box on line 12 of Part I. If you checked 12a of Part I, complete Sections A and B. If you checked 12b of Part I, complete Sections A and C. If you checked 12c of Part I, complete Sections A, D, and E. If you checked 12d of Part I, complete Sections A and D, and complete Part V.)

**Section A. All Supporting Organizations**

	Yes	No
<b>1</b> Are all of the organization's supported organizations listed by name in the organization's governing documents? If "No," describe in <b>Part VI</b> how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.		
<b>2</b> Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? If "Yes," explain in <b>Part VI</b> how the organization determined that the supported organization was described in section 509(a)(1) or (2).		
<b>3a</b> Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? If "Yes," answer (b) and (c) below.		
<b>b</b> Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? If "Yes," describe in <b>Part VI</b> when and how the organization made the determination.		
<b>c</b> Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? If "Yes," explain in <b>Part VI</b> what controls the organization put in place to ensure such use.		
<b>4a</b> Was any supported organization not organized in the United States ("foreign supported organization")? If "Yes" and if you checked 12a or 12b in Part I, answer (b) and (c) below.		
<b>b</b> Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? If "Yes," describe in <b>Part VI</b> how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.		
<b>c</b> Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? If "Yes," explain in <b>Part VI</b> what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes.		
<b>5a</b> Did the organization add, substitute, or remove any supported organizations during the tax year? If "Yes," answer (b) and (c) below (if applicable). Also, provide detail in <b>Part VI</b> , including (i) the names and EIN numbers of the supported organizations added, substituted, or removed, (ii) the reasons for each such action, (iii) the authority under the organization's organizing document authorizing such action, and (iv) how the action was accomplished (such as by amendment to the organizing document).		
<b>b</b> <b>Type I or Type II only.</b> Was any added or substituted supported organization part of a class already designated in the organization's organizing document?		
<b>c</b> <b>Substitutions only.</b> Was the substitution the result of an event beyond the organization's control?		
<b>6</b> Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? If "Yes," provide detail in <b>Part VI</b> .		
<b>7</b> Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ).		
<b>8</b> Did the organization make a loan to a disqualified person (as defined in section 4958) not described in line 7? If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ).		
<b>9a</b> Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? If "Yes," provide detail in <b>Part VI</b> .		
<b>b</b> Did one or more disqualified persons (as defined in line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? If "Yes," provide detail in <b>Part VI</b> .		
<b>c</b> Did a disqualified person (as defined in line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? If "Yes," provide detail in <b>Part VI</b> .		
<b>10a</b> Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? If "Yes," answer line 10b below.		
<b>b</b> Did the organization have any excess business holdings in the tax year? (Use Schedule C, Form 4720, to determine whether the organization had excess business holdings.)		



**Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations**

- 1 ☐ Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov. 20, 1970 (explain in Part VI). See instructions. All other Type III non-functionally integrated supporting organizations must complete Sections A through E.

**Section A - Adjusted Net Income**

	(A) Prior Year	(B) Current Year (optional)
1 Net short-term capital gain	1	
2 Recoveries of prior-year distributions	2	
3 Other gross income (see instructions)	3	
4 Add lines 1 through 3	4	
5 Depreciation and depletion	5	
6 Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	6	
7 Other expenses (see instructions)	7	
8 Adjusted Net Income (subtract lines 5, 6 and 7 from line 4)	8	

**Section B - Minimum Asset Amount**

	(A) Prior Year	(B) Current Year (optional)
1 Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year)	1	
a Average monthly value of securities	1a	
b Average monthly cash balances	1b	
c Fair market value of other non-exempt-use assets	1c	
d Total (add lines 1a, 1b, and 1c)	1d	
e Discount claimed for blockage or other factors (explain in detail in Part VI)		
2 Acquisition indebtedness applicable to non-exempt use assets	2	
3 Subtract line 2 from line 1d	3	
4 Cash deemed held for exempt use. Enter 1-1/2% of line 3 (for greater amount, see instructions)	4	
5 Net value of non-exempt-use assets (subtract line 4 from line 3)	5	
6 Multiply line 5 by .035	6	
7 Recoveries of prior-year distributions	7	
8 Minimum Asset Amount (add line 7 to line 6)	8	

**Section C - Distributable Amount**

	Current Year
1 Adjusted net income for prior year (from Section A, line 8, Column A)	1
2 Enter 85% of line 1	2
3 Minimum asset amount for prior year (from Section B, line 8, Column A)	3
4 Enter greater of line 2 or line 3	4
5 Income tax imposed in prior year	5
6 Distributable Amount. Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions)	6

- 7 ☐ Check here if the current year is the organization's first as a non-functionally-integrated Type III supporting organization (see instructions).

**Additional Data**

**Software ID:**

**Software Version:**

**EIN:** 54-2103707

**Name:** EAST BAY COLLEGE FUND

Schedule A (Form 990 or 990-EZ) 2017

Page 8

**Part VI** **Supplemental Information.** Provide the explanations required by Part II, line 10, Part II, line 17a or 17b, Part III, line 12, Part IV, Section A, lines 1, 2, 3b, 3c, 4b, 4c, 5a, 6, 9a, 9b, 9c, 11a, 11b, and 11c, Part IV, Section B, lines 1 and 2, Part IV, Section C, line 1, Part IV, Section D, lines 2 and 3, Part IV, Section E, lines 1c, 2a, 2b, 3a and 3b, Part V, line 1, Part V, Section B, line 1e, Part V, Section D, lines 5, 6, and 8, and Part V, Section E, lines 2, 5, and 6. Also complete this part for any additional information (See instructions)

Facts And Circumstances Test

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** (continued)

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply)

a ☐ Public exhibition

d ☐ Loan or exchange programs

b ☐ Scholarly research

e ☐ Other

c ☐ Preservation for future generations

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII

5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? ☐ Yes ☐ No

**Part IV Escrow and Custodial Arrangements.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII and complete the following table

c Beginning balance

d Additions during the year

e Distributions during the year

f Ending balance

	Amount
1c	
1d	
1e	
1f	

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII ☐

**Part V Endowment Funds.** Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance . . . . .					
b Contributions . . . . .					
c Net investment earnings, gains, and losses					
d Grants or scholarships . . . . .					
e Other expenditures for facilities and programs . . . . .					
f Administrative expenses . . . . .					
g End of year balance . . . . .					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as

a Board designated or quasi-endowment ▶

b Permanent endowment ▶

c Temporarily restricted endowment ▶

The percentages on lines 2a, 2b, and 2c should equal 100%

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by

(i) unrelated organizations . . . . .

(ii) related organizations . . . . .

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R? . . . . .

	Yes	No
3a(i)		
3a(ii)		
3b		

4 Describe in Part XIII the intended uses of the organization's endowment funds

**Part VI Land, Buildings, and Equipment.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land . . . . .				
b Buildings . . . . .				
c Leasehold improvements				
d Equipment . . . . .		4,510	182	4,328
e Other . . . . .				4,328

Total. Add lines 1a through 1e (Column (d) must equal Form 990, Part X, column (B), line 10(c)) . . . ▶

**Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return**

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

<b>1</b>	Total revenue, gains, and other support per audited financial statements	<b>1</b>	6,436,141
<b>2</b>	Amounts included on line 1 but not on Form 990, Part VIII, line 12		
<b>a</b>	Net unrealized gains (losses) on investments	<b>2a</b>	
<b>b</b>	Donated services and use of facilities	<b>2b</b>	
<b>c</b>	Recoveries of prior year grants	<b>2c</b>	
<b>d</b>	Other (Describe in Part XIII)	<b>2d</b>	
<b>e</b>	Add lines 2a through 2d	<b>2e</b>	0
<b>3</b>	Subtract line 2e from line 1	<b>3</b>	6,436,141
<b>4</b>	Amounts included on Form 990, Part VIII, line 12, but not on line 1		
<b>a</b>	Investment expenses not included on Form 990, Part VIII, line 7b	<b>4a</b>	
<b>b</b>	Other (Describe in Part XIII)	<b>4b</b>	
<b>c</b>	Add lines 4a and 4b	<b>4c</b>	0
<b>5</b>	Total revenue Add lines 3 and 4c. (This must equal Form 990, Part I, line 12)	<b>5</b>	6,436,141

**Part XIII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.**

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

<b>1</b>	Total expenses and losses per audited financial statements	<b>1</b>	3,542,153
<b>2</b>	Amounts included on line 1 but not on Form 990, Part IX, line 25		
<b>a</b>	Donated services and use of facilities	<b>2a</b>	
<b>b</b>	Prior year adjustments	<b>2b</b>	
<b>c</b>	Other losses	<b>2c</b>	
<b>d</b>	Other (Describe in Part XIII)	<b>2d</b>	
<b>e</b>	Add lines 2a through 2d	<b>2e</b>	0
<b>3</b>	Subtract line 2e from line 1	<b>3</b>	3,542,153
<b>4</b>	Amounts included on Form 990, Part IX, line 25, but not on line 1:		
<b>a</b>	Investment expenses not included on Form 990, Part VIII, line 7b	<b>4a</b>	
<b>b</b>	Other (Describe in Part XIII)	<b>4b</b>	
<b>c</b>	Add lines 4a and 4b	<b>4c</b>	0
<b>5</b>	Total expenses Add lines 3 and 4c. (This must equal Form 990, Part I, line 18)	<b>5</b>	3,542,153

**Part XIII Supplemental Information**

Provide the descriptions required for Part II, lines 3, 5, and 9, Part III, lines 1a and 4, Part IV, lines 1b and 2b, Part V, line 4, Part X, line 2, Part XI, lines 2d and 4b, and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
See Additional Data Table	

**Additional Data**

**Software ID:**

**Software Version:**

**EIN:** 54-2103707

**Name:** EAST BAY COLLEGE FUND

**Supplemental Information**

Return Reference	Explanation
PART X, LINE 2	THE PREPARATION OF FINANCIAL STATEMENTS IN ACCORDANCE WITH ACCOUNTING PRINCIPLES GENERALLY ACCEPTED IN THE UNITED STATES OF AMERICA REQUIRES THE ORGANIZATION TO REPORT INFORMATION REGARDING ITS EXPOSURE TO VARIOUS TAX POSITIONS TAKEN BY THE ORGANIZATION THE ORGANIZATION HAS DETERMINED WHETHER ANY TAX POSITIONS HAVE MET THE RECOGNITION THRESHOLD AND HAVE MEASURED THE ORGANIZATION'S EXPOSURE TO THOSE TAX POSITIONS MANAGEMENT BELIEVES THAT THE ORGANIZATION HAS ADEQUATELY ADDRESSED ALL RELEVANT TAX POSITIONS AND THAT THERE ARE NO UNRECORDED TAX LIABILITIES FEDERAL AND STATE TAX AUTHORITIES GENERALLY HAVE THE RIGHT TO EXAMINE AND AUDIT THE PREVIOUS THREE YEARS OF TAX RETURNS FILED ANY INTEREST OR PENALTIES ASSESSED TO THE ORGANIZATION ARE RECORDED IN OPERATING EXPENSES NO INTEREST OR PENALTIES FROM FEDERAL OR STATE TAX AUTHORITIES WERE RECORDED IN THE ACCOMPANYING FINANCIAL STATEMENTS

**Part III** Grants and Other Assistance to Domestic Individuals. Complete if the organization answered "Yes" on Form 990, Part IV, line 22.  
Part III can be duplicated if additional space is needed

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of noncash assistance	(e) Method of valuation (book, FMV, appraisal, other)	(f) Description of noncash assistance
(1) SCHOLARSHIPS FOR STUDENTS	1058	1,541,723		CASH	
(2)					
(3)					
(4)					
(5)					
(6)					
(7)					

**Part IV** Supplemental Information. Provide the information required in Part I, line 2; Part III, column (b); and any other additional information.

Return Reference	Explanation
------------------	-------------



efile GRAPHIC print - DO NOT PROCESS    As Filed Data -		DLN: 93493319098358
<b>SCHEDULE O</b> (Form 990 or 990-EZ)		OMB No 1545-0047 <b>2017</b> Open to Public Inspection
<b>Supplemental Information to Form 990 or 990-EZ</b> Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information. ▶ Attach to Form 990 or 990-EZ. ▶ Information about Schedule O (Form 990 or 990-EZ) and its instructions is at <a href="http://www.irs.gov/form990">www.irs.gov/form990</a> .		
Department of the Treasury Name of the organization EAST BAY COLLEGE FUND	Employer identification number 54-2103707	

**990 Schedule O, Supplemental Information**

Return Reference	Explanation
FORM 990, PART VI, SECTION A, LINE 2	BARB FREMDER AND JULIE PALLEY ARE THE SECRETARY AND CO-VICE PRESIDENT, RESPECTIVELY, OF THE ORGANIZATION BARB FREMDER IS THE WIFE OF ANDY FREMDER, ONE OF THE ORGANIZATION'S FOUNDERS AND A MEMBER OF THE BOARD OF DIRECTORS JULIE PALLEY IS ANDY FREMDER'S SISTER THE ORGANIZATION MUST REPORT THAT BARB FREMDER, JULIE PALLEY AND ANDY FREMDER HAVE A FAMILY RELATIONSHIP



990 Schedule O, Supplemental Information

Return Reference	Explanation
FORM 990, PART VI, SECTION B, LINE 15A	THE BOARD OF DIRECTORS REVIEW AND APPROVE EXECUTIVE COMPENSATION

**990 Schedule O, Supplemental Information**

Return Reference	Explanation
FORM 990, PART XII, LINE 2C	PROCESS IS UNCHANGED FROM PRIOR YEAR

990

Form 990

Department of the Treasury  
Internal Revenue Service

## Return of Organization Exempt From Income Tax

OMB No 1545-0047

2017

Open to Public Inspection

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public.  
Information about Form 990 and its instructions is at [www.irs.gov/form990](http://www.irs.gov/form990)

A For the 2017 calendar year, or tax year beginning 01-01-2017, and ending 12-31-2017

- B Check if applicable:
- ☒ Address change
  - ☐ Name change
  - ☐ Initial return
  - ☐ Final return/terminated
  - ☒ Amended return
  - ☐ Application pending

C Name of organization  
EAST BAY COLLEGE FUND

D Employer ID

54-2103707

Doing business as

E Telephone number

(510) 836-8900

Number and street (or P.O. box if mail is not delivered to street address) Room/suite  
300 FRANK H OGAWA PLAZA SUITE 430City or town, state or province, country, and ZIP or foreign postal code  
OAKLAND, CA 94612

G Gross receipts \$ 6,266,085

F Name and address of principal officer  
MIALISA BONTA  
300 FRANK H OGAWA PLAZA SUITE 430  
OAKLAND, CA 94612H(a) Is this a group return for subordinates? ☐ Yes ☒ NoH(b) Are all subordinates included? ☐ Yes ☐ No

If "No," attach a list (see instructions)

H(c) Group exemption number

I Tax-exempt status ☒ 501(c)(3) ☐ 501(c) ( ) (insert no ) ☐ 4947(a)(1) or ☐ 527

J Website: WWW.EASTBAYCOLLEGEFUND.ORG

K Form of organization ☐ Corporation ☐ Trust ☒ Association ☐ Other

L Year of formation 2002

M State of legal domicile CA

## Part I Summary

Activities &amp; Governance

1 Briefly describe the organization's mission or most significant activities  
EDUCATIONAL FINANCIAL ASSISTANCE2 Check this box ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets

3 Number of voting members of the governing body (Part VI, line 1a)	3	16
4 Number of independent voting members of the governing body (Part VI, line 1b)	4	16
5 Total number of individuals employed in calendar year 2017 (Part V, line 2a)	5	19
6 Total number of volunteers (estimate if necessary)	6	293
7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0
7b Net unrelated business taxable income from Form 990-T, line 34	7b	0

Revenue

Expenses

Net Assets or Fund Balances

	Prior Year	Current Year
8 Contributions and grants (Part VIII, line 1h)	8,777,425	6,245,379
9 Program service revenue (Part VIII, line 2g)	0	0
10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	10,992	20,706
11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	0	0
12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	8,788,417	6,266,085
13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)	1,139,790	1,440,315
14 Benefits paid to or for members (Part IX, column (A), line 4)	0	0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	699,969	1,153,060
16a Professional fundraising fees (Part IX, column (A), line 11e)	0	0
b Total fundraising expenses (Part IX, column (D), line 25) 29,143		
17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	506,550	919,498
18 Total expenses Add lines 13-17 (must equal Part IX, column (A), line 25)	2,346,309	3,512,873
19 Revenue less expenses Subtract line 18 from line 12	6,442,108	2,753,212
	Beginning of Current Year	End of Year
20 Total assets (Part X, line 16)	10,928,193	13,685,501
21 Total liabilities (Part X, line 26)	0	4,096
22 Net assets or fund balances Subtract line 21 from line 20	10,928,193	13,681,405

## Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here

Signature of officer

2019-10-08

Date

MIALISA BONTA CEO

Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name  
KEVIN WILSONPreparer's signature  
KEVIN WILSON

Date

Check ☐ if self-employed PTIN  
P01313212

Firm's name NOVAGRADAC &amp; COMPANY LLP

Firm's EIN 94-3108253

Firm's address 2033 NORTH MAIN STREET SUITE 400

Phone no (925) 949-4252

WALNUT CREEK, CA 94596

May the IRS discuss this return with the preparer shown above? (see instructions)

☒ Yes ☐ No

For Paperwork Reduction Act Notice, see the separate instructions.

Cat No 11282Y

Form 990 (2017)

**Part IV Checklist of Required Schedules**

	Yes	No
<b>1</b> Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If "Yes," complete Schedule A	Yes	
<b>2</b> Is the organization required to complete Schedule B, Schedule of Contributors (see instructions)?	Yes	
<b>3</b> Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I		No
<b>4 Section 501(c)(3) organizations.</b> Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II		No
<b>5</b> Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? If "Yes," complete Schedule C, Part III		No
<b>6</b> Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I		No
<b>7</b> Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? If "Yes," complete Schedule D, Part II		No
<b>8</b> Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III		No
<b>9</b> Did the organization report an amount in Part X, line 21 for escrow or custodial account liability, serve as a custodian for amounts not listed in Part X, or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV		No
<b>10</b> Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? If "Yes," complete Schedule D, Part V		No
<b>11</b> If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable		
<b>a</b> Did the organization report an amount for land, buildings, and equipment in Part X, line 10? If "Yes," complete Schedule D, Part VI	Yes	
<b>b</b> Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VII		No
<b>c</b> Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VIII		No
<b>d</b> Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part IX		No
<b>e</b> Did the organization report an amount for other liabilities in Part X, line 25? If "Yes," complete Schedule D, Part X		No
<b>f</b> Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If "Yes," complete Schedule D, Part X	Yes	
<b>12a</b> Did the organization obtain separate, independent audited financial statements for the tax year? If "Yes," complete Schedule D, Parts XI and XII	Yes	
<b>b</b> Was the organization included in consolidated, independent audited financial statements for the tax year? If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional		No
<b>13</b> Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E		No
<b>14a</b> Did the organization maintain an office, employees, or agents outside of the United States?		No
<b>b</b> Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? If "Yes," complete Schedule F, Parts I and IV		No
<b>15</b> Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? If "Yes," complete Schedule F, Parts II and IV		No
<b>16</b> Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? If "Yes," complete Schedule F, Parts III and IV		No
<b>17</b> Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If "Yes," complete Schedule G, Part I (see instructions)		No
<b>18</b> Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II		No
<b>19</b> Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If "Yes," complete Schedule G, Part III		No

**Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**Check if Schedule O contains a response or note to any line in this Part VII ☐**Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees****1a** Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.

- List all of the organization's **current** key employees, if any. See instructions for definition of "key employee."

- List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.

- List all of the organization's **former** officers, key employees, or highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.

- List all of the organization's **former** directors or trustees that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
(1) SUSAN STUTZMAN PRESIDENT	10.00	X		X				0	0	0
(2) BARB FREMDER DIRECTOR	10.00	X						0	0	0
(3) ROBERT STARK DIRECTOR	1.00	X						0	0	0
(4) TOM GOLD DIRECTOR	1.00	X						0	0	0
(5) JULIE PALLEY CO-VICE PRESIDENT	10.00	X		X				0	0	0
(6) LESLIE KAWAMOTO HSU DIRECTOR	1.00	X						0	0	0
(7) GAVIN KWONG TREASURER	1.00	X		X				0	0	0
(8) SUSAN SUGARMAN DIRECTOR	1.00	X						0	0	0
(9) ANDREA WALKER DIRECTOR	1.00	X						0	0	0
(10) JIM SAAVEDRA DIRECTOR	1.00	X						0	0	0
(11) SAMUEL R MILLER DIRECTOR	1.00	X						0	0	0
(12) ANDY FREMDER DIRECTOR	1.00	X						0	0	0
(13) SUSIE PONCELET SECRETARY	1.00	X		X				0	0	0
(14) SETH HAMALIAN CO-VICE PRESIDENT	1.00	X		X				0	0	0
(15) RICHARD J GILBERT DIRECTOR	1.00	X						0	0	0
(16) DIANE DODGE EXECUTIVE DIRECTOR	40.00			X				152,083	0	23,000

990 (2017)

**X Balance Sheet**

Check if Schedule O contains a response or note to any line in this Part IX

	(A) Beginning of year		(B) End of year
1 Cash-non-interest-bearing . . . . .	2,095,553	1	2,011,760
2 Savings and temporary cash investments . . . . .	4,383,737	2	6,503,374
3 Pledges and grants receivable, net . . . . .	4,404,629	3	5,077,546
4 Accounts receivable, net . . . . .		4	
5 Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees Complete Part II of Schedule L . . . . .		5	
6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions) Complete Part II of Schedule L . . . . .		6	
7 Notes and loans receivable, net . . . . .		7	
8 Inventories for sale or use . . . . .		8	
9 Prepaid expenses and deferred charges . . . . .	44,274	9	16,243
10a Land, buildings, and equipment cost or other basis Complete Part VI of Schedule D	10a 4,510		
b Less accumulated depreciation	10b 182	0 10c	4,328
11 Investments—publicly traded securities . . . . .		11	
12 Investments—other securities See Part IV, line 11 . . . . .		12	
13 Investments—program-related See Part IV, line 11 . . . . .		13	
14 Intangible assets . . . . .	0	14	72,250
15 Other assets See Part IV, line 11 . . . . .		15	
16 Total assets. Add lines 1 through 15 (must equal line 34) . . . . .	10,928,193	16	13,685,501
17 Accounts payable and accrued expenses . . . . .	0	17	4,096
18 Grants payable . . . . .		18	
19 Deferred revenue . . . . .		19	
20 Tax-exempt bond liabilities . . . . .		20	
21 Escrow or custodial account liability Complete Part IV of Schedule D		21	
22 Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons Complete Part II of Schedule L . . . . .		22	
23 Secured mortgages and notes payable to unrelated third parties . . . . .		23	
24 Unsecured notes and loans payable to unrelated third parties . . . . .		24	
25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24) Complete Part X of Schedule D		25	
26 Total liabilities. Add lines 17 through 25 . . . . .	0	26	4,096
Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.			
27 Unrestricted net assets	2,044,693	27	2,323,427
28 Temporarily restricted net assets . . . . .	8,883,500	28	11,357,978
29 Permanently restricted net assets		29	
Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.			
30 Capital stock or trust principal, or current funds . . . . .		30	
31 Paid-in or capital surplus, or land, building or equipment fund . . . . .		31	
32 Retained earnings, endowment, accumulated income, or other funds		32	
33 Total net assets or fund balances . . . . .	10,928,193	33	13,681,405
34 Total liabilities and net assets/fund balances . . . . .	10,928,193	34	13,685,501

**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv), 170(b)(1)(A)(vi), and 170(b)(1)(A)(ix)**

(Complete only if you checked the box on line 5, 7, 8, or 9 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
1 Gifts, grants, contributions, and membership fees received (Do not include any "unusual grant.")	1,336,938	1,894,207	3,488,693	3,917,957	2,261,790	12,899,585
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge						
4 <b>Total.</b> Add lines 1 through 3	1,336,938	1,894,207	3,488,693	3,917,957	2,261,790	12,899,585
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						2,210,880
6 <b>Public support.</b> Subtract line 5 from line 4						10,688,705

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
7 Amounts from line 4	1,336,938	1,894,207	3,488,693	3,917,957	2,261,790	12,899,585
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	2,225	606	3,239	10,992	20,706	37,768
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
10 <b>Total support.</b> Add lines 7 through 9						12,937,353
12 Gross receipts from related activities, etc. (see instructions)					12	

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** ▶ ☐

**Section C. Computation of Public Support Percentage**

14 Public support percentage for 2017 (line 6, column (f) divided by line 11, column (f))	14	82.620 %
Public support percentage for 2016 Schedule A, Part II, line 14	15	83.940 %
33 1/3% support test—2017. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization ▶ <input checked="" type="checkbox"/>		
33 1/3% support test—2016. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization ▶ <input type="checkbox"/>		
7a <b>10%-facts-and-circumstances test—2017.</b> If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and <b>stop here.</b> Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ▶ <input type="checkbox"/>		
b <b>10%-facts-and-circumstances test—2016.</b> If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and <b>stop here.</b> Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ▶ <input type="checkbox"/>		
8 <b>Private foundation.</b> If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions ▶ <input type="checkbox"/>		

**Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations**

1 ☐ Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov 20, 1970 (explain in Part VI) See instructions. All other Type III non-functionally integrated supporting organizations must complete Sections A through E

**Section A - Adjusted Net Income**

	(A) Prior Year	(B) Current Year (optional)
1 Net short-term capital gain	1	
2 Recoveries of prior-year distributions	2	
3 Other gross income (see instructions)	3	
4 Add lines 1 through 3	4	
5 Depreciation and depletion	5	
6 Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	6	
7 Other expenses (see instructions)	7	
8 Adjusted Net Income (subtract lines 5, 6 and 7 from line 4)	8	

**Section B - Minimum Asset Amount**

	(A) Prior Year	(B) Current Year (optional)
1 Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year)	1	
a Average monthly value of securities	1a	
b Average monthly cash balances	1b	
c Fair market value of other non-exempt-use assets	1c	
d Total (add lines 1a, 1b, and 1c)	1d	
e Discount claimed for blockage or other factors (explain in detail in Part VI)		
2 Acquisition indebtedness applicable to non-exempt use assets	2	
3 Subtract line 2 from line 1d	3	
4 Cash deemed held for exempt use Enter 1-1/2% of line 3 (for greater amount, see instructions)	4	
5 Net value of non-exempt-use assets (subtract line 4 from line 3)	5	
6 Multiply line 5 by .035	6	
7 Recoveries of prior-year distributions	7	
8 Minimum Asset Amount (add line 7 to line 6)	8	

**Section C - Distributable Amount**

	Current Year
1 Adjusted net income for prior year (from Section A, line 8, Column A)	1
2 Enter 85% of line 1	2
3 Minimum asset amount for prior year (from Section B, line 8, Column A)	3
4 Enter greater of line 2 or line 3	4
5 Income tax imposed in prior year	5
6 Distributable Amount. Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions)	6

7 ☐ Check here if the current year is the organization's first as a non-functionally-integrated Type III supporting organization (see instructions)



**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** (continued)

Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply)

- a ☐ Public exhibition
- b ☐ Scholarly research
- c ☐ Preservation for future generations
- d ☐ Loan or exchange programs
- e ☐ Other

Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII

- 5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? ☐ Yes ☐ No

**Part IV Escrow and Custodial Arrangements.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☐ No

If "Yes," explain the arrangement in Part XIII and complete the following table

Beginning balance

- d Additions during the year

Distributions during the year

Ending balance

	Amount
1c	
1d	
1e	
1f	

- 2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? ☐ Yes ☐ No

If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII ☐

**Part V Endowment Funds.** Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
Beginning of year balance . . . . .					
Contributions . . . . .					
c Net investment earnings, gains, and losses					
Grants or scholarships . . . . .					
Other expenditures for facilities and programs . . . . .					
Administrative expenses . . . . .					
End of year balance . . . . .					

- 2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as

Board designated or quasi-endowment ▶

Permanent endowment ▶

- c Temporarily restricted endowment ▶

The percentages on lines 2a, 2b, and 2c should equal 100%

Are there endowment funds not in the possession of the organization that are held and administered for the organization by

(i) unrelated organizations . . . . .

(ii) related organizations . . . . .

If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R? . . . . .

	Yes	No
3a(i)		
3a(ii)		
3b		

- 1 Describe in Part XIII the intended uses of the organization's endowment funds

**Part VI Land, Buildings, and Equipment.**

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
Land . . . . .				
b Buildings . . . . .				
Leasehold improvements				
Equipment . . . . .		4,510	182	4,328
e Other . . . . .				
f. Add lines 1a through 1e (Column (d) must equal Form 990, Part X, column (B), line 10(c)) . . . ▶				4,328

## Grants and Other Assistance to Organizations, Governments and Individuals in the United States

**Complete if the organization answered "Yes," on Form 990, Part IV, line 21 or 22.**  
**► Attach to Form 990.**

► Information about Schedule I (Form 990) and its instructions is at [www.irs.gov/form990](http://www.irs.gov/form990).

**national Revenue Service**  
**e of the organization**  
**T BAY COLLEGE FU**

**Employer identification number**

54-2103707

Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance? . . . . .

**Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States**

(a) Name and address of organization or government	(b) EIN	(c) IRC section (if applicable)	(d) Amount of cash grant	(e) Amount of non-cash assistance	(f) Method of valuation (book, FMV, appraisal, other)	(g) Description of noncash assistance	(h) Purpose of grant or assistance
)							
)							
)							

Enter total number of section 501(c)(3) and government organizations listed in the line 1 table.

Enter total number of other organizations listed in the line 1 table:

