

1 GENE HAZZARD, *In Pro Per*  
2 282 Adams Street, #6  
3 Oakland, CA 94610-4147  
4 (510) 418-0501  
5 Email: genehazzard@gmail.com  
6 Plaintiff, *In Pro Per*

**ORIGINAL FILED**

**OCT 31 2022**

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA  
OAKLAND OFFICE

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 GENE HAZZARD,  
12 Plaintiff,  
13  
14 v.

Case No.: 4:22-cv-02921-JSW

**FIRST AMENDED COMPLAINT**

15 MAYOR LIBBY SCHAAF; CITY OF  
16 OAKLAND, a municipal corporation;  
17 MIALISA BONTA, former CEO of Oakland  
18 Promise; DAVID SILVER, Educational  
19 Director in Mayor Schaaf's Office;  
20 BARBARA PARKER, City Attorney;  
21 COURTNEY RUBY, City Auditor; ED  
22 REISKIN, City Administrator; ANDY  
23 FREMDER, co-founder of East Bay College  
24 Fund; ROB BONTA, former 18<sup>th</sup> Assembly  
25 District Representative; SABRINA  
26 LANDRETH, former City Administrator, and  
27 DOES 1-100, inclusive.

28 Defendants.

Action Filed: May 17, 2022  
Trial Date: N/A

Hon. Jeffrey S. White

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## I. INTRODUCTION

1. On October 4, 2022, the Honorable Judge Jeffrey S. White granted Defendants the City of Oakland's ("City"), Mayor Libby Schaaf's ("Schaaf"), David Silver's, Barbara J. Parker's, Courtney Ruby's, and Ed Reiskin's (Collectively, "City Defendants") Motion to Dismiss with leave to Amend.

## II. BACKGROUND

2. Plaintiff Gene Hazzard ("Plaintiff") brings forth this amended matter to include pertinent issues that were not referenced in Plaintiff's Original Complaint filed on May 17, 2022 ("Complaint"). These issues have a significant bearing on Plaintiff's case and support why Plaintiff is entitled to relief.

3. First, there is the issue of the legal ownership of the name "Oakland Promise."

4. Second, there is the issue of the California Constitution, Article XI, Section 5, and the Constitution's definition of what constitutes a "municipal affair" related to Defendant members of the Oakland City Council and their jurisdictional authority to amend the City Charter pursuant to Resolution 87485 on December 14, 2018, codifying the Oakland Promise Fund in section 1607 of the Oakland City Charter.

## III. ARGUMENT AND ANALYSIS

5. Plaintiff Hazzard provides prima facie evidence (**Exhibit A**) that supports that Plaintiff has legal ownership to the name Oakland Promise. As shown in said exhibit, Plaintiff filed with the Alameda County Clerk-Recorder an application for the Fictitious Business Name Oakland Promise in July of 2019. As required, Plaintiff's application for the name Oakland Promise appeared in the Inter-City Express Publication on 7/3/19, 7/10/19, 7/17/19, and 7/24/19, without any challenge to the use of said name. Plaintiff has uncontroverted factual evidence that he has established legal ownership to the name Oakland Promise.

6. Since the time of Plaintiff's application, there have been two unauthorized uses of the name Oakland Promise. One of these unauthorized uses was by Defendant Schaaf, with her claimed scholarship program and illegal use of the name Oakland Promise with the California Secretary of State with the Business Registration # C2504888 (Complaint, Exhibit 9). On February 12, 2020, Plaintiff filed a request

1 to the Secretary of State to revoke Defendant Schaaf's use of said Business Registration as well as the use  
2 of the name Oakland Promise.

3 7. Further, Defendant Schaaf has been falsely representing her organization Oakland Promise  
4 as a 501(c)(3) nonprofit, tax-exempt, public-benefit corporation "(501(c)(3))" (**Exhibit B**). Defendant  
5 has not provided any legal documentation from the Internal Revenue Service ("IRS"), the only authorized  
6 agency which issues a Determination Letter, attesting to the legal status of Defendant Schaaf's Oakland  
7 Promise as a 501(c)(3). (**Exhibit C**.)

8 8. Additionally, former California Attorney General Xavier Becerra opined that Defendant  
9 Schaaf has "never filed any documentation indicating the organization is a 501(c)(3). (**Exhibit D**.) That  
10 is, Defendant Schaaf has never filed the necessary 1023 application form which, upon approval,  
11 establishes an organization legal status as a 501(c)(3).

12 9. Additionally, Defendant City Attorney Barbara Parker issued her legal opinion that "Prior  
13 to 2019 Oakland Promise was not incorporated as a non-profit corporation." (Complaint, Exhibit 8.)

14 10. The other unauthorized use of the "Oakland Promise" name was the application for a  
15 Fictitious Business Name filed by Defendant Mialisa Bonta, Chief Executive Officer of Oakland Promise,  
16 doing business as East Bay College Fund, filed with the Alameda County Clerk-Recorder as # 562820.  
17 The notice for said application appeared in the Valley Times 9/6/19, 9/13/19, 9/20/19, and 9/27/19—  
18 **nearly two months AFTER Plaintiff had applied for the same name.**

19 11. Defendant Andy Fremder, co-founder of the East Bay College Fund, has also used  
20 Plaintiff's "Oakland Promise" name without authorization. On March 5, 2020, Defendant Members of the  
21 Oakland City Council approved Resolution 88208/87761, awarding \$1,650,000.00 to Defendant Andy  
22 Fremder's organization now known as Oakland Promise, at which time Defendant Fremder amended and  
23 restated his original organization East Bay College Fund's Articles of Incorporation of 2003 by changing  
24 its name to Oakland Promise (Article of Incorporation # 80830276). (**Exhibit E**.) However, the actual  
25 grant recipient of the \$1,650,000.00 turned out to not be Defendant Fremder but Defendant Mialisa Bonta.  
26 (**Exhibit F**.) East Bay College Fund is still operating as a private non-profit.

1           12.     It is clear that Defendants Schaaf, Fremder and Mialisa Bonta have created a web of  
2 confusion and cross-purposes with the use of the name of Oakland Promise, of which none of the  
3 Defendants have any legal authority or authorization to do so. As such, it appears to be an intentional  
4 effort by Defendants to deceive the public. Defendants have avoided providing any legal documentation  
5 from the Charitable Trust in the California Department of Justice regarding the Certificate of Merger  
6 pursuant to California Corporations Code § 6010(a), yet Defendant Schaaf claims their Oakland Promise  
7 merged with East Bay College (**Exhibit B**). An organization's merger requires specific conditions for both  
8 the surviving organization as well as for the disappearing organization (**Exhibit G**), and without proof  
9 that they have satisfied those conditions, the aforementioned Amended and Restated Articles of  
10 Incorporation by Defendant Fremder of East Bay College Fund that changed the organization's name to  
11 Oakland Promise (Resolution 88208/87761) is not legal, and thus East Bay College Fund cannot legally  
12 coexist as a merged organization with Oakland Promise.

13           13.     Further, it appears that Defendant Fremder's East Bay College Fund has not disappeared  
14 as an organization despite the undocumented claims of a merged organization with Defendant Schaaf's  
15 organization known as Oakland Promise.

16           14.     California Constitution, Article XI, Section 5(a), reads in pertinent part:

17                   It shall be competent in any city charter to provide that the city governed  
18                   thereunder may make and enforce all ordinance and regulations in respect to  
19                   municipal affairs ... city charters adopted pursuant to this constitution shall  
20                   supersede any existing charter and with respect to municipal affairs shall  
                      supersede all laws inconsistent therewith.

21 Defendant Members of the Oakland City Council approved Resolution 87485 on December 14, 2018.  
22 (**Exhibit H.**) Resolution 87485 was the result of a Charter Amendment Parcel Tax allegedly approved by  
23 the voters which appeared as a Ballot Measure known as The Children's Initiative of 2018 and also known  
24 as Measure AA on the November 6, 2018 ballot. This Measure had an "operating" component part referred  
25 to as the Oakland Promise Fund, which was illegally codified in section 1607 of the City Charter. The  
26 Oakland Promise Fund is a private business interest and therefore cannot be considered a Municipal Affair  
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1 pursuant to and as defined by the California Constitution, Article XI, Section 5. This is thus problematic  
2 for Defendant Members of the Oakland City Council.

#### 3 IV. LEGAL STANDARD

4 15. All signs indicate that Defendants are not only out of compliance but have intentionally  
5 violated federal, state and local statutes with the sole purpose of deception. The Federal Statutes include  
6 15 U.S.C. § 1125(a)(1):

7 Any person who, on or in connection with any goods or services, or any  
8 container for goods, uses in commerce any word, term, name, symbol, or  
9 device, or any combination thereof, or any false designation of origin, false or  
misleading description of fact, or misleading representation of fact which

10 (A) is likely to cause confusion or to cause mistake, or to deceive as to the  
11 affiliation, connection, or association of such person with another person,  
12 or as to the origin, sponsorship, or approval of his or her goods, services, or  
commercial activities by another person ...

13 shall be liable in a civil action by any person who believes that he or she is  
14 or likely to be damaged by the act ... **(Exhibit I.)**

15 16. As stated above in Paragraph 12, Defendants have violated the California Corporations  
16 Code § 6010(a) with respect to an alleged merger between Defendant Schaaf's Oakland Promise and  
17 Defendant Fremder's East Bay College Fund. Section 6010(a) states,

18 A public benefit corporation may merge with any domestic corporation ....  
19 However, without the prior written consent of the Attorney General, a public  
20 benefit corporation may only merge with another public benefit corporation ....

21 Defendants Schaaf Fremder are out of compliance and have violated the above section and appear  
22 to have intentionally engaged in deceptive practices. **(Exhibits D and G.)**

23 17. Defendant Members of the Oakland City Council violated Ordinance 13696 of the Oakland  
24 City Charter in approving Resolution 87485 on December 14, 2018, which amended and codified the  
25 Oakland Promise Fund in section 1607 of the Oakland City Charter. This action by Defendants also  
26 violated the California Constitution, Article XI, Section 5, which specifically requires that any amendment  
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1 to the City Charter must be a Municipal Affair. The Oakland Promise Fund is **not** a Municipal Affair, but  
2 a private business interest.

3 **V. CONCLUSION**

4 18. Plaintiff's First Amended Complaint has provided factual and compelling evidence to  
5 support Plaintiff's claim for relief. Federal Rule of Civil Procedure 12(b)(6) "authorizes dismissal of a  
6 complaint for failure to state a claim upon which relief can be granted. **The complaint must be liberally**  
7 **construed in the plaintiff's favor and all facts plead in the complaint must be taken as true.**"  
8 (Emphasis added.) Plaintiff's exculpatory evidence is sufficient to support Plaintiff's claim for relief, and  
9 Defendants are unable to provide any evidence to the contrary.

10  
11 DATED: October 31, 2022

Respectfully submitted,

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14 Gene Hazzard  
15 Plaintiff, *In Pro Per*  
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**List of Exhibits**

- A. Alameda County Clerk-Recorder Applications for Fictitious Business Name (## 560578 and 562820).
- B. Newspaper articles re: Oakland Promise College Scholarship Program.
- C. IRS exemption requirements re: 501(c)(3) organizations.
- D. Letter from former Attorney General Xavier Becerra of September 17, 2019.
- E. Oakland City Council Resolution 88208/87761 dated March 5, 2020.
- F. Contracts/Agreements/Grants Tracking Form from Resolution 88208/88761.
- G. General Information re Certificate of Merger from the Charitable Trust in the California Department of Justice.
- H. Oakland City Council Resolution 87485 dated December 14, 2018
- I. 15 U.S.C. § 1125.

Alameda County Clerk-Recorder

Atten: Melissa Wilk  
1106 Madison Street  
Oakland, Ca. 94607  
February 6, 2020

RECEIVED  
FEB 06 2020  
ALAMEDA COUNTY RECORDER  
CK      MO      CASH       
D. GRIFFIN  
9:16 AM

Re: FBN #560578 OAKLAND PROMISE

FBN # 562820 EAST BAY COLLEGE FUND, DBA OAKLAND PROMISE

Dear Ms. Wilk:

As provided in the attached document for the publication notice for the Fictitious Business Name of **OAKLAND PROMISE #560578 [Exhibit A]** which I filed OK #326856] for publication notice in The Inter-City Express July 3, 2019, July 10, 2019, July 17, 2019 and July 24, 2019 in full compliance with the County's regulations and procedures related to the ownership of the Business Name **OAKLAND PROMISE**.

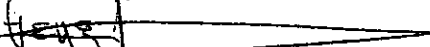
Recently, I became aware that the County of Alameda Clerk-Recorder issued in error my FBN **OAKLAND PROMISE** to the EAST BAY COLLEGE FUND. The EAST BAY COLLEGE FUND Fictitious Business Name #562820 [Exhibit B] appeared in the following publication dates in The Valley Times on September 6, 2019, September 13, 2019 September 20, 2019 and September 27, 2019. Although, OAKLAND PROMISE does not appear in the Publication Notice, it does however appear on the Fictitious Name Statement filed in the Alameda County Clerks Office on August 27, 2019 and initialed by Deputy [KH] and the Registrant applicant was signed by Mialisa Bonta, Executive Officer [Exhibit C]. Additionally, a Business Certificate Verification document [Exhibit D] shows that a Business license was filed after October 10, 2019 in the City of Oakland Finance Department {Revenue Management Bureau showing the EAST BAY COLLEGE is the owner Doing Business As {DBA} OAKLAND PROMISE.

If the issuance to EAST BAY COLLEGE FUND a Fictitious Business Name Doing Business As {DBA} OAKLAND PROMISE has been an inadvertent clerical error, please notify Mialisa Bonta Chief Executive Officer {Registrant applicant} to CEASE AND DESIST from any further use of OAKLAND PROMISE in any DBA and ALL marketing activity, because I am the rightful owner of the name **OAKLAND PROMISE**.

Finally, the Alameda County Clerk-Recorder should immediately revoke the FICTITIOUS BUSINESS NAME has used by EAST BAY COLLEGE FUND from your records.

Please give me a status report within ten(10) days.

Sincerely,



Gene Hazzard

OAKLAND PROMISE ##560578

CC: Mialisa Bonta

EXHIBIT [A]



EXHIBITS REGARDING OAKLAND PROMISE  
FICTITIOUS BUSINESS NAME[FBN]

1. EXHIBIT [A] FBN – # 560578 **OAKLAND PROMISE**
2. EXHIBIT [B] FBN - # 562820 OAKLAND PROMISE
3. EXHIBIT [C] FICTITIOUS BUSINESS NAME STATEMENT
4. EXHIBIT [D] BUSINESS CERTIFICATE VERIFICATION{CITY OF OAKLAND}

# THE INTER-CITY EXPRESS

-SINCE 1909-

EXHIBIT [A]

Mailing Address : 1109 OAK STREET STE 103, OAKLAND, CA 94607-4866  
Telephone (510) 272-4747 / Fax (510) 465-1657  
Visit us @ [www.LegalAdstore.com](http://www.LegalAdstore.com)

GENE H  
282 ADAMS ST #6  
OAKLAND, CA 94610

## COPY OF NOTICE

Notice Type: FNS FICTITIOUS BUSINESS NAME

Ad Description  
560578 OAKLAND PROMISE

To the right is a copy of the notice you sent to us for publication in the THE INTER-CITY EXPRESS. Thank you for using our newspaper. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

07/03/2019 , 07/10/2019 , 07/17/2019 , 07/24/2019

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an

Publication	\$40.00
Total	\$40.00

OK# 3268563

### FICTITIOUS BUSINESS NAME STATEMENT

File No. 560578

Fictitious Business Name(s):  
Oakland Promise, 282 Adams St #6,  
Oakland, CA 94610, County of Alameda

Registrant(s):  
Gene Hazzard, 282 Adams St #6,  
Oakland, CA 94610

Business conducted by: an individual  
The registrant began to transact business  
using the fictitious business name(s) listed  
above on June 24, 2019

I declare that all information in this  
statement is true and correct. (A registrant  
who declares as true any material matter  
pursuant to Section 17913 of the  
Business and Professions Code that the  
registrant knows to be false is guilty of a  
misdemeanor punishable by a fine not to  
exceed one thousand dollars (\$1,000).)  
/s/ Gene Hazzard, Owner

This statement was filed with the County  
Clerk of Alameda County on June 24,  
2019

NOTICE: In accordance with subdivision  
(a) of Section 17920, a fictitious name  
statement generally expires at the end of  
five years from the date on which it was  
filed in office of the county clerk, except  
as provided in subdivision (b) of Section  
17920, where it expires 40 days after any  
change in the facts set forth in the  
statement pursuant to section 17913  
other than a change in the residence  
address of a registered owner. A new  
fictitious business name statement must  
be filed before the expiration.

The filing of this statement does not of  
itself authorize the use in this state of a  
fictitious business name in violation of the  
rights of another under federal, state, or  
common law (see Section 14411 et seq.,  
Business and Professions Code).

7/3, 7/10, 7/17, 7/24/19

OK-3268563#

## Daily Journal Corporation

Serving your legal advertising needs throughout California.

THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747
BUSINESS JOURNAL, RIVERSIDE	(951) 784-0111
DAILY COMMERCE, LOS ANGELES	(213) 229-5300
LOS ANGELES DAILY JOURNAL, LOS ANGELES	(213) 229-5300
ORANGE COUNTY REPORTER, SANTA ANA	(714) 543-2027
SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO	(800) 640-4829
SAN JOSE POST-RECORD, SAN JOSE	(408) 287-4866
THE DAILY RECORDER, SACRAMENTO	(916) 444-2355
THE DAILY TRANSCRIPT, SAN DIEGO	(619) 232-3486



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818054

EAST BAY COLLEGE FUND  
300 FRANK H OGAWA PLAZA - SUITE #430  
OAKLAND, CA 94612

**AFFIDAVIT OF PUBLICATION**

**FILE NO. 562820 - East Bay College Fund**

In the matter of

**The Valley Times**

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the Legal Advertising Coordinator of the printer and publisher of The Times incorporating The Pleasanton Times/The Valley Times, a newspaper published in the English language in the City of Pleasanton, County of Alameda, State of California.

I declare that The Times incorporating The Pleasanton Times/The Valley Times is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated July 18, 1961, in the action ascertaining and establishing the standing of The Times incorporating The Pleasanton Times (The Valley Times) as a Newspaper of General Circulation in the City of Pleasanton, County of Alameda, State of California, Case Number 240955 within the meaning and intent of the Government Code of the State of California. Said order has not been revoked, vacated, or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published at each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

09/06/2019, 09/13/2019, 09/20/2019, 09/27/2019

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 2nd day of October, 2019.

Signature

Legal No.

0092391

ENDORSED FILED:  
August 27, 2019  
Melissa Wilk,  
County Clerk  
Alameda County  
By \_\_\_\_\_, Deputy  
File Number: 562820  
FICTITIOUS BUSINESS  
NAME STATEMENT  
Pursuant To Business  
and Professions Code  
Sections 17900-17930  
Name of business:  
East Bay  
College Fund  
300 Frank H Ogawa  
Plaza - Suite #430  
Oakland, CA 94612  
Alameda County  
1. Registrant:  
Oakland Promise  
300 Frank H Ogawa  
Plaza - Suite #430  
Oakland, CA 94612  
California  
Business is conducted  
by: a Corporation  
501(c)(3)  
Business commenced  
on: 07/01/2019  
/s/ Melissa Bonta  
Chief Executive  
Officer  
This statement was  
filed with the County  
Clerk of Alameda  
County on date indi-  
cated by file stamp  
above.  
Expires Aug. 27, 2024  
PT/VT #6392391  
Sept 6, 13, 20, 27, 2019

**FILED**  
ALAMEDA COUNTY

OCT 16 2019

MELISSA WILK, County Clerk  
By \_\_\_\_\_ Deputy

**EXHIBIT [B]**

**MELISSA WILK, Alameda County Clerk-Recorder**  
 1106 Madison Street, Oakland, CA 94607  
 Telephone: (510) 272-6362  
 Website: [www.acgov.org](http://www.acgov.org)

EXHIBIT [C]

**FILED**  
 ALAMEDA COUNTY

EXPIRED BY: AUG 27 2024

AUG 27 2019

**FICTITIOUS BUSINESS NAME STATEMENT**

Pursuant to Business and Professions Code Sections 17900-17930

MELISSA WILK, County Clerk  
 By KH Deputy

**PLEASE NOTE:**

YOU WILL BE REQUIRED TO PRESENT A VALID GOVERNMENT ISSUED PHOTO ID TO FILE THIS STATEMENT IN PERSON.

TYPE OR PRINT LEGIBLY AND FIRMLY IN BLACK OR DARK BLUE INK ONLY

FILE NUMBER: 562820

**PLEASE READ INSTRUCTIONS ON BACK OF THIS FORM**

(Do not write above this line)

A. * Print Fictitious Business Name (please number if more than one business name) <b>East Bay College Fund</b>				
B. ** Street address of principal place of business <b>300 Frank H Ogawa Plaza, Suite 430</b>			Mailing Address, if different	
City <b>Oakland</b>	State <b>CA</b>	Zip <b>94612</b>	County <b>Alameda</b>	

C. \*\*\*REGISTERED OWNER(S): (If more than four owners, attach The Additional Information Form showing owner's information)

1. Registrant/Corp/LLC <b>Oakland Promise</b> Residence Address (P.O. Box not accepted) <b>300 Frank H Ogawa Plaza, Suite 430</b> City State Zip <b>Oakland CA 94612</b> If Corporation or LLC - Print State of Incorporation/Organization <b>CALIFORNIA</b>	2. Registrant/Corp/LLC Residence Address (P.O. Box not accepted) City State Zip If Corporation or LLC - Print State of Incorporation/Organization
---	--

Registrant/Corp/LLC Residence Address (P.O. Box not accepted) City State Zip If Corporation or LLC - Print State of Incorporation/Organization	4. Registrant/Corp/LLC Residence Address (P.O. Box not accepted) City State Zip If Corporation or LLC - Print State of Incorporation/Organization
---	--

D. \*\*\*\*THIS BUSINESS IS CONDUCTED BY: (Check one)

- ☐ an Individual   
 ☐ Married Couple   
 ☐ State or local registered Domestic Partners   
 ☐ Co-partners  
☐ a Joint Venture   
 ☐ a General Partnership   
 ☐ a Limited Liability Partnership   
 ☐ a Trust  
☒ a Corporation   
 ☐ a Limited Partnership   
 ☐ a Limited Liability Company   
 ☐ an Unincorporated association other than a partnership

504(C)(3)

E. \*\*\*\*Insert the date the registrant first commenced to transact business under the fictitious business name or names listed above. 7/1/2019  
 (Insert N/A if you haven't started to transact business)

I declare that all information in this statement is true and correct.

A registrant who declares as true any material matter pursuant to this section that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (1,000).

F. \*\*\*\*Registrant MIALISA BONTA Title CHIEF EXECUTIVE OFFICER  
 (Print name) (Corporation, print name and title of officer. If LLC, print name and title of officer or manager.)

Registrant Signature Mialisa Bonta

(See instructions for authorized signatories/titles)

This statement was filed with the Clerk-Recorder of Alameda County on the date indicated by the filing stamp in the upper right hand corner.

**NOTE:** In accordance with subdivision (a) of Section 17920, a fictitious name statement generally expires at the end of five years from the date on which it filed in the office of the county clerk, except, as provided in subdivision (b) of section 17920, where it expires 40 days after any change in the facts set forth in the statement pursuant to section 17913 other than a change in the residence address of a registered owner. A new fictitious business name statement must be filed before the expiration. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see Section 14411 et seq., Business and Professions Code).

White - Clerk's Copy Yellow Copy - Bank & other Required Needs (Certified) Pink Copy - Newspaper Copy Goldenrod Copy - Registrant's Copy



# CITY OF OAKLAND

Finance Department  
Revenue Management Bureau  
250 Frank H. Ogawa Plaza, Suite 1320  
Oakland, CA 94612  
(510) 238-3704 TDD (510) 238-3254  
[www.oaklandnet.com](http://www.oaklandnet.com)

EXHIBIT [D]

## BUSINESS CERTIFICATE VERIFICATION

Date: January 31, 2020



DBA: OAKLAND PROMISE  
Business Address: 300 FRANK H OGAWA PLZ STE 430  
OAKLAND, CA 94612-2001

Owner(s) EAST BAY COLLEGE FUND  
Business Certificate #: 00217560  
Expire Date: 12/31/2019  
Industry Code: NP - NONPROFIT

To Whom It May Concern

This letter serves as notice that the above named business has a current business certificate with the City of Oakland, valid through 12/31/2019.

Sincerely,

TRUDY HENRY | (510)-238-6252  
City of Oakland Business Tax Section.

# Oakland Promise college scholarship program moves to nonprofit

**EBT** [eastbaytimes.com/2019/05/29/oakland-promise-college-scholarship-program-moves-to-nonprofit](http://eastbaytimes.com/2019/05/29/oakland-promise-college-scholarship-program-moves-to-nonprofit)

May 29, 2019



EXHIBIT [ B ]

**OAKLAND** — After three years, Oakland Promise — Mayor Libby Schaaf's multifaceted initiative to significantly increase the number of college graduates from the city — is moving out of her office, merging with the East Bay College Fund and becoming a nonprofit.

The new entity will keep the Oakland Promise name, but take over the East Bay College Fund's nonprofit status. Mialisa Bonta, president of the Alameda Unified School Board and wife of Assemblyman Rob Bonta, D-Alameda, will take on the role of chief executive officer.

Oakland Promise spokeswoman Maggie Croushore said the merger will make it easier for families to access the "cradle-to-career" programs offered by both organizations. Moving out of the mayor's office also will help ensure that the program continues long after Schaaf leaves office, Croushore said.

The Oakland Promise includes several programs, including "Brilliant Baby," in which babies born into poverty in Oakland are provided \$500 college savings accounts. Oakland Promise also offers \$100 "college starter scholarships" to kindergartners and first-graders, and financial coaching to parents. The East Bay College Fund, founded in 2003, offers students scholarships and mentoring, according to a news release from the Oakland Promise.

Each year, fewer than 500 former Oakland public school seniors graduate from college within six years of finishing high school, according to the Oakland Promise's website.

# A Statement of Partnership

After careful consideration, Oakland Promise and East Bay College Fund have decided to merge into one unified organization named Oakland Promise, holistically serving the children and families of Oakland from birth through career.

- It is the belief of both Oakland Promise and East Bay College Fund that a unified organization leading the entire cradle to career vision will increase our sustainability and improve our impact, quality and scale, leading to better outcomes for children and families.
- This unified organization would ensure continuity for all of our families from birth through college completion, providing a clearer message for families and facilitating consistency and efficacy of all programs under one entity.



Brilliant Baby

Kindergarten to  
college

Future Centers

College  
Scholarships and  
Completion



# Exemption Requirements - 501(c)(3) Organizations

EXHIBIT [C]

To be tax-exempt under section 501(c)(3) of the Internal Revenue Code, an organization must be organized and operated exclusively for exempt purposes set forth in section 501(c)(3), and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an **action organization**, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates.

Organizations described in section 501(c)(3) are commonly referred to as **charitable organizations**. Organizations described in section 501(c)(3), other than testing for public safety organizations, are eligible to receive tax-deductible contributions in accordance with Code section 170.

The organization must not be organized or operated for the benefit of private interests, and no part of a section 501(c)(3) organization's net earnings may inure to the benefit of any private shareholder or individual. If the organization engages in an excess benefit transaction with a person having substantial influence over the organization, an excise tax may be imposed on the person and any organization managers agreeing to the transaction.

Section 501(c)(3) organizations are restricted in how much political and legislative (*lobbying*) activities they may conduct. For a detailed discussion, see Political and Lobbying Activities. For more information about lobbying activities by charities, see the article Lobbying Issues [PDF](#); for more information about political activities of charities, see the FY-2002 CPE topic Election Year Issues [PDF](#).

## Interactive Training

Learn more about the benefits, limitations and expectations of tax-exempt organizations by attending 10 courses at the online Small to Mid-Size Tax Exempt Organization Workshop.

## Additional Information

- Application Process Step-by-Step: Questions and answers that will help an organization determine if it is eligible to apply for recognition of exemption from federal income taxation under IRC section 501(a) and, if so, how to proceed.
- Private foundations - requirements for exemption
- Tax-Exempt Status: Online training available at the IRS microsite [StayExempt.irs.gov](http://StayExempt.irs.gov).



## 26 U.S. Code § 6104 - Publicity of information required from certain exempt organizations and certain trusts

U.S. Code      Notes

### **(a) INSPECTION OF APPLICATIONS FOR TAX EXEMPTION OR NOTICE OF STATUS**

#### **(1) PUBLIC INSPECTION**

##### **(A) Organizations described in section 501 or 527**

If an organization described in section 501(c) or (d) is exempt from taxation under section 501(a) for any taxable year or a political organization is exempt from taxation under section 527 for any taxable year, the application filed by the organization with respect to which the Secretary made his determination that such organization was entitled to exemption under section 501(a) or notice of status filed by the organization under section 527(i), together with any papers submitted in support of such application or notice, and any letter or other document issued by the Internal Revenue Service with respect to such application or notice shall be open to public inspection at the national office of the Internal Revenue Service. In the case of any application or notice filed after the date of the enactment of this subparagraph, a copy of such application or notice and such letter or document shall be open to public inspection at the appropriate field office of the Internal Revenue Service (determined

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subparagraph, the Secretary shall, on the request of any person with respect to such organization, furnish a statement indicating the subsection and paragraph of section 501 which it has been determined describes such organization.

**(B) Pension, etc., plans**

The following shall be open to public inspection at such times and in such places as the Secretary may prescribe:

(i) any application filed with respect to the qualification of a pension, profit-sharing, or stock bonus plan under section 401(a) or 403(a), an individual retirement account described in section 408(a), or an individual retirement annuity described in section 408(b),

(ii) any application filed with respect to the exemption from tax under section 501(a) of an organization forming part of a plan or account referred to in clause (i),

(iii) any papers submitted in support of an application referred to in clause (i) or (ii), and

(iv) any letter or other document issued by the Internal Revenue Service and dealing with the qualification referred to in clause (i) or the exemption from tax referred to in clause (ii).

Except in the case of a plan participant, this subparagraph shall not apply to any plan referred to in clause (i) having not more than 25 participants.

**(C) Certain names and compensation not to be opened to public inspection**

In the case of any application, document, or other papers, referred to in subparagraph (B), information from which the compensation (including deferred compensation) of any individual may be ascertained shall not be open to public inspection under subparagraph (B).

✓  
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XAVIER BECERRA  
Attorney General

State of California  
DEPARTMENT OF JUSTICE

455 GOLDEN GATE AVENUE, SUITE 11000  
SAN FRANCISCO, CA 94102-7004

Public: (415) 510-4400  
Telephone: (415) 510-3476  
Facsimile: (415) 703-5480  
E-Mail: Christopher.Lamerdin@doj.ca.gov

September 17, 2019

Gene Hazzard  
282 Adams St. #6  
Oakland, CA 94610  
Email: genehazzard@gmail.com

RE: Information request

Dear Mr. Hazzard:

This letter is in response to your request submitted by e-mail and received by the California Department of Justice, Office of the Attorney General on September 9, 2019, seeking records under the Public Records Act, which is set forth in Government Code section 6250 et seq.

In your letter, you requested the following records:

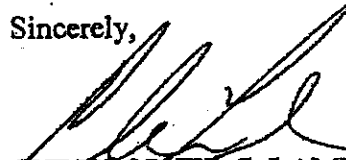
"Please a copy of the Certificate of Merger of the East Bay College Fund [EIN: 54-2103707] ruling year 4/1/2003 and Oakland Promise pursuant to the Corporations Code 6010(a) "A public benefit Corporation may merge with any domestic corporation, for corporation (Section 171), or other business entity (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 of merger...6014...the surviving corporation shall file a copy of the agreement of merger with an officers' certificate of each constituent corporation attached."

Comments: Oakland Promise has never filed any documentation indicating the organization is a 501(c)3, non-profit public benefit corporation."

After a diligent search, we found no documents responsive to this request.

EXHIBIT [D]

Sincerely,



CHRISTOPHER C. LAMERDIN  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

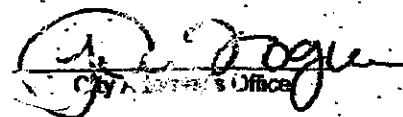
CCL:

SF2019201406  
21633060.docx

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2020 MAR -5 PM 3:23

Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 88208 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE 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**

WHEREAS, the Oakland Promise was initially established as a cross-sector collaboration public private partnership between the City of Oakland, Oakland Unified School District, Oakland Public Education Fund, and East Bay College Fund to support a cradle to career college initiative that works as a community to ensure that all Oakland students will graduate high school with the skills, expectations, resources to complete post-secondary education and succeed in the career of their choice; and

WHEREAS, as of July 1, 2019, Oakland Promise is now a 501c(3) non-profit public benefit corporation with EIN 54-2103707 as recorded by the California Secretary of State with the receipt of the amended and restated Articles of Incorporation filed on June 27, 2019 indicating the name change of East Bay College Fund to Oakland Promise and the broadening of its charitable purposes; and

WHEREAS, the City Council's Fiscal Year 2015-2017 adopted budget appropriated \$150,000 in the General Purpose Fund for the kindergarten to college Oakland Promise initiative commencing Fiscal Year 2016-2017, and thereafter on an ongoing basis each Fiscal Year; and

WHEREAS, the City Council's Fiscal Year 2017-2019 adopted budget appropriated an additional \$350,000 in the General Purpose Fund for Fiscal Year 2017-2018 and for Fiscal Year 2018-2019; and

WHEREAS, based on the foregoing ongoing appropriation of \$150,000 and the additional \$350,000 appropriations, the City Council's total appropriation in grant funding for the kindergarten to college Oakland Promise initiative for Fiscal Year 2017-2018 and for Fiscal Year 2018-2019 was \$500,000 for each such year; and

WHEREAS, the City Council's Fiscal Year 2019-2021 adopted budget appropriated

EXHIBIT [E]

a total of \$500,000 in the General Purpose Fund for a grant to the Oakland Promise non-profit corporation for Fiscal Year 2019-2020 and a total of \$500,000 in the General Purpose Fund for a grant to the Oakland Promise non-profit corporation for Fiscal Year 2020-2021; and

**WHEREAS**, on June 24, 2019, City Council passed Resolution No. 87761 C.M.S. authorizing the City Administrator to execute a grant agreement with Oakland Promise in the amount of \$500,000 for Fiscal Year 2019-2020 and \$500,000 for Fiscal Year 2020-2021 in accordance with the grant allocations in the Fiscal Year 2019-2021 adopted budget; and

**WHEREAS**, City Council has not yet authorized the City Administrator to execute grant agreements with Oakland Promise awarding the \$150,000 grant appropriated in Fiscal Year 2016-2017, the \$500,000 grant appropriated in Fiscal Year 2017-2018, or the \$500,000 grant appropriation in Fiscal Year 2018-2019; and

**WHEREAS**, the total amount of grant funds that the City Council has not yet authorized the City Administrator to execute grant agreements for is one million, one hundred fifty thousand dollars (\$1,150,000); and

**WHEREAS**, the City Council now wishes to provide said authorization in accordance with the budget appropriations and allocations; and

**WHEREAS**, the City Council wishes to require that all grant agreements distributing funds to Oakland Promise include provisions ensuring that: a) the City of Oakland is not liable for any losses over the duration of the investment accounts; b) unused funds for each cohort will continue to be restricted for direct funding to Oakland students and will be distributed according to the determined need of that and future cohorts of students; c) any City representatives operating in their official capacity asked to serve on the Advisory and/or Governing Board of the Oakland Promise are appointed according to the procedures set forth in Rule 6 of the Council Rules of Procedure (Resolution No. 87044 C.M.S.); and that d) any City representatives appointed to serve on the Advisory and/or Governing Board of the Oakland Promise is responsible for providing periodic reports to City Council regarding the management of City funds by Oakland Promise; now therefore be it

**RESOLVED**: That the City Administrator or her designee is hereby authorized to execute on behalf of the City a grant agreement with Oakland Promise in the amount of \$1,150,000; and be it

**FURTHER RESOLVED**: That the City Administrator or her designee is authorized to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, and payment requests, which may be necessary to carry out the basic purpose of this resolution without returning to City Council; and be it

**FURTHER RESOLVED:** That said agreement is not a professional service contract as defined by City ordinance as it does not provide goods or services to the City but rather a grant to a nonprofit program provider that serves the public at large, and therefore the competitive request for proposal/qualifications process is not required under Oakland Municipal Code section 2.04.015; and be it

**FURTHER RESOLVED:** That said grant agreement is made for the purpose of providing funding to ensure \$100 early college scholarships for kindergarteners in Oakland public schools from 2016 through 2021, and will be administered by the Oakland Promise, as the City of Oakland's grantee, for the restricted purpose of provision of seed deposits to establish \$100 College Savings sub-accounts of an omnibus program account administered by Oakland Promise; and be it

**FURTHER RESOLVED:** That all grant agreements distributing funds to Oakland Promise shall include provisions to ensure that a) the City of Oakland is not liable for any losses over the duration of the investment accounts; b) unused funds for each cohort will continue to be restricted for direct funding to Oakland students and will be distributed according to the determined need of that and future cohorts of students, c) any City representatives operating in their official capacity asked to serve on the Advisory and/or Governing Board of the Oakland Promise are appointed according to the procedures set forth in Rule 6 of the Council Rules of Procedure (Resolution No. 87044 C.M.S.); and that d) any City representative appointed to serve on the Advisory and/or Governing Board of the Oakland Promise is responsible for providing periodic reports to City Council regarding the management of City funds by Oakland Promise; and be it

**FURTHER RESOLVED:** That said agreement shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 3 0 2020

PASSED BY THE FOLLOWING VOTE:

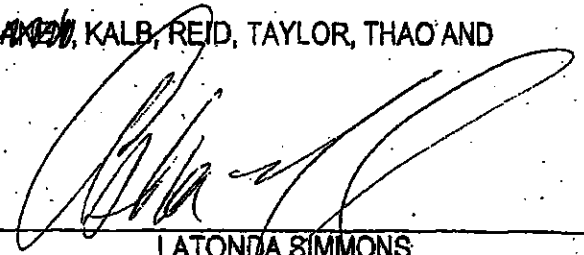
AYES - ~~WORTON, KATZ, LEE, GALLO, GIBSON, MCMAHON, KALB, REID, TAYLOR, THAO AND~~

NOES - 5

ABSENT - 1 McShane

ABSTENTION - 2 Bas & Kaplan

ATTEST:

  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California

2911684v1

CITY OF OAKLAND

CITY HALL • ONE FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

COUNCILMEMBER LOREN TAYLOR  
DISTRICT 6

(510) 238-7006  
District6@Oaklandca.gov

---

Subject: Oakland Promise Grant Agreement

From: The Oakland City Council

Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute 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





## CONTRACTS/AGREEMENTS/GRANTS TRACKING FORM

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

REC'D COM & COMP  
2019 DEC 11 PM 12:17

## Contracts and Compliance

This is your Work Order 5617R1 confirmation. Submitted on 8-27-20  
You have till the end of the business day to submit your documents to the office of  
Contracts and Compliance at 250 FHO Building, 3rd. Floor, Suite 3341.

**\*\* Please print this copy and attach to your document submittal. \*\***  
(All Work Order submitted after 2:00 PM of a business day will be processed on the next  
work day)

Date Submitted  
08-27-2020

Work Order Number - 5617 R1  
Contact Department - Human Services  
Resolution Number - 87761 and 88208  
Contract Title - Oakland Promise  
Recipient - Oakland Promise  
Description - Children College Savings Accounts  
Amendment - No  
Amendment No. - 0  
Amount - \$1,150,000  
Total Amount - \$1,150,000  
Start Date - 07-01-2019  
End Date - 06-30-2021  
Due Date - 09-3-2020

Date Contract Signed - \_\_\_\_\_

When retrieving your signed contracts, please print your name and date at the bottom of  
this document and leave it with Contracts and Compliance.

Received By: \_\_\_\_\_

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

Initial Review By: \_\_\_\_\_

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

Paula Peav

Sep 1, 2020

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12/16 - see request for information



# Alameda County - Oakland Community Action Partnership

## #2 Compliance Package Checklist

Contractor/Grantee: Oakland Promise

Project/Program: Children College Savings Accounts

Completed	Required Items	Status
<input checked="" type="checkbox"/>	Request from Project Manager/Contract Summary Form/ Online Tracking Form	
<input checked="" type="checkbox"/>	Summary Transmittal- Schedule T	
<input checked="" type="checkbox"/>	City Administrator's Contract Authority Checklist	
<input checked="" type="checkbox"/>	Contract Agreement with three original signature sheets signed in blue ink.	
<input checked="" type="checkbox"/>	Resolution(s) 87761 C.M.S. and 88208 C.M.S.	
<input checked="" type="checkbox"/>	Schedule A: Scope of Work, and/or Budget and Budget Narrative	
<input checked="" type="checkbox"/>	Combined Grant Schedules: C-1: Compliance with ADA; Schedule K: Pending Dispute Disclosure Schedule N: Living Wage - Declaration of Compliance ( <i>Grants accumulating under \$100K are N/A</i> ) Schedule N-1: Equal Benefits - Declaration of Nondiscrimination ( <i>Grants under \$25K are N/A</i> ) Schedule P: Nuclear Free Zone; Schedule V: Non-Disciplinary or Investigatory Action Oakland's Minimum Wage Law Certification Affirmative Action	
<input checked="" type="checkbox"/>	Schedule O: Oakland Campaign Contribution Limits	
<input checked="" type="checkbox"/>	Schedule Q: General Liability Insurance, Auto, Worker's Comp, Professional	
<input checked="" type="checkbox"/>	Schedule Q: Additional Insured Form (with required Schedule Q language) *	
<input checked="" type="checkbox"/>	Schedule Q: Waiver of Subrogation *	
<input checked="" type="checkbox"/>	Work Order - Social Equity (Equal Benefits Ordinance from Contract Compliance)	
<input checked="" type="checkbox"/>	City of Oakland Business License	
<input checked="" type="checkbox"/>	IRS Letter of Non-Profit Status	
<input checked="" type="checkbox"/>	Contact Information Sheet	

\* Insurance: Check accord form for correct Certificate Holder information; confirm correct policy numbers are on AI and WS



City of Oakland

## SCHEDULE T CONTRACT SUMMARY TRANSMITTAL\*

FOR USE BY ALL CITY AGENCIES AND DEPARTMENTS FOR PROCUREMENT, CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS

1. Agency: Human Services Department Department: Administration
2. Project Name: Oakland Promise Project Amount: \$1,150,000
3. Budget / Funding: ( \*\* Multiple Funding Sources - Complete Additional Funding Section on Page 2 )  
Fund #: 1010 Org #: 78361 Account #: 54912 Project #: 1003804 Program #: SC22 Encumbrance Amount \$: \$1.15million
4. Project Manager / Responsible Employee Name: Sara Bedford  
Title: HSD Director Phone: 510-238-6794 email: SBedford@oaklandca.gov
5. Supervisor / Direct Report or Alternate Employee Contact:  
Name: Estelle Clemons Phone: 510-238-3597 email: EClemons@oaklandca.gov
6. Consultant / Contractor Name: Mia Bonta  
Address: 300 Frank H. Ogawa Plaza Ste. 430 Phone: 415-728-1796 email: mia@oaklandpromise.org
7. Type of Contract (Mark X): Professional Service: ☒ Construction: ☐ Commodities: ☐ Technology: ☐
8. Statement of Contract Goal / Purpose: Children College Savings/Scholarship Accounts
9. Actual or Estimated Notice To Proceed (NTP) Date: 7-1-2019 Estimated Completion Date: 6-30-21
10. Resolution Number: 87761 and 88208 Resolution Date: 6-24-19 and 6-30-20
11. Location of the Contract Documents: Human Services Department, 150 Frank H Ogawa Plaza, Ste. 4340

**THIS PORTION MUST BE COMPLETED BY THE AGENCY / DEPARTMENT AND/OR THE PROJECT MANAGER**

Insert language below regarding the evaluation of performance and/or audit requirements. For example: This contract is subject to an independent audit initiated by the City of Oakland and/or this contract will be evaluated quarterly according to the deliverables defined below.  
Please attach separate sheets if required.

Performance, Inspection, Fiscal Reporting and Audit Requirements	
Performance Evaluation:	
Inspection Requirement:	
Fiscal Reporting Requirement:	
Audit Requirement:	

Deliverables	Date Due	Completion Date	Responsible Source (Prime, Sub, Supplier, Other)	Performance
1				
2				
3				

City Representative: <u>Dwight Williams</u> <small>(Please Print)</small>	Date: <u>8/26/2020</u>
City Representative Signature: <u>Dwight Williams</u>	

City Clerk: <u>Nai Phan</u> <small>(Please Print)</small>	Date: <u>Sep 1, 2020</u>
City Clerk Signature: <u>Nai Phan</u> <small>Nai Phan (Sep 1, 2020 15:51 PDT)</small>	

\* Must be attached to the signed Contract / Agreement and the First and Final (last) Payment Requests

## CONTRACT SUMMARY TRANSMITTAL PROCEDURE

**Note:** This Contract Summary Transmittal form must be completed and attached to the signed Contract / Agreement

**Note:** Agency / Department - Project Managers are responsible and must ensure:

Contract Compliance and Employment Services performed the following:

- 1) Compliance Analysis
- 2) Equal Benefits Determination
- 3) Living Wage Determination

**Note:** Before submission of a Contract:

Schedule M (Part A and B) must be submitted to the City Attorney's Office for written approval

- 1) Consultant / Contractor must complete Schedule M - Part A
- 2) The City Agency / Department must complete Schedule M - Part B

**Note:** A photocopy of the completed Contract Summary Transmittal form must be attached to the first and final payment request:

- 1) Photocopy the front and back of the completed Contract Summary Transmittal form
- 2) Photocopy must be attached to the back-up documentation, on the first payment request and on the final payment request that is submitted to the Finance and Management Agency / Accounts Payable Section

Contract Transmittal Procedure	Date Received	Received Initials	Date Returned	Returned Initials
Contract: Send to the City Attorney's Office for First Review				
Contract: Send to the Consultant / Contractor				
Contract: Send to the City Attorney's Office for Final Signature	Sep 1, 2020	JL		
Contract: Send to the Agency / Department Fiscal Services to Encumber Funds				
Contract: Send to the Finance and Management Agency / Purchasing Division ***				
Contract: Send to the Agency / Department for Director's Signature	Sep 1, 2020	sb		
Contract: Send to City Administrator's Office for Approval (for contracts over \$15,000)	Sep 1, 2020	db		
Contract: Send to City Clerk's Office	Sep 1, 2020	NP		

\*\*\* All Contracts are sent to the Finance and Management Agency / Purchasing Division to ensure the required Funds are encumbered  
Funds that are not encumbered may result in a delayed payment to the Consultant and/or Contractor

### \*\*Additional Funding Section

Fund Number	Organization Number	Account Number	Project Number	Program Number	Encumbrance Amount

# City Administrator's Contract Authority Checklist

(Purchasing Ordinance, OMC Chapter 2.04) Revised 2016



## Purchase Authority of the City Administrator (OMC §2.04.020.A).

The City Administrator's contract authority is \$250,000 for procurement, construction and services, which includes non-professional, professional, technical and scientific services, provided a competitive solicitation is done.

The City Administrator may waive the competitive process for professional services contracts up to \$50,000, upon a determination that it is in the City's best interests to waive competition.

## The City Administrator's Purchasing Authority NOT Applicable -

Loans, Development Agreements (e.g., Development and Disposition Agreements, Exclusive Negotiating Agreements, etc.), Real Estate Agreements (Leasing, Sales or Acquisition of Real Property).

- The Purchasing Ordinance does not establish City Administrator authority to award or execute these types of agreements. Such authority is contained in the Oakland Charter and separate legislation.

## Pay-go Grant Authority (OMC 2.04.017).

- The City Administrator is authorized to make Pay-go grants on behalf of Council members to a non-City organization (e.g., a school or neighborhood association) in any amount, provided the grant will be used for purposes consistent with restrictions on the pay-go funding source.

## Purchases Subject to Appropriation of Funds (OMC 2.04.040A)

All contracts authorized by the Council or City Administrator must have prior appropriation and allocation of funds for the City programs, activities, functions or operations, which the purchase is intended to support.

Competitive Award Process: (A) Informal, (B) Formal, (C) Request for Proposals, (D) Cooperative Agreement, (E) Bid, Or (F) Grant.

Council authorized this contract by way of *Resolution No. 88208 8776 C.M.S.*, as attached.

The consultant/contractor or vendor was selected through a formal or informal competitive process as mandated?

Y	N
---	---

Or, advertising and bidding or RFP/RFQ process was waived in *Resolution No. C.M.S.*, as attached.

Three (3) local certified firms were solicited and named as follows: \_\_\_\_\_

Y	N
---	---

Identify the local certified firm selected? \_\_\_\_\_

If "No" explain why? \_\_\_\_\_

Completed by Dwight Williams, on this 27th day of August  
Signature: Contract Administrator/Project Manager



## Certificate of Merger General Information

The attached Certificate of Merger (Form OBE MERGER-1) may be used for the following mergers:

- **Limited Liability Company Mergers:** Mergers involving only limited liability companies in which one or more California limited liability companies is a party to the merger;
- **Limited Partnership Mergers:** Mergers involving only limited partnerships in which one or more California limited partnerships is a party to the merger; and
- **Interspecies Mergers:** Mergers involving "other business entities" in which one or more California corporations, limited liability companies, limited partnerships, or partnerships is a party to the merger. [The term "other business entity" is defined in California Corporations Code sections 174.5, 5063.5, 12242.5, 15911.01(k), 16901(12) and 17001(ac).]

Upon the filing of the Certificate of Merger by the Secretary of State, the separate existence of the disappearing domestic or qualified/registered business entity shall cease in California.

Statutory filing provisions are found in California Corporations Code sections 1113(g) (stock corporations); 6019.1 (nonprofit public benefit corporations); 8019.1 (nonprofit mutual benefit corporations); 9640 (nonprofit religious corporations); 12540.1 (consumer cooperative corporations); 15911.14 (limited partnerships); 16915(b) (general partnerships and limited liability partnerships); and 17552 (limited liability companies). One or more business entities can merge only if each entity is authorized by the laws under which it is organized to effect the merger and at least one California domestic entity is involved.

There are a variety of filing requirements based not only on the types of entities involved in the merger, but also the domicile of the entities merging and whether or not any foreign (out-of-state) entities are qualified to transact business in the State of California. It is not feasible to provide information and sample documents for each set of circumstances. Documents must be drafted in accordance with applicable law, dependent upon the particular circumstances of the entities involved. Due to the complexity of merger transactions, it is recommended that the advice of private legal counsel, specializing in business entity matters, be consulted regarding the specific needs of the merging entities.

When preparing merger documents, regardless of the type of merger, be sure the entity name included in the documents is exactly as it appears on the records of the Secretary of State, including entity endings, punctuation and abbreviations. For mergers in which a California or qualified foreign corporation or limited liability company is a party to the merger, prior to filing please verify the status of the entity being merged, as merger documents **cannot** be filed on behalf of suspended/forfeited corporations or limited liability companies. (California Revenue and Taxation Code sections 23301, 23301.5 and 23775.) The status of the entity can be checked online on the Secretary of State's California Business Search at [kepler.sos.ca.gov](http://kepler.sos.ca.gov).

### Additional Information

If the surviving entity is a foreign limited liability company or foreign other business entity and a California (domestic) limited liability company is one of the disappearing entities: The surviving entity shall file with the Secretary of State (1) an agreement that the entity may be served in this state in a proceeding for the enforcement of an obligation of any merging entity and in a proceeding to enforce the rights of any holder of a dissenting interest or dissenting shares in a merging domestic limited



# State of California Secretary of State

**OBE MERG**

## Certificate of Merger

(California Corporations Code sections  
1113(g), 6019.1, 8019.1, 9640, 12540.1, 15911.14, 16915(b) and 17552)

**IMPORTANT — Read all instructions before completing this form.**

This Space For Filing Use Only

1. NAME OF SURVIVING ENTITY	2. TYPE OF ENTITY	3. CA SECRETARY OF STATE FILE NUMBER	4. JURISDICTION
5. NAME OF DISAPPEARING ENTITY	6. TYPE OF ENTITY	7. CA SECRETARY OF STATE FILE NUMBER	8. JURISDICTION

9. THE PRINCIPAL TERMS OF THE AGREEMENT OF MERGER WERE APPROVED BY A VOTE OF THE NUMBER OF INTERESTS OR SHARES OF EACH CLASS THAT EQUALED OR EXCEEDED THE VOTE REQUIRED. IF A VOTE WAS REQUIRED, SPECIFY THE CLASS AND THE NUMBER OF OUTSTANDING INTERESTS OF EACH CLASS ENTITLED TO VOTE ON THE MERGER AND THE PERCENTAGE VOTE REQUIRED OF EACH CLASS. ATTACH ADDITIONAL PAGES, IF NECESSARY.

**SURVIVING ENTITY**

CLASS AND NUMBER      AND      PERCENTAGE VOTE REQUIRED

**DISAPPEARING ENTITY**

CLASS AND NUMBER      AND      PERCENTAGE VOTE REQUIRED

10. IF EQUITY SECURITIES OF A PARENT PARTY ARE TO BE ISSUED IN THE MERGER, CHECK THE APPLICABLE STATEMENT.

☐

No vote of the shareholders of the parent party was required.

☐

The required vote of the shareholders of the parent party was obtained.

11. IF THE SURVIVING ENTITY IS A DOMESTIC LIMITED LIABILITY COMPANY, LIMITED PARTNERSHIP, OR PARTNERSHIP, PROVIDE THE REQUISITE CHANGES (IF ANY) TO THE INFORMATION SET FORTH IN THE SURVIVING ENTITY'S ARTICLES OF ORGANIZATION, CERTIFICATE OF LIMITED PARTNERSHIP OR STATEMENT OF PARTNERSHIP AUTHORITY RESULTING FROM THE MERGER. ATTACH ADDITIONAL PAGES, IF NECESSARY.

12. IF A DISAPPEARING ENTITY IS A DOMESTIC LIMITED LIABILITY COMPANY, LIMITED PARTNERSHIP, OR PARTNERSHIP, AND THE SURVIVING ENTITY IS NOT A DOMESTIC ENTITY OF THE SAME TYPE, ENTER THE PRINCIPAL ADDRESS OF THE SURVIVING ENTITY.

PRINCIPAL ADDRESS OF SURVIVING ENTITY

CITY AND STATE

ZIP CODE

13. OTHER INFORMATION REQUIRED TO BE STATED IN THE CERTIFICATE OF MERGER BY THE LAWS UNDER WHICH EACH CONSTITUENT OTHER BUSINESS ENTITY IS ORGANIZED. ATTACH ADDITIONAL PAGES, IF NECESSARY.

14. STATUTORY OR OTHER BASIS UNDER WHICH A FOREIGN OTHER BUSINESS ENTITY IS AUTHORIZED TO EFFECT THE MERGER.

15. FUTURE EFFECTIVE DATE, IF ANY

\_\_\_\_ - \_\_\_\_ - \_\_\_\_  
(Month)      (Day)      (Year)

16. ADDITIONAL INFORMATION SET FORTH ON ATTACHED PAGES, IF ANY, IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE PART OF THIS CERTIFICATE.

17. I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT OF MY OWN KNOWLEDGE. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED.

SIGNATURE OF AUTHORIZED PERSON FOR THE SURVIVING ENTITY      DATE

TYPE OR PRINT NAME AND TITLE OF AUTHORIZED PERSON

SIGNATURE OF AUTHORIZED PERSON FOR THE SURVIVING ENTITY      DATE

TYPE OR PRINT NAME AND TITLE OF AUTHORIZED PERSON

SIGNATURE OF AUTHORIZED PERSON FOR THE DISAPPEARING ENTITY      DATE

TYPE OR PRINT NAME AND TITLE OF AUTHORIZED PERSON

SIGNATURE OF AUTHORIZED PERSON FOR THE DISAPPEARING ENTITY      DATE

TYPE OR PRINT NAME AND TITLE OF AUTHORIZED PERSON

For an entity that is a business trust, real estate investment trust or an unincorporated association, set forth the provision of law or other basis for the authority of the person signing: \_\_\_\_\_

# Sample – Officers' Certificate / Nonprofit

## Certificate of Approval of Agreement of Merger

\_\_\_\_\_ and \_\_\_\_\_ certify that:

1. They are the president and the secretary, respectively, of \_\_\_\_\_ (Name of Corporation), a California Nonprofit \_\_\_\_\_ (Public Benefit, Mutual Benefit OR Religious) corporation.
2. The principal terms of the Agreement of Merger in the form attached were duly approved by the board of directors and by the required vote of the members of the corporation.
3. There is only one class of members and the total number of members of the corporation entitled to vote on the merger is \_\_\_\_\_.
4. No other approvals are required.

**OR**

4. \_\_\_\_\_ (Identify Others Whose Approval Is Required)

The principal terms of the Agreement of Merger in the form attached were duly approved by the required vote of such other person(s).

5. The Attorney General of the State of California has been given notice of the merger.

**OR**

5. The Attorney General of the State of California has approved the merger.

**OR**

5. The Attorney General of the State of California is not required to be given notice of the merger.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

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

\_\_\_\_\_  
(Signature of President)

(Typed Name of President), President

\_\_\_\_\_  
(Signature of Secretary)

(Typed Name of Secretary), Secretary

*This sample officers' certificate is for use by nonprofit corporations having members. The sample is provided to be used as a guideline ONLY in the preparation of original documents for filing with the Secretary of State. For other situations, refer to California Corporations Code section 6010 et seq., 8010 et seq. or 9640.*

*An officers' certificate for each corporation MUST accompany the Agreement of Merger.*



18 DEC 12 PM 3:24

EXHIBIT 0000(1) Resolution 87485

## OAKLAND CITY COUNCIL

RESOLUTION No. 87485 C.M.S.

RESOLUTION CERTIFYING MEASURE AA, A PROPOSED AMENDMENT TO THE OAKLAND CITY CHARTER CREATING THE "CHILDREN'S INITIATIVE OF 2018" AND APPROVING A PARCEL TAX TO FUND EARLY CHILDHOOD EDUCATION AND COLLEGE READINESS PROGRAMS, ON THE NOVEMBER 6, 2018 OAKLAND GENERAL ELECTION, AS PASSING AND DIRECTING THE CITY ADMINISTRATOR TO PRESENT A VALIDATION ORDINANCE TO THE COUNCIL AND DIRECTING THE CITY ATTORNEY TO BRING A VALIDATION ACTION FOR THE MEASURE

**WHEREAS**, pursuant to law and Section 1101 of the Charter of the City of Oakland, a General Municipal Election was duly and regularly held in the City of Oakland on Tuesday, November 6, 2018; and

**WHEREAS**, the Alameda County Registrar of Voters has prepared and submitted a certified statement of the results of said General Municipal Election; and

**WHEREAS**, the City Clerk has canvassed the election returns of said General Municipal Election for Measure AA, A Proposed Amendment To The Oakland City Charter Creating The "Children's Initiative Of 2018" And Approving A Parcel Tax To Fund Early Childhood Education And College Readiness programs; and

**WHEREAS**, the City Clerk has certified the results for the General Municipal Election for Measure AA; and

**WHEREAS**, California Elections Code Section 15400 provides that the governing body shall declare the results of each election under its jurisdiction as to the measures voted on at the election; now, therefore, be it

**RESOLVED:** That the City Council orders and declares the results of the canvass of the returns of said General Municipal Election for Measure AA, and that the results of the ballots cast for and against Measure AA that was voted upon at said election are as follows:

EXHIBIT [H]

Proposed Charter Amendment

**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**

For the Measure: 96,452 (Passed)  
Against the Measure: 57,946

**FURTHER RESOLVED:** The total registration was 244,429; total number of ballots cast was 166,416 or 68.08%; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby directed to present an ordinance permitting validation actions and imposing a statute of repose with respect to Measure AA to the City Council; and be it

**FURTHER RESOLVED:** That, thereafter, the City Attorney is hereby directed to file a validation action with respect to Measure AA within the appropriate timeframe permitted by the validation ordinance.

2630784v1

**DEC 14 2018**

IN COUNCIL, OAKLAND, CALIFORNIA,

**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~BROOKS~~, CAMPBELL-WASHINGTON, GALLO, ~~GUILLER~~, KALB, KAPLAN, GIBSON  
~~AND PRESIDENT REID~~ - 5

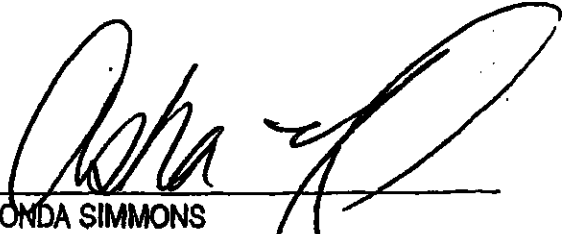
NOES - McElhaney - 1

ABSENT - Q

ABSTENTION - Q

Excused - Brooks, Guillen - 2

ATTEST:

  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

## 15 U.S. Code § 1125 - False designations of origin, false descriptions, and dilution forbidden

U.S. Code      Notes

### (a) CIVIL ACTION

(1) Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which—

(A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or

(B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities,

shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

Exhibit [1]

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subject to the provisions of this chapter in the same manner and to the same extent as any nongovernmental entity.

(3) In a civil action for trade dress infringement under this chapter for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that the matter sought to be protected is not functional.

**(b) IMPORTATION**

Any goods marked or labeled in contravention of the provisions of this section shall not be imported into the United States or admitted to entry at any customhouse of the United States. The owner, importer, or consignee of goods refused entry at any customhouse under this section may have any recourse by protest or appeal that is given under the customs revenue laws or may have the remedy given by this chapter in cases involving goods refused entry or seized.

**(c) DILUTION BY BLURRING; DILUTION BY TARNISHMENT**

**(1) INJUNCTIVE RELIEF**

Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

**(2) DEFINITIONS**

(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

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(iii) The extent of actual recognition of the mark.

(iv) Whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

(B) For purposes of paragraph (1), "dilution by blurring" is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

(i) The degree of similarity between the mark or trade name and the famous mark.

(ii) The degree of inherent or acquired distinctiveness of the famous mark.

(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

(iv) The degree of recognition of the famous mark.

(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

(vi) Any actual association between the mark or trade name and the famous mark.

(C) For purposes of paragraph (1), "dilution by tarnishment" is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

### (3) EXCLUSIONS

The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

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(i) advertising or promotion that permits consumers to compare goods or services; or

(ii) identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

(B) All forms of news reporting and news commentary.

(C) Any noncommercial use of a mark.

#### **(4) BURDEN OF PROOF**

In a civil action for trade dress dilution under this chapter for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that—

(A) the claimed trade dress, taken as a whole, is not functional and is famous; and

(B) if the claimed trade dress includes any mark or marks registered on the principal register, the unregistered matter, taken as a whole, is famous separate and apart from any fame of such registered marks.

#### **(5) ADDITIONAL REMEDIES**

In an action brought under this subsection, the owner of the famous mark shall be entitled to injunctive relief as set forth in section 1116 of this title. The owner of the famous mark shall also be entitled to the remedies set forth in sections 1117(a) and 1118 of this title, subject to the discretion of the court and the principles of equity if—

(A) the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment was first used in commerce by the person against whom the injunction is sought after October 6, 2006; and

(B) in a claim arising under this subsection—

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(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark.

**(6) OWNERSHIP OF VALID REGISTRATION A COMPLETE BAR TO ACTION**

The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this chapter shall be a complete bar to an action against that person, with respect to that mark, that—

(A) is brought by another person under the common law or a statute of a State; and

(B)

(i) seeks to prevent dilution by blurring or dilution by tarnishment; or

(ii) asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.

**(7) SAVINGS CLAUSE**

Nothing in this subsection shall be construed to impair, modify, or supersede the applicability of the patent laws of the United States.

**(d) CYBERPIRACY PREVENTION**

(1)

(A) A person shall be liable in a civil action by the owner of a mark, including a personal name which is protected as a mark under this section, if, without regard to the goods or services of the parties, that person—

(i) has a bad faith intent to profit from that mark, including a personal name which is protected as a mark under this section; and

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**(II)** in the case of a famous mark that is famous at the time of registration of the domain name, is identical or confusingly similar to or dilutive of that mark; or

**(III)** is a trademark, word, or name protected by reason of section 706 of title 18 or section 220506 of title 36.

**(B)**

**(i)** In determining whether a person has a bad faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—

**(I)** the trademark or other intellectual property rights of the person, if any, in the domain name;

**(II)** the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;

**(III)** the person's prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;

**(IV)** the person's bona fide noncommercial or fair use of the mark in a site accessible under the domain name;

**(V)** the person's intent to divert consumers from the mark owner's online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;

**(VI)** the person's offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for financial gain without having used, or having an intent to use, the domain name in the bona fide offering of any goods

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domain name, the person's intentional failure to maintain accurate contact information, or the person's prior conduct indicating a pattern of such conduct;

**(VIII)** the person's registration or acquisition of multiple domain names which the person knows are identical or confusingly similar to marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous marks of others that are famous at the time of registration of such domain names, without regard to the goods or services of the parties; and

**(IX)** the extent to which the mark incorporated in the person's domain name registration is or is not distinctive and famous within the meaning of subsection (c).

**(ii)** Bad faith intent described under subparagraph (A) shall not be found in any case in which the court determines that the person believed and had reasonable grounds to believe that the use of the domain name was a fair use or otherwise lawful.

**(C)** In any civil action involving the registration, trafficking, or use of a domain name under this paragraph, a court may order the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.

**(D)** A person shall be liable for using a domain name under subparagraph (A) only if that person is the domain name registrant or that registrant's authorized licensee.

**(E)** As used in this paragraph, the term "traffics in" refers to transactions that include, but are not limited to, sales, purchases, loans, pledges, licenses, exchanges of currency, and any other transfer for consideration or receipt in exchange for consideration.

**(2)**

**(A)** The owner of a mark may file an in rem civil action against a

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**(i)** the domain name violates any right of the owner of a mark registered in the Patent and Trademark Office, or protected under subsection (a) or (c); and

**(ii)** the court finds that the owner—

**(I)** is not able to obtain in personam jurisdiction over a person who would have been a defendant in a civil action under paragraph (1); or

**(II)** through due diligence was not able to find a person who would have been a defendant in a civil action under paragraph (1) by—

**(aa)** sending a notice of the alleged violation and intent to proceed under this paragraph to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar; and

**(bb)** publishing notice of the action as the court may direct promptly after filing the action.

**(B)** The actions under subparagraph (A)(ii) shall constitute service of process.

**(C)** In an in rem action under this paragraph, a domain name shall be deemed to have its situs in the judicial district in which—

**(i)** the domain name registrar, registry, or other domain name authority that registered or assigned the domain name is located; or

**(ii)** documents sufficient to establish control and authority regarding the disposition of the registration and use of the domain name are deposited with the court.

**(D)**

**(i)** The remedies in an in rem action under this paragraph shall

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domain name registrar, domain name registry, or other domain name authority shall—

**(I)** expeditiously deposit with the court documents sufficient to establish the court's control and authority regarding the disposition of the registration and use of the domain name to the court; and

**(II)** not transfer, suspend, or otherwise modify the domain name during the pendency of the action, except upon order of the court.

**(ii)** The domain name registrar or registry or other domain name authority shall not be liable for injunctive or monetary relief under this paragraph except in the case of bad faith or reckless disregard, which includes a willful failure to comply with any such court order.

**(3)** The civil action established under paragraph (1) and the in rem action established under paragraph (2), and any remedy available under either such action, shall be in addition to any other civil action or remedy otherwise applicable.

**(4)** The in rem jurisdiction established under paragraph (2) shall be in addition to any other jurisdiction that otherwise exists, whether in rem or in personam.

(July 5, 1946, ch. 540, title VIII, § 43, 60 Stat. 441; Pub. L. 100-667, title I, § 132, Nov. 16, 1988, 102 Stat. 3946; Pub. L. 102-542, § 3(c), Oct. 27, 1992, 106 Stat. 3568; Pub. L. 104-98, § 3(a), Jan. 16, 1996, 109 Stat. 985; Pub. L. 106-43, §§ 3(a)(2), 5, Aug. 5, 1999, 113 Stat. 219, 220; Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3002(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-545; Pub. L. 109-312, § 2, Oct. 6, 2006, 120 Stat. 1730; Pub. L. 112-190, § 1(a), Oct. 5, 2012, 126 Stat. 1436.)

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**CERTIFICATE OF SERVICE**

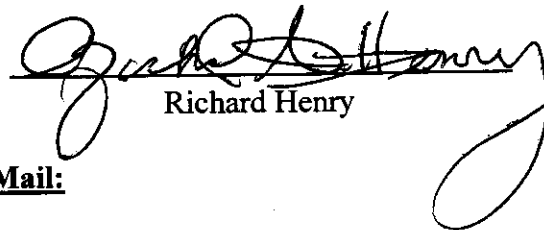
I, the undersigned, am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 2550 Frances St., Oakland, CA 94601.

On October 31, 2022, I served the following documents on the parties listed below by the methods indicated below:

**FIRST AMENDED COMPLAINT**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: October 31, 2022

  
Richard Henry

**Served Via U.S. Mail:**

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Office of City Attorney  
One Frank Ogawa Plaza  
Oakland, CA 94612  
(Attorney for Defendants City of Oakland, Mayor Libby Schaaf, David Silver, Barbara Parker, Ed Reiskin, and Courtney Ruby)

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(Attorney for Defendant Rob Bonta)

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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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PLAINT, Case No. 4:22-cv-02921-JSW